Basic information

2017/0351(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Interoperability between EU information systems (borders and visa) Amending Decision 2004/512/EC 2004/0029(CNS) Amending Regulation (EC) No 767/2008 2004/0287(COD) Amending Decision 2008/633/JHA 2005/0232(CNS) Amending Regulation (EU) 2016/399 2015/0006(COD) Amending Regulation (EU) 2017/2226 2016/0106(COD) Amended by 2018/0152A(COD) Amended by 2019/0001A(COD) Amended by 2020/0278(COD) Amended by 2021/0410(COD) Amended by 2022/0424(COD) See also 2017/0352(COD) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LENAERS Jeroen (PPE)	01/02/2018
	Shadow rapporteur NIEDERMÜLLER Péter (S&D) DALTON Daniel (ECR) DEPREZ Gérard (ALDE) ERNST Cornelia (GUE/NGL) VALERO Bodil (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
BUDG Budgets	KÖLMEL Bernd (ECR)	25/01/2018

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3689	2019-05-14

European Commission	Commission DG: Migration and Home Affairs — Commissioner: KING Julian
European Economic and Social Committee	
European Committee of the Regions	

Key events

Date	Event	Reference	Summary
12/12/2017	Initial legislative proposal published	COM(2017)0793	Summary
28/02/2018	Committee referral announced in Parliament, 1st reading		
13/06/2018	Legislative proposal published	COM(2018)0478	Summary
15/10/2018	Vote in committee, 1st reading		
15/10/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
19/10/2018	Committee report tabled for plenary, 1st reading	A8-0347/2018	Summary
22/10/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
24/10/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
19/02/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
27/03/2019	Debate in Parliament		
16/04/2019	Decision by Parliament, 1st reading	T8-0388/2019	Summary
16/04/2019	Results of vote in Parliament		
14/05/2019	Act adopted by Council after Parliament's 1st reading		
20/05/2019	Final act signed		
20/05/2019	End of procedure in Parliament		
22/05/2019	Final act published in Official Journal		

Technical information

Procedure reference	2017/0351(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Decision 2004/512/EC 2004/0029(CNS)

	Amending Regulation (EC) No 767/2008 2004/0287(COD) Amending Decision 2008/633/JHA 2005/0232(CNS) Amending Regulation (EU) 2016/399 2015/0006(COD) Amending Regulation (EU) 2017/2226 2016/0106(COD) Amended by 2018/0152A(COD) Amended by 2019/0001A(COD) Amended by 2020/0278(COD) Amended by 2021/0410(COD) Amended by 2022/0424(COD) See also 2017/0352(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 016-p2 Treaty on the Functioning of the European Union TFEU 074 Treaty on the Functioning of the European Union TFEU 077-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/12007

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	BUDG	PE616.791	20/06/2018	
Amendments tabled in committee		PE625.512	23/07/2018	
Amendments tabled in committee		PE625.529	23/07/2018	
Amendments tabled in committee		PE625.530	23/07/2018	
Committee draft report		PE622.263	24/07/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0347/2018	19/10/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0388/2019	16/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00030/2019/LEX	20/05/2019	

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2017)0793	12/12/2017	Summary
Document attached to the procedure	SWD(2017)0473	13/12/2017	
Document attached to the procedure	SWD(2017)0474	13/12/2017	
Legislative proposal	COM(2018)0478	13/06/2018	Summary

Commission response to text adopted in plenary	SP(2019)440	08/08/2019	
Follow-up document	COM(2020)0428	21/08/2020	
Follow-up document	COM(2021)0688	10/11/2021	
Follow-up document	COM(2022)0524	13/10/2022	
Follow-up document	COM(2023)0723	23/11/2023	
Follow-up document	COM(2024)0293	11/07/2024	
Follow-up document	COM(2025)0162	10/04/2025	
Follow-up document	COM(2026)0446	07/09/2026	

National parliaments

Document type	Parliament/Chamber	Reference	Date	Summary
Contribution	CZ_CHAMBER	COM(2017)0793	23/03/2018	
Contribution	CZ_SENATE	COM(2017)0793	12/04/2018	
Contribution	PT_PARLIAMENT	COM(2017)0793	16/04/2018	
Contribution	ES_CONGRESS	COM(2017)0793	17/04/2018	
Contribution	RO_SENATE	COM(2017)0793	19/04/2018	
Contribution	ES_PARLIAMENT	COM(2018)0478	28/09/2018	
Contribution	FR_SENATE	COM(2017)0793	05/11/2018	
Reasoned opinion	IE_HOUSES-OF-OIREACHTAS	PE638.494	14/05/2019	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N8-0084/2018 OJ C 233 04.07.2018, p. 0012	19/03/2018	Summary
EESC	Economic and Social Committee: opinion, report	CES4547/2018	17/10/2018	

Additional information

Source	Document	Date
EP Research Service	Briefing	

European Commission	EUR-Lex	

Final act	
Corrigendum to final act 32019R0817R(01) OJ L 010 15.01.2020, p. 0004	
Regulation 2019/0817 OJ L 135 22.05.2019, p. 0027	Summary
Corrigendum to final act 32019R0817R(05) OJ OJ L 27.11.2025	

Delegated acts	
Reference	**Subject**
2021/2862(DEA)	Examination of delegated act
2021/2919(DEA)	Examination of delegated act
2021/2913(DEA)	Examination of delegated act
2022/2768(DEA)	Examination of delegated act
2025/3013(DEA)	Examination of delegated act
2025/3035(DEA)	Examination of delegated act

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.

Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 13/06/2018 - Legislative proposal

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

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: this proposal seeks to **amend the proposal submitted by the Commission in December 2017** for a Regulation of the European Parliament and of the Council establishing a framework for the interoperability between EU information systems (borders and visas) and amending Council Decision 2004/512/EC, Council Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226 (*see the summary of the initial proposal dated 12.12.2017*).

This proposal also seeks to amend the original proposal only insofar as it presents the **further necessary amendments to other legal instruments** that are required under the interoperability proposal. These amendments were identified as necessary in the original proposal but, because of ongoing negotiations between co-legislators on some of the systems concerned, it was not possible to include the necessary amendments in the original proposal.

CONTENT: the proposed 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.

Elements of the interoperability framework: the framework shall consist of the following elements of interoperability:

- **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: the proposed Regulation:

- lays down provisions on **data quality requirements**, on a **Universal Message Format** (UMF), on a **central repository for reporting and statistics** (CRRS);
- lays down 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 and operation of the interoperability components;
- lays down the **procedures and conditions** for Member State law enforcement authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),] and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.

By ensuring interoperability, the proposal shall have the following objectives:

- to improve the management of the external borders;
- to contribute to preventing and combating irregular migration;
- to 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 the security in the territories of the Member States;
- to improve the implementation of the common visa policy; and
- to assist in examining application for international protection.

Scope: the proposed Regulation applies to the Entry/Exit System (**EES**), the Visa Information System (**VIS**), the European Travel Information and Authorisation System (**ETIAS**) and the Schengen Information System (**SIS**). It applies to persons in respect of whom personal data may be processed in the EU information systems.

Consequences for other legal instruments: the proposal includes detailed provisions for the necessary changes to the draft legal instruments that are currently stable texts as provisionally agreed by the co-legislators: the proposed Regulations on **ETIAS, on SIS in the field of border checks, and on eu-LISA**.

However, the two amending proposals on interoperability **do not include the amendments relating to Eurodac**, the EU asylum and irregular migration database, given that discussions have not yet been concluded on the May 2016 legislative proposal to strengthen Eurodac. Once the co-legislators reach agreement on the legislative proposal to strengthen Eurodac, or have achieved sufficient progress, the Commission will present the related amendments to the interoperability proposals within two weeks.

BUDGETARY IMPLICATIONS: the proposed amendments necessitated an update of the legislative financial statement accordingly.

The total budget required over nine years (2019-2027) is estimated at **EUR 461.0 million**, which includes the following elements:

EUR 261.3 million for eu-LISA. A specific budget of EUR 36.3 million covers the cost of upgrading the network and the central SIS (Schengen Information System) for the estimated increase of searches that is likely to occur as a result of interoperability;

- EUR 136.3 million to enable Member States to cover the changes to their national systems in order to use the interoperability components;
- EUR 48.9 million for Europol to cover the upgrade of Europol's IT systems;
- EUR 4.8 million for the European Border and Coast Guard Agency for hosting a team of specialists who during one year will validate the links between identities at the moment the multiple-identity detector goes live;

- EUR 2.0 million for European Union Agency for Law Enforcement Training (CEPOL) to cover the preparation and delivery of training to operational staff;
- a provision of EUR 7.7 million for DG HOME.

Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 12/12/2017 - Initial legislative proposal

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

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the importance of overcoming the current shortcomings in data management and of improving the interoperability of existing information systems has been stressed on many occasions. Recent terrorist attacks have brought this into even greater focus, highlighting the urgent need for information systems to be interoperable, and to eliminate the current blind spots where terrorist suspects can be recorded in different, unconnected databases under different aliases.

Currently, various information systems at EU level (the Schengen Information System (SIS), the Eurodac system and the Visa Information System (VIS) with data on short-stay visas) are currently not interoperable â€" that is, able to exchange data and share information so that authorities and competent officials have the information they need, when and where they need it. This risks pieces of information slipping through the net and terrorists and criminals escaping detection by using multiple or fraudulent identities, endangering the EU's internal security and making border and migration management more challenging.

In addition to these existing systems, the Commission proposed in 2016-2017 three new centralised EU information systems:

- the Entry/Exit System (EES);
- the proposed European Travel Information and Authorisation System (ETIAS);
- the proposed European Criminal Record Information System for third-country nationals (ECRIS-TCN system).

These six systems are complementary and â€" with the exception of the Schengen Information System (SIS) â€" exclusively focused on third-country nationals.

By simultaneously **cross-checking information in different databases** and streamlining access by law enforcement, the new tools will quickly alert border guards or police if a person is using multiple or fraudulent identities.

This proposal presented in combination with its sister proposal includes detailed provisions for the necessary changes to the relevant legal instruments in force.

CONTENT: the specific objectives of this proposal are to:

- ensure that end-users, particularly border guards, law enforcement officers, immigration officials and judicial authorities have **fast, seamless, systematic and controlled access** to the information that they need to perform their tasks;
- provide a solution to **detect multiple identities** linked to the same set of biometric data, with the dual purpose of ensuring the correct identification of bona fide persons and **combating identity fraud**;
- facilitate **identity checks of third-country nationals**, on the territory of a Member State, by police authorities; and
- facilitate and **streamline access by law enforcement authorities** to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime and terrorism.

Scope: the proposal concerns EU information systems for centrally managed security, borders and migration management, i.e. the three systems that already exist (the Schengen Information System (**SIS**)), the Eurodac system and the Visa Information System (**VIS**) and the three systems proposed in 2016-2017 (**EES, ETIAS and ECRIS-TCN**).

The scope also includes Interpolâ€™s Stolen and Lost Travel Documents (**SLTD**) database, which pursuant to the provisions of the Schengen Borders Code is systematically queried at the EUâ€™s external borders, and Interpol's Travel Documents Associated with Notices (**TDAWN**) database.

In order to achieve the objectives of this proposal, four interoperability components need to be established:

- European search portal â€“ ESP;
- Shared biometric matching service - shared BMS;
- Common identity repository â€“ CIR;
- Multiple-identity detector - MID.

In addition to the above components, this draft Regulation also includes the proposal to:

- establish a **central repository for reporting and statistics** (CRRS) to enable the creation and sharing of reports with (anonymous) statistical data for policy, operational and data quality purposes;
-

establish the **Universal Message Format** (UMF) as the standard that would be used at EU level to orchestrate interactions between multiple systems in an interoperable way, including the systems developed and managed by eu-LISA;
- introduce the concepts of **automated data quality control mechanisms** and **common quality indicators**, and the need for Member States to ensure the highest level of data quality.

BUDGETARY IMPLICATIONS: the total budget required over nine years (2019-2027) amounts to EUR 424.7 million.

Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 12/12/2017

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

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the importance of overcoming the current shortcomings in data management and of improving the interoperability of existing information systems has been stressed on many occasions. Recent terrorist attacks have brought this into even greater focus, highlighting the urgent need for information systems to be interoperable, and to eliminate the current blind spots where terrorist suspects can be recorded in different, unconnected databases under different aliases.

Currently, various information systems at EU level (the Schengen Information System (SIS), the Eurodac system and the Visa Information System (VIS) with data on short-stay visas) are currently not interoperable — that is, able to exchange data and share information so that authorities and competent officials have the information they need, when and where they need it. This risks pieces of information slipping through the net and terrorists and criminals escaping detection by using multiple or fraudulent identities, endangering the EU's internal security and making border and migration management more challenging.

In addition to these existing systems, the Commission proposed in 2016-2017 three new centralised EU information systems:

- the Entry/Exit System (EES);
- the proposed European Travel Information and Authorisation System (ETIAS);
- the proposed European Criminal Record Information System for third-country nationals (ECRIS-TCN system).

These six systems are complementary and — with the exception of the Schengen Information System (SIS) — exclusively focused on third-country nationals.

By simultaneously **cross-checking information in different databases** and streamlining access by law enforcement, the new tools will quickly alert border guards or police if a person is using multiple or fraudulent identities.

This proposal presented in combination with its sister proposal includes detailed provisions for the necessary changes to the relevant legal instruments in force.

CONTENT: the specific objectives of this proposal are to:

- ensure that end-users, particularly border guards, law enforcement officers, immigration officials and judicial authorities have **fast, seamless, systematic and controlled access** to the information that they need to perform their tasks;
- provide a solution to **detect multiple identities** linked to the same set of biometric data, with the dual purpose of ensuring the correct identification of bona fide persons and **combating identity fraud**;
- facilitate **identity checks of third-country nationals**, on the territory of a Member State, by police authorities; and
- facilitate and **streamline access by law enforcement authorities** to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime and terrorism.

Scope: the proposal concerns EU information systems for centrally managed security, borders and migration management, i.e. the three systems that already exist (the Schengen Information System (**SIS**)), the Eurodac system and the Visa Information System (**VIS**) and the three systems proposed in 2016-2017 (**EES, ETIAS and ECRIS-TCN**).

The scope also includes Interpol's Stolen and Lost Travel Documents (**SLTD**) database, which pursuant to the provisions of the Schengen Borders Code is systematically queried at the EU's external borders, and Interpol's Travel Documents Associated with Notices (**TDAWN**) database.

In order to achieve the objectives of this proposal, four interoperability components need to be established:

- European search portal – ESP;
- Shared biometric matching service - shared BMS;
- Common identity repository – CIR;
- Multiple-identity detector - MID.

In addition to the above components, this draft Regulation also includes the proposal to:

- establish a **central repository for reporting and statistics** (CRRS) to enable the creation and sharing of reports with (anonymous) statistical data for policy, operational and data quality purposes;
- establish the **Universal Message Format** (UMF) as the standard that would be used at EU level to orchestrate interactions between multiple systems in an interoperable way, including the systems developed and managed by eu-LISA;
- introduce the concepts of **automated data quality control mechanisms** and **common quality indicators**, and the need for Member States to ensure the highest level of data quality.

BUDGETARY IMPLICATIONS: the total budget required over nine years (2019-2027) amounts to EUR 424.7 million.

Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 13/06/2018

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

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: this proposal seeks to **amend the proposal submitted by the Commission in December 2017** for a Regulation of the European Parliament and of the Council establishing a framework for the interoperability between EU information systems (borders and visas) and amending Council Decision 2004/512/EC, Council Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226 (*see the summary of the initial proposal dated 12.12.2017*).

This proposal also seeks to amend the original proposal only insofar as it presents the **further necessary amendments to other legal instruments** that are required under the interoperability proposal. These amendments were identified as necessary in the original proposal but, because of ongoing negotiations between co-legislators on some of the systems concerned, it was not possible to include the necessary amendments in the original proposal.

CONTENT: the proposed 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.

Elements of the interoperability framework: the framework shall consist of the following elements of interoperability:

- **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: the proposed Regulation:

- lays down provisions on **data quality requirements**, on a **Universal Message Format** (UMF), on a **central repository for reporting and statistics** (CRRS);
- lays down 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 and operation of the interoperability components;
- lays down the **procedures and conditions** for Member State law enforcement authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),] and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.

By ensuring interoperability, the proposal shall have the following objectives:

- to improve the management of the external borders;
- to contribute to preventing and combating irregular migration;
- to 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 the security in the territories of the Member States;
- to improve the implementation of the common visa policy; and
- to assist in examining application for international protection.

Scope: the proposed Regulation applies to the Entry/Exit System (**EES**), the Visa Information System (**VIS**), the European Travel Information and Authorisation System (**ETIAS**) and the Schengen Information System (**SIS**). It applies to persons in respect of whom personal data may be processed in the EU information systems.

Consequences for other legal instruments: the proposal includes detailed provisions for the necessary changes to the draft legal instruments that are currently stable texts as provisionally agreed by the co-legislators: the proposed Regulations on **ETIAS, on SIS in the field of border checks, and on eu-LISA**.

However, the two amending proposals on interoperability **do not include the amendments relating to Eurodac**, the EU asylum and irregular migration database, given that discussions have not yet been concluded on the May 2016 legislative proposal to strengthen Eurodac. Once the co-legislators reach agreement on the legislative proposal to strengthen Eurodac, or have achieved sufficient progress, the Commission will present the related amendments to the interoperability proposals within two weeks.

BUDGETARY IMPLICATIONS: the proposed amendments necessitated an update of the legislative financial statement accordingly.

The total budget required over nine years (2019-2027) is estimated at **EUR 461.0 million**, which includes the following elements:

EUR 261.3 million for eu-LISA. A specific budget of EUR 36.3 million covers the cost of upgrading the network and the central SIS (Schengen Information System) for the estimated increase of searches that is likely to occur as a result of interoperability;

- EUR 136.3 million to enable Member States to cover the changes to their national systems in order to use the interoperability components;
- EUR 48.9 million for Europol to cover the upgrade of Europol's IT systems;
- EUR 4.8 million for the European Border and Coast Guard Agency for hosting a team of specialists who during one year will validate the links between identities at the moment the multiple-identity detector goes live;
- EUR 2.0 million for European Union Agency for Law Enforcement Training (CEPOL) to cover the preparation and delivery of training to operational staff;
- a provision of EUR 7.7 million for DG HOME.

Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 511 votes to 123, with 9 abstentions, a legislative resolution 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 (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the euLISA Regulation].

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

Framework for the interoperability of EU information systems

The proposed Regulation, together with the Regulation of the European Parliament and of the Council on police and judicial cooperation, asylum and migration, shall establish 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). It would also establish a framework for verifying the identity of individuals and identifying individuals.

This framework shall include the following interoperability components: (i) a European search portal (ESP); (ii) a shared biometric matching service (shared BMS); (iii) a common identity repository (CIR); (iv) a multiple-identity detector (MID).

Objectives

Interoperability shall improve the management of external borders by establishing rapid, simple and efficient access to EU information systems. According to the amended text, this Regulation has the following objectives:

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

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

- to 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;

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

- to 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

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds. It shall fully respect human dignity and integrity and fundamental rights, including the right to respect for one’s private life and to the protection of personal data. Particular attention shall be paid to children, the elderly, persons with a disability and persons in need of international protection. The best interests of the child shall be a primary consideration.

Access to the European Search Portal (ESP)

The use of the ESP shall be reserved to the Member State authorities and Union agencies having access to at least one of the EU information systems in accordance with the legal instruments governing those EU information systems. Those Member State authorities and Union agencies may make use of the ESP and the data provided by it only for the objectives and purposes laid down in the legal instruments governing those EU information systems.

The ESP shall provide no information regarding data in EU information systems, Europol data and the Interpol databases to which the user has no access under the applicable Union and national law.

Any queries of the Interpol databases launched via the ESP shall be performed in such a way that no information shall be revealed to the owner of the Interpol alert.

Access to the common identity data repository (CIR) for identification

Under the amended text, queries of the CIR shall be carried out by a police authority only in the following circumstances:

- where a police authority is unable to identify a person due to the lack of a travel document or another credible document proving that person's identity;

- where there are doubts about the identity data provided by a person and to the authenticity of the travel document or another credible document provided by a person;

- where a person is unable or refuses to cooperate.

Such queries shall not be allowed against minors under the age of 12 years old, unless in the best interests of the child.

Terrorist offences

In specific cases, where there are reasonable grounds to believe that searching EU information systems will contribute to the prevention or detection of terrorist offences or other serious criminal offences, designated authorities and Europol could consult the CIR to determine whether data on a particular person are stored in the EES, VIS or ETIAS.

In this context, a reply from the CIR should not be interpreted or used as a ground or reason to draw conclusions on or undertake measures in respect of a person, but should be used only for the purpose of submitting an access request to the underlying EU information systems, subject to the conditions and procedures laid down in the respective legal instruments governing such access.

As a general rule, where a match-flag indicates that the data are recorded in the EES, VIS, ETIAS or Eurodac, the designated authorities or Europol should request full access to at least one of the EU information systems concerned. Where exceptionally such full access is not requested, for example because designated authorities or Europol have already obtained the data by other means, or obtaining the data is no longer permitted under national law, the justification for not requesting access should be recorded. Europol shall record the justification in the relevant file.

Results of multiple identity detection

The MID should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. These links will be classified into four categories: white, yellow, green and red.

In order to facilitate the implementation of the necessary safeguards in accordance with applicable Union data protection rules, individuals who are subject to a red link or a white link following manual verification of different identities should be informed in writing without prejudice to limitations to protect security and public order, prevent crime and guarantee that national investigations are not jeopardised. Those individuals should receive a single identification number allowing them to identify the authority to which they should address themselves to exercise their rights.

Where a yellow link is created, the authority responsible for the manual verification of different identities should have access to the MID. Where a red link exists, Member State authorities and Union agencies having access to at least one EU information system included in the CIR or to SIS should have access to the MID. A red link should indicate that a person is using different identities in an unjustified manner or that a person is using somebody else's identity.

Web portal

As the interoperability components will involve the processing of significant amounts of sensitive personal data, persons whose data are processed by these elements should be able to effectively exercise their rights as data subjects. To this end, the amended text provides for the provision of a web portal to facilitate the exercise by data subjects of their rights of access to their personal data and their rights to rectify, delete and limit the processing of such data. The implementation and management of the portal should be the responsibility of eu-LISA.

The Regulation also contains clear provisions on liability and the right to compensation in the event of unlawful processing of personal data or in the event of any other act incompatible with the Regulation.

Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 19/03/2018 - Document attached to the procedure

Opinion of the European Data Protection Supervisor on the Proposals for two Regulations establishing a framework for interoperability between EU large-scale information systems.

In December 2017, the Commission published two legislative proposals for two Regulations establishing a framework for **interoperability between EU large-scale information systems**:

- a Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems (borders and visa) ;
- 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).

The proposals would introduce new possibilities to access and use the data stored in the various systems in order to combat identity fraud, facilitate identity checks, as well as streamline access to non-law information systems by law enforcement authorities.

In particular, the proposals create **a new centralised database that would contain information about millions of third-country nationals, including their biometric data**. Due to its scale and the nature of the data to be stored in this database, the consequences of any data breach could seriously harm a potentially very large number of individuals. If such information ever falls into the wrong hands, the database could become a dangerous tool against fundamental rights. It is therefore essential to build **strong legal, technical and organisational safeguards**.

In this context, the EDPS stresses the importance of:

- further clarifying the extent of the problem of identity fraud among third-country nationals, in order to ensure that the proposed measure is appropriate and **proportionate**;
- formulating **more precisely** the possibility of consulting the centralised database to facilitate identity checks on the territory of the Member States;
- putting in place **effective safeguards** to protect the fundamental rights of third-country nationals in so far as systematic access to law enforcement systems could represent a serious breach of the purpose limitation principle.

More specifically, the EDPS makes the following recommendations:

- three of the six EU information systems the proposals seek to interconnect do not exist at the moment (the European Travel Information and Authorisation System ETIAS, the European Criminal Records Information System for third country nationals ECRIS-TCN and the EES entry /exit system), two are currently under revision (SIS and Eurodac) and one is to be revised later this year (VIS): the EDPS recalls the importance to **ensure consistency between the legal texts already under negotiation (or upcoming) and the proposals** in order to ensure a unified legal, organisational and technical environment for all data processing activities within the Union;
- **access to the data to identify a person during an identity check** would be allowed: (i) in principle, in the presence of the person and, where he or she is unable to cooperate and does not have document establishing his/her identity or, (ii) refuses to cooperate or, (iii) where there are justified or well-founded grounds to believe that documents presented are false or that the person is not telling the truth about his/her identity;
- **access to the common repository of identity data** to establish the identity of a third country national for purposes of ensuring a high level of security should only be allowed where access for the same purposes to similar national databases (e.g. register of nationals/residents etc.) exist and under the same conditions;
- the proposal should **specify the conditions** related to the existence of reasonable grounds, the carrying out of a prior search in national databases and the launching of a query of the automated fingerprint identification system of the other Member States under Decision 2008/615 /JHA, prior to any search in the common repository for identity;
- **the compliance with the conditions of access to even limited information** such as a hit/no hit should always be verified, independently of further access to the data stored in the system that triggered the hit;
- ensure in the proposals that the data stored in the **ECRIS- TCN** could be accessed and used solely for the purposes of the ECRIS TCN as defined in its legal instrument;
- **the fundamental data protection principles should be taken into account during all stages of the implementation of the proposals.** The obligation for eu-LISA and the Member States to follow the principles of data protection by design and by default should also be included in the proposals.

The EDPS has **additional recommendations** related to the following aspects of the proposals: (i) the functionality of the European search portal ('ESP'), the shared biometric matching service ('shared BMS'), the common identity repository ('CIR') and, the multiple identity detector ('MID'); (ii) the data retention periods in the CIR and the MID; (iii) the division of roles and responsibility between eu-LISA and the Member States; (iv) the data subjects' rights; (v) the access by eu-LISA staff.

Lastly, the EDPS calls for a **wider debate** on the future of the EU information exchange, their governance and the ways to safeguard fundamental rights in this context.

Interoperability between EU information systems (borders and visa)

2017/0351(COD) - 19/10/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jeroen LENAERS (EPP, NL) 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 (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the euLISA Regulation].

The proposal Regulation establishes four interoperability components of EU information systems (borders and visas): (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. It also lays down a framework for **verifying identities of third-country nationals** and for identifying third-country nationals.

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.

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**.

Data subjects should be provided with a **single web service** through which they can exercise their rights to access to and rectification, erasure and restriction of their personal data. eu-LISA should establish such a web service and host it in its technical site.

The interoperability components should be designed so that particular attention is paid to the protection of children and that their rights and integrity are fully respected.

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.