Basic information

2021/0046(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) Amending Regulation 2019/816 2017/0144(COD) Amending Regulation 2019/818 2017/0352(COD) Amended by 2019/0001B(COD) **Subject** 7.40.04 Judicial cooperation in criminal matters **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	SIPPEL Birgit (S&D)	22/03/2021
	Shadow rapporteur ZOIDO ÁLVAREZ Juan Ignacio (EPP) OETJEN Jan-Christoph (Renew) STRIK Tineke (Greens/EFA) JAKI Patryk (ECR) VANDENDRIESSCHE Tom (ID) ERNST Cornelia (The Left)	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	LAGODINSKY Sergey (Greens/EFA)	04/03/2024

Council of the European Union

European Commission

Commission DG	Commissioner

Migration and Home Affairs	JOHANSSON Ylva

Key events

Date	Event	Reference	Summary
02/03/2021	Legislative proposal published	COM(2021)0096	Summary
08/03/2021	Committee referral announced in Parliament, 1st reading		
28/03/2023	Vote in committee, 1st reading		
28/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
14/04/2023	Committee report tabled for plenary, 1st reading	A9-0148/2023	Summary
17/04/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
20/04/2023	Results of vote in Parliament		
20/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72 - vote)		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000943	
10/04/2024	Decision by Parliament, 1st reading	T9-0182/2024	Summary
10/04/2024	Results of vote in Parliament		
10/04/2024	Debate in Parliament		
14/05/2024	Act adopted by Council after Parliament's 1st reading		
14/05/2024	Final act signed		
22/05/2024	Final act published in Official Journal		

Technical information

Procedure reference	2021/0046(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2019/816 2017/0144(COD) Amending Regulation 2019/818 2017/0352(COD) Amended by 2019/0001B(COD)
Legal basis	Rules of Procedure EP 41 Treaty on the Functioning of the European Union TFEU 079-p2 Treaty on the Functioning of the European Union TFEU 082-p1 Treaty on the Functioning of the European Union TFEU 085-p1-a2 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 087-p2 Treaty on the Functioning of the European Union TFEU 088-p2-a1

	Treaty on the Functioning of the European Union TFEU 078-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/05485

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE700.426	16/11/2021	
Amendments tabled in committee		PE703.279	24/01/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0148/2023	14/04/2023	Summary
Specific opinion	JURI	PE759.950	03/04/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0182/2024	10/04/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000943	08/02/2024	
Draft final act	00022/2024/LEX	14/05/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0096	02/03/2021	Summary
Commission response to text adopted in plenary	SP(2024)377	29/07/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2021)0096	27/04/2021	
Contribution	ES_PARLIAMENT	COM(2021)0096	29/04/2021	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
SIPPEL Birgit	Rapporteur	LIBE	16/04/2024	Bundesamt für Migration und Flüchtlinge (German Federal Office for Migration and Refugees)
SIPPEL Birgit	Rapporteur	LIBE	11/04/2024	Friedrich-Ebert-Stiftung African Migration Policy Centre der FES
SIPPEL Birgit	Rapporteur	LIBE	05/07/2023	Permanent Representative of Italy
SIPPEL Birgit	Rapporteur	LIBE	03/07/2023	Permanent Representation of the Federal Republic of Germany to the European Union
SIPPEL Birgit	Rapporteur	LIBE	12/04/2023	Permanent Representation of the Kingdom of the Netherlands to the European Union

Final act	
Regulation 2024/1352 OJ OJ L 22.05.2024	Summary

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

2021/0046(COD) - 22/05/2024 - Final act

PURPOSE: to allow access to the European Criminal Records Information System for third-country nationals (ECRIS-TCN) for the purpose of security checks introduced by the Regulation establishing screening of third-country nationals at external borders.

LEGISLATIVE ACT: Regulation (EU) 2024/1352 of the European Parliament and of the Council amending Regulations (EU) 2019/816 and (EU) 2019 /818 for the purpose of introducing the screening of third-country nationals at the external borders.

CONTENT: this Regulation is a pillar of the Pact on Asylum and Migration. Its purpose is to **enable the screening authorities to access the data contained in the ECRIS-TCN or in the common identity repository (CIR)** for the purposes of identification or verification of identity and for the purposes of the security checks introduced by the Regulation establishing a system of screening of third-country nationals at the 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 Regulation 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 will 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 establishing a European Travel Information and Authorisation System (ETIAS), 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.

Use of ECRIS-TCN for the purposes of the screening

The screening authorities will have the right to access and search ECRIS-TCN data using the European Search Portal provided for in 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, for the purpose of performing the tasks conferred upon them by Regulation (EU) 2024/1356 introducing the screening of third-country nationals at the external borders.

In the event of a hit, the consultation of national criminal records based on the flagged ECRIS-TCN data will take place in accordance with national law and using national channels of communication. The relevant national authorities of the convicting Member State will 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 will be understood that there are no security grounds to be taken into account.

The Regulation contains provisions on access to the common identity repository for the identification or verification of identity in accordance with the Regulation establishing the screening of third-country nationals at the external borders.

eu-LISA will keep logs of all data processing operations in the CIR. Those logs will include the following: (a) the Member State launching the query; (b) the purpose of access of the user querying via the CIR; (c) the date and time of the query; (d) the type of data used to launch the query; (e) the results of the query.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 12.6.2026.

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

2021/0046(COD) - 02/03/2021 - Legislative proposal

PURPOSE: to allow access to the European Criminal Records Information System for third-country nationals (ECRIS-TCN) for the purpose of security checks introduced by the Regulation establishing screening of third-country nationals at external borders.

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: one of the legislative proposals accompanying the Commission's Communication of 23 September 2020 on a new Pact on Migration and Asylum is the proposal for a Regulation of the European Parliament and of the Council establishing a screening of third-country nationals at the external borders for the purpose of determining whether a person is a threat to internal security or public policy.

The security checks as part of the screening should be at least of a similar level as the checks performed in respect of third country nationals that apply beforehand for an authorisation to enter the Union for a short stay, whether they are under a visa obligation or not.

Since access to the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), the Visa Information System (VIS) and the European Criminal Records Information System for third country nationals (ECRIS-TCN) is necessary for the authorities designated to carry out the screening, the regulations establishing those databases need to be amended to provide for this additional access right.

CONTENT: the purpose of this proposal is to amend Regulation (EU) 2019/816 by adding a new provision allowing the designated authorities in the context of the screening to access and search the ECRIS-TCN database for records relating to persons who have been convicted for a terrorist offence or other serious criminal offences.

To this end, the proposal specifies the conditions of accessing the European Criminal Records Information System for third country nationals database which has been set up by an EU regulation with a view to ensure uniform application across the Union and legal certainty by avoiding divergent interpretations in the Member States with regard to the use of this central database.

In addition, the proposal complements the uniform rules on security checks during the screening as set out in the proposed Screening Regulation.

The proposal also amends Regulation (EU) 2019/818 by adding a new provision that allows designated authorities, in the context of screening, to access data stored in the common identity data repository (CIR).

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.

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

2021/0046(COD) - 14/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Birgit SIPPEL (S&D, DE) 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.

As a reminder, the overall objective of the Commission is to allow for the use of the Common Identity Repository (CIR) and European Criminal Records Information System for third country nationals ('ECRIS-TCN') during the Screening. However, according to Members, the provisions granting blanket access rights to the competent authorities are not considered necessary to allow for the screening to be carried out effectively.

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

Data entry in ECRIS-TCN

The amended text stated 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.

For the purpose of the security checks, only data records to which a flag has been added should be searchable.

The use of ECRIS-TCN for identifying the Member States holding criminal records information

Following a search launched by the authorities, the central system should inform the competent authority of a hit and should automatically notify the central authority of the Member State holding criminal records information on the third country national concerned of a request for an opinion on whether the presence of that person on the territory of the Member States would pose a threat to internal security. The result of a search in the central system should only be used for the purposes of assessing whether the third country national subject to the screening might pose a threat to internal security.

The central authority of the Member State holding criminal records information on the third country national subject to the screening should provide an opinion to the competent authorities within **four days**. The absence of opinion within four days should mean that there are no security grounds to be taken into account.