Basic information

2019/0001A(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
ETIAS consequential amendments: police and judicial cooperation Amending 2016/0409(COD) Amending 2017/0351(COD) **Subject** 7.10.04 External borders crossing and controls, visas 7.30.05 Police cooperation 7.40.04 Judicial cooperation in criminal matters **Legislative priorities** Joint Declaration 2021	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LENAERS Jeroen (EPP)	24/09/2019
	Shadow rapporteur VITANOV Petar (S&D) TUDORACHE Dragoş (Renew) BREYER Patrick (Greens/EFA) BUXADÉ VILLALBA Jorge (ECR) BERG Lars Patrick (ID)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
TRAN Transport and Tourism	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs		
TRAN Transport and Tourism		

Council of the European Union	
European Commission	Commission DG: Migration and Home Affairs; Commissioner: JOHANSSON Ylva

Key events

Date	Event	Reference	Summary
07/01/2019	Legislative proposal published	COM(2019)0003	Summary
17/01/2019	Committee referral announced in Parliament, 1st reading		
21/10/2019	Resumption of business from the previous parliamentary term		
07/12/2020	Vote in committee, 1st reading		
07/12/2020	Committee decision to open interinstitutional negotiations with report adopted in committee		
11/12/2020	Committee report tabled for plenary, 1st reading	A9-0254/2020	
14/12/2020	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
16/12/2020	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
13/04/2021	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
07/06/2021	Decision by Parliament, 1st reading	T9-0263/2021	Summary
07/06/2021	Results of vote in Parliament		
07/06/2021	End of procedure in Parliament		
28/06/2021	Act adopted by Council after Parliament's 1st reading		
07/07/2021	Final act signed		
14/07/2021	Final act published in Official Journal		

Technical information

Procedure reference	2019/0001A(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending 2016/0409(COD) Amending 2017/0351(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 087-p2 Treaty on the Functioning of the European Union TFEU 082-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00415

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE643.218	02/09/2020	
Amendments tabled in committee		PE658.804	01/10/2020	
For information		A9-0254/2020	11/12/2020	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0263/2021	07/06/2021	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00015/2021/LEX	07/07/2021	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2019)0003	07/01/2019	Summary
Commission response to text adopted in plenary	SP(2021)472	26/07/2021	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2021/1150
OJ L 249 14.07.2021, p. 0001

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.

ETIAS consequential amendments: police and judicial cooperation

2019/0001A(COD) - 07/06/2021 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution 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.

The European Parliament adopted its position at first reading under the ordinary legislative procedure.

Regulation (EU) 2018/1240 of the European Parliament and of the Council established the European Travel Information and Authorisation System (ETIAS) for third-country nationals exempt from the visa requirement when crossing the external borders of the Union. ETIAS makes it possible to assess whether the presence of such third-country nationals on the territory of the Member States would pose a security or illegal immigration risk or a high epidemic risk.

This Regulation amends Regulation (EU) 2018/1862 of the European Parliament and of the Council (SIS) and Regulation (EU) 2019/818 of the European Parliament and of the Council establishing a framework for the interoperability of EU information systems in the area of police and judicial cooperation, asylum and migration, in order to connect the ETIAS central system to other EU information systems and to Europol data and to specify the data that will be exchanged with these EU information systems and with Europol data.

The amending Regulation lays down rules for the implementation of interoperability between the ETIAS information system on the one hand and other EU information systems and Europol data on the other hand, as well as the conditions for the consultation by ETIAS of data stored in other EU information systems and Europol data by the ETIAS automated process for the purposes of identifying hits are to be implemented.

The conditions, including access rights, under which the ETIAS Central Unit and ETIAS National Units are able to consult data stored in other EU information systems for the purposes of ETIAS should be safeguarded by clear and precise rules regarding access by the ETIAS Central Unit and ETIAS National Units to the data stored in other EU information systems, the types of query and the categories of data, all of which should be limited to what is strictly necessary for the performance of their duties.

The European Search Portal (ESP), established by Regulation (EU) 2019/817 of the European Parliament and of the Council and Regulation (EU) 2019 /818, should enable the data stored in ETIAS and the data stored in the other EU information systems concerned to be queried in parallel.

ETIAS consequential amendments: police and judicial cooperation

2019/0001A(COD) - 07/01/2019 - Legislative proposal

PURPOSE: to define the technical amendments necessary to fully set up the European Travel Information and Authorisation System (ETIAS).

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: Regulation (EU) 2018/1240 of the European Parliament and of the Council created the European Travel Information and Authorisation System (ETIAS) for third-country nationals exempt from the requirement to be in possession of a visa when crossing external borders. It laid down the conditions and procedures to issue or refuse a travel authorisation.

ETIAS shall determine the eligibility of visa-exempt third-country nationals prior to their travel to the Schengen Area and whether such travel poses a security, irregular migration or high epidemic risk.

The ETIAS Regulation provides that the personal data contained in the applications will be compared with the data contained in records, files or alerts:

- in alerts recorded in other EU information systems or databases (the ETIAS Central System, the Schengen Information System (SIS), the Visa Information System (VIS), the Entry/Exit System (EES) or Eurodac), and the European Criminal Records Information System for third-country nationals (ECRIS-TCN);

- in Europol data;

- in the Interpol databases (the Interpol Stolen and Lost Travel Document database (SLTD) or the Interpol Travel Documents Associated with Notices database (TDAWN)).

Not all data are collected or recorded in the same way in the other EU information systems and Europol data. For instance, ‘first names of parents of applicants’ are collected by ETIAS, but not in most of the other systems to be queried by ETIAS.

In order to enable the verification referred to in Article 20 of Regulation (EU) 2018/1240, it is necessary to amend the legal acts establishing the European Union's information systems to ensure interoperability with ETIAS. Without this interoperability, ETIAS cannot enter into service.

CONTENT: the proposal defines the technical amendments necessary to fully set up the ETIAS system. It amends the legal acts establishing the EU information systems that are necessary for establishing their relation with ETIAS.

Consequently, it amends Regulation (EU) 2018/1862 of the European Parliament and of the Council establishing the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters and Regulation (EU) of the European Parliament and of the Council (**ECRIS-TCN**), which has been the subject of a political agreement between the co-legislators, in order to connect the ETIAS central system to other EU information systems and Europol data and to specify the data to be exchanged with these EU information systems and with Europol data.

As compared to the ETIAS Regulation, this proposal only specifies in more details which data is to be compared to which data in the other EU information systems and provides with the necessary amendments as regards granting access rights to those other systems to ETIAS Central and National Units.

The proposal builds on the Schengen acquis on the crossing of external borders and visas. It therefore takes into account the consequences of the various protocols and agreements signed with the associated countries.