

Centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN)

2021/0046(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 414 votes to 182, with 29 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and Regulation (EU) 2019/818 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 for the purpose of introducing a screening of third country nationals at the external borders.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter

The purpose of the proposed regulation is to allow the screening authorities access to data contained in the ECRIS-TCN or in the Common Identity Repository (CIR) for the purposes of identifying or verifying identity and for the purposes of the security checks introduced by the regulation establishing screening of third-country nationals at external borders.

The Regulation:

- establishes the conditions under which data in ECRIS-TCN may be used by the screening authorities as defined in the [Regulation](#) of the European Parliament and of the Council establishing a screening of third-country nationals at the external borders for the purpose of performing a security check in order to assess whether a third-country national might pose a threat to internal security;
- enables access to ECRIS-TCN for the purpose of supporting the performance of a security check established by the Regulation establishing a screening of third-country nationals at the external borders.

Data entry in ECRIS-TCN

The amended text provides that for each convicted third-country national, the central authority of the convicting Member State should create a data record in the central system. The data record should include a flag indicating that the third-country national concerned has been convicted in the **previous 25 years of a terrorist offence or in the previous 15 years of any other criminal offence** listed in the Annex to Regulation (EU) 2018/1240 if it is punishable by a custodial sentence or a detention order for a maximum period of at least three years under national law, including the code of the convicting Member State.

The results of a search in the Central System may only be used to support the objective of assessing whether a third-country national subject to a security check could pose a threat to internal security, in accordance with the Regulation establishing a screening of third-country nationals at the external borders.

Use of ECRIS-TCN for the purposes of the screening

The screening authorities should have the right to access and search ECRIS-TCN data using the European Search Portal for the purpose of performing the tasks conferred upon them.

In the event of a hit, the consultation of national criminal records based on the flagged ECRIS-TCN data should take place in accordance with national law and using national channels of communication.

The relevant national authorities of the convicting Member State should provide an opinion to the screening authorities on whether the presence of that person on the territory of the Member States might pose a threat to internal security, within **two days** where the screening takes place on the territory of the Member State or within **three days** where the screening takes place at external borders.

Where the relevant national authorities of the convicting Member State do not provide such an opinion within those deadlines, it should be understood that there are no security grounds to be taken into account. National criminal records should be consulted by the relevant national authorities of the convicting Member State prior to providing an opinion to the screening authorities. Where, following a hit, no opinion has been provided and there are no security grounds to be taken into account, that absence of opinion and security grounds should be recorded in the screening form.

The Regulation should apply from two years from the date of its entry into force.