Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 22/05/2019 - Final act

PURPOSE: to establish a framework for interoperability between EU information systems (borders and visas) and amend the legislation in force as a consequence.

LEGISLATIVE ACT: Regulation (EU) 2019/817 of the European Parliament and of the Council establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.

CONTENT: the interoperability of EU information systems in the fields of justice and home affairs has been a priority at the highest political level in recent years.

In a resolution adopted on 6 July 2016, the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards. In its conclusions of 23 June 2017, the European Council also stressed the need to improve the interoperability of databases.

Framework for the interoperability of EU information systems

This Regulation, together with the proposed Regulation on interoperability (police and judicial cooperation, asylum and migration), creates a framework to ensure interoperability between 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) so that these systems and their data supplement each other.

In addition, this Regulation:

- lays down provisions on data quality requirements, on a universal message format (UMF), on a central repository for reporting and statistics (CRRS) and on the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design, development and operation of the interoperability components;

- adapts the procedures and conditions for the designated authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) to access the EES, VIS, ETIAS and Eurodac for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences;

- lays down a framework for verifying the identity of persons and for identifying persons.

Elements of the interoperability framework

The interoperability of information systems shall enable the systems to complement each other and shall contribute to facilitating the correct identification of individuals and to combating identity fraud. The interoperability elements put in place by the Regulation are as follows:

- **the European search portal (ESP)** is the component that would enable the simultaneous query of multiple systems (Central-SIS, Eurodac, VIS, the future EES, and the proposed ETIAS and ECRIS-TCN systems, as well as the relevant Interpol systems and Europol data) using identity data (both biographical and biometric);

- **the shared biometric matching service** (shared BMS) would enable the querying and comparison of biometric data (fingerprints and facial images) from several central systems (in particular, SIS, Eurodac, VIS, the future EES and the proposed ECRIS-TCN system);

- **the common identity repository** (CIR) would be the shared component for storing biographical and biometric identity data of third-country nationals;

- **the multiple-identity detector** (MID) would check whether the queried identity data exists in more than one of the systems connected to it.

Objectives

Interoperability shall improve the management of external borders by establishing seamless, simple and efficient access to EU information systems. By ensuring interoperability, the Regulation pursues the following objectives:

- improve the effectiveness and efficiency of border checks at external borders;

- contribute to the prevention and the combating of illegal immigration;

- contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and safeguarding security in the territories of the Member States;

- improve the implementation of the common visa policy;

- assist in the examination of applications for international protection;

- contribute to the prevention, detection and investigation of terrorist offences and of other serious criminal offences;

- facilitate the identification of unknown persons who are unable to identify themselves or unidentified human remains in case of a natural disaster, accident or terrorist attack.

Non-discrimination and fundamental rights

The processing of personal data for the purposes of the Regulation shall not give rise to any discrimination against individuals. It must fully respect human dignity, the integrity of individuals and fundamental rights, including the right to privacy and the right to the protection of personal data. Particular attention will be paid to children, the elderly, people with disabilities and people in need of international protection. The best interests of the child shall be a primary consideration.

The Regulation provides for the provision of an **online portal** to facilitate the exercise by data subjects of their rights of access to their personal data and their rights to rectify, erase and limit the processing of such data. The implementation and management of the portal should be the responsibility of eu-LISA.

ENTRY INTO FORCE: 11.6.2019.