Interoperability between EU information systems (police and judicial cooperation, asylum and migration)

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Nuno MELO (EPP, PT) on the amended proposal for a regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration) and amending Regulation (EU) 2018/XX [the Eurodac Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of law enforcement], Regulation (EU) 2018 /XX [the ECRIS-TCN Regulation] and Regulation (EU) 2018/XX [the eu-LISA Regulation].

The proposal Regulation establishes four interoperability components of EU information systems (police and judicial cooperation, asylum and migration): (i) the European Search Portal (ESP); (ii) the shared Biometric Matching Service (Shared BMS); (iii) the Common Identity Repository (CIR); (iv) and the Multiple Identity Detector (MID).

The systems covered would include the entry/exit system (EES), the visa information system (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS) and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)].

The proposal lays down provisions on the objectives of the interoperability components, their technical architecture, rules regarding the use of the components, the storing of logs, the quality of the data, rules regarding data protection, supervision and responsibilities of the various agencies and the Member States.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Objectives: the establishment of interoperability should improve the management of the external borders by establishing **fast, simple and efficient access to EU information systems**. Its main elements should:

- enhance the effectiveness and efficiency of **border checks** at the external borders;
- contribute to preventing and tackling **irregular migration**;
- contribute to the prevention, detection and investigation of **terrorist offences** or of other serious criminal offences;
- aid in the identification of **unknown persons** who are unable to identify themselves or unidentified human remains in cases of natural disasters, accidents or terrorist attacks.

These objectives should be achieved:

- by facilitating the **correct identification of third-country nationals** registered in the Union information systems;
- by improving the **data** quality and harmonising the quality requirements for the data stored in the Union information systems while respecting the data processing requirements of the legal bases of the individual systems, data protection standards and principles;
- by improving **judicial cooperation** within the area of freedom, security and justice.

The eu-LISA Agency should develop and manage all interoperability components in such a way as to ensure fast, seamless, efficient, controlled access, their full availability and a response time in line with the operational needs of the Member Sates' authorities.

Data protection: Members ensured that **adequate safeguards** are in place to protect fundamental rights and access to data by calling for all EU data protection rules to be applicable to **all information systems**.

Processing of personal data for the purposes of this Regulation should not result in discrimination against persons on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Particular attention shall be paid to **children, the elderly and persons with a disability and persons in need of international protection**. The best interests of the child shall be a primary consideration.

Auxiliary systems: in order to ensure rapid and continuous use of all relevant EU information systems, Members proposed that a central Union backup ESP should be established in order to provide all the functionalities of the principal ESP and a similar level of performance as it in the event of its failure. However, the national connection to the different relevant Union information systems should remain in order to provide a technical fall back.

Identification of persons: changes have been made so that the identity of a person is first established on the basis of the identity or travel document, following the rules and procedures provided for in national law, before it is possible to launch a search in the CIR using the biometric data of the person concerned.

The CIR could only be consulted for the purpose of identifying a person if the person concerned is physically present during the check.

Members also believe that there should be no strict obligation for border guards to carry out a second line check when the search carried out in the multiple identity detector (MID) through the European search portal (ESP) gives a yellow link or detects a red link. Such a decision should be left to the **border guards** as they are trained to detect identity fraud.

Access rights: Members specified that a hit-flag should reveal only personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems, provided the authority making the search has access to that system. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag, and the hit-flag should be used by the relevant authorities only for the purpose of deciding which database to query.

It is necessary to provide for a transitional period which should entail, *inter alia*, **training** programmes for end users so as to ensure that the new instruments operate to their full potential.

Evaluation: amendments have been introduced to strengthen the ability of the European Commission, the Council and the European Parliament to monitor and evaluate the functioning of this proposal, further amendments have been made to this article. Especially, with regard to the use of the CIR for the purposes of identification, for the purposes of law enforcement and the use of the Interpol database through the ESP.