ETIAS consequential amendments: police and judicial cooperation

2019/0001A(COD) - 11/12/2020

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jeroen LENAERS (EPP, NL) on the proposal for a regulation of the European Parliament and of the Council establishing the conditions for accessing the other EU information systems and amending Regulation (EU) 2018/1862 and Regulation (EU) 2019/816.

As a reminder, the proposal for a regulation defines the technical amendments necessary to fully set up the European Travel Information and Authorisation System (ETIAS). It amends the legal acts establishing the EU information systems that are necessary for establishing their relation with ETIAS.

The committee considered that, following the recommendations of the substitute impact assessment by the European Parliament Research Services, improvements were needed as regards certain articles.

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

Flagging of third country nationals

The ETIAS Central System should build upon the EES Central System's hardware and software components in order to establish a shared identity repository for the storage of the identity alphanumeric data of both ETIAS applicants and third-country nationals registered in EES.

ETIAS should be able to verify if correspondences exist between data in the ETIAS application files and the European Criminal Records Information System – Third Country Nationals ('ECRIS-TCN') data in the Common Identity Repository ('CIR') as regards which Member States hold conviction information on third-country nationals and stateless persons for a terrorist offence over the previous 20 years or other serious criminal offence over the previous 10 years, as listed in the Annex to Regulation (EU) 2018/1240 where those criminal offences are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years.

The committee proposed that the flags and the code of the convicting Member State(s) should be accessible and searchable only by the ETIAS Central System and should not be visible to any authority other than the central authority of the convicting Member State that created the flagged record.

Where the expiry of the retention period concerns flags, the central authority of the convicting Member State shall erase the flags from the Central System and the CIR. This erasure should be done automatically.

The CIR shall be connected to the European Search Portal. The Portal should enable the data stored in ETIAS to be compared to the data stored in every other EU information system by means of a single query.

Alerts

Members considered that it is necessary, for the purposes of ensuring the full attainment of ETIAS objectives, as well as to further the Schengen Information System objectives, to include in the scope of the automated verifications new alert categories introduced by the recent revision of SIS, namely the alert on persons subject to inquiry checks and the alert on third-country nationals subject to a return decision.

Monitoring and evaluation

The provisions regarding monitoring and statistics have been strengthened in such a way as to make sure that the Commission will need to regularly evaluate the querying of the ECRIS-TCN system by the ETIAS system and inform the European Parliament and the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights.