

27.6.2018

A8-0322/ 001-362

AMENDMENTS 001-362

by the Committee on Civil Liberties, Justice and Home Affairs

Report

Kinga Gál

A8-0322/2017

European Travel Information and Authorisation System (ETIAS)

Proposal for a regulation (COM(2016)0731 – C8-0466/2016 – 2016/0357A(COD))

Amendment 1

Proposal for a regulation

Title 1

Text proposed by the Commission

Amendment

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, **(EU) 2016/794** and (EU) 2016/1624

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624

Amendment 2

Proposal for a regulation

Citation 1

Text proposed by the Commission

Amendment

Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 77(2)(b) and (d), Article

Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 77(2)(b) and (d), **and**

87(2)(a) *and Article 88(2)(a)* thereof,

87(2)(a),

Amendment 3

Proposal for a regulation

Citation 4

Text proposed by the Commission

Amendment

After consulting the European Data Protection Supervisor,

deleted

Justification

The opinion of the EDPS is referred to in recital 46.

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or **public health** risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration **risk, a threat to security or a high epidemic risk. A travel authorisation therefore constitutes a decision indicating that there are no factual indications or reasonable grounds to conclude that the presence of a person on the territory of the Member States poses such risks. As such a travel authorisation is in its nature distinct from a visa as it does not require more information or place a heavier burden on applicants than a visa does.** Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should

not confer an automatic right of entry.

Amendment 5

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.

Amendment

(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders ***and by providing border guards with certain additional information related to flags that was generated during a manual assessment of the application.***

Amendment 6

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks ***or*** specific checks. For this purpose the ETIAS should carry out an automated processing of the application files against the relevant alerts

Amendment

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of ***third-country nationals subject to an entry ban***, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, specific checks ***[or inquiry checks]***. For this purpose the ETIAS should carry out an automated

in the SIS. This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit resulting from this comparison should be stored in the SIS.

processing of the application files against the relevant alerts in the SIS. This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit resulting from this comparison should be stored in the SIS.

Amendment 7

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications **rejected from** the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit, for the screening rules, **and for carrying out regular audits on the processing of applications**. The ETIAS Central Unit should work in 24/7 regime.

Amendment

(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications **where** the automated process **triggered one or more hits** in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit **and** for the screening rules. The ETIAS Central Unit should work in 24/7 regime.

Amendment 8

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Each Member State should establish an ETIAS National Unit mainly responsible for the examination and decision on whether to issue or refuse a travel authorisation. The ETIAS National Units should cooperate among themselves and with Europol for the purpose of the assessment of the applications. The ETIAS National Unit should work in 24/7 regime.

Amendment

(15) Each Member State should establish an ETIAS National Unit mainly responsible for the examination and decision on whether to issue or refuse, **annul or revoke** a travel authorisation. The ETIAS National Units should cooperate among themselves and with Europol for the purpose of the assessment of the applications. The ETIAS National Unit should work in 24/7 regime.

Amendment 9

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, ***education and current occupation***, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (***whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases***, criminal records, presence in war zones, decision to return to borders/orders to leave territory). ***Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.***

Amendment 10

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) ETIAS should accept applications introduced on behalf of the applicant for situations where travellers are themselves not in a position to create an application, for whatever reason. In such cases, the application should be carried out by a third person authorised by the traveller or legally responsible for him/her provided this person's identity is included in the

Amendment

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (criminal records, presence in war zones, decision to return to borders/orders to leave territory).

Amendment

(17) ETIAS should accept applications introduced on behalf of the applicant for situations where travellers are themselves not in a position to create an application, for whatever reason. In such cases, the application should be carried out by a third person authorised by the traveller, ***including commercial intermediaries***, or legally responsible for him/her provided this person's identity is included in the

application form.

application form. ***The Commission should ensure that commercial intermediaries lodging applications on behalf of applicants only provide this service to their customers on the basis of recovering costs incurred and not for profit.***

Amendment 11

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) In order to finalise the application, ***all*** applicants ***above the age of 18*** should be required to pay ***a*** fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

Amendment

(18) In order to finalise the application, applicants should be required to pay ***the travel authorisation*** fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

Amendment 12

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399²⁴ and assessing whether the applicant is likely to irregularly migrate, whether the entry of the applicant in the Union could pose a threat to security or ***to public health*** in the Union.

Amendment

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399²⁴ and assessing whether the applicant is likely to irregularly migrate, whether the entry of the applicant in the Union could pose a threat to security or ***a high epidemic risk*** in the Union.

²⁴ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons

²⁴ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons

across borders (Schengen Borders Code).

across borders (Schengen Borders Code).

Amendment 13

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, or with personal data in the ETIAS watchlist, or with risk indicators, the application should be processed manually by an operator in the ETIAS National Unit of the Member State ***of declared first entry***. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.

Amendment

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, or with personal data in the ETIAS watchlist, or with risk indicators, the application should be processed manually by an operator in the ETIAS National Unit of the Member State ***responsible***. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.

Amendment 14

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Applicants who have been refused a travel authorisation should have the right to ***appeal***. ***Appeals*** should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

Amendment

(24) Applicants who have been refused a travel authorisation should have the right to ***an effective remedy***. ***Remedy procedures*** should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

Amendment 15

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration or **public health** risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

Amendment 16

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of **serious crime or terrorism**. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.

Amendment 17

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration **risk or high epidemic** risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

Amendment

(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected **by one or several Member States** of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds, **based on an overall assessment of a person, in particular on the basis of past offenses**, to believe that they will commit an act of terrorism. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) The continuous emergence of new forms of security threats, new patterns of irregular migration and **public health threats** requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

Amendment 18

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry **or for a reported lost or stolen travel document**, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State **of first entry** should assess the hit and, where necessary, revoke

Amendment

(27) The continuous emergence of new forms of security threats, new patterns of irregular migration and **high epidemic risks** requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

Amendment

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the **responsible** Member State should assess the hit and, where necessary, revoke the travel authorisation. A possibility to

the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

revoke the travel authorisation at the request of the applicant should also be provided.

Amendment 19

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Prior to boarding, air and sea carriers, ***as well as carriers transporting groups overland by coach should have the obligation to verify if travellers have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention²⁵. This should include verifying*** that travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.

Amendment

(31) Prior to boarding, air and sea carriers should ***verify*** that travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.

²⁵ ***Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.***

Justification

For reasons of legal clarity and transparency it should be clear which carriers have to fulfill the requirements of this Regulation. These should be only air and sea carriers. Carriers transporting groups overland by coach as mentioned should be excluded given the heavy burden which would be put on these carriers often providing only occasional trips to the Member States' territory.

Amendment 20

Proposal for a regulation Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) In order to avoid unnecessary costs carriers should be able to connect to ETIAS, EES and similar systems via a unique entry point. They should receive a single answer as to whether the passenger may be transported to the territory of the Member States on the basis of advance passenger data sent by carriers.

Amendment 21

Proposal for a regulation Recital 32

Text proposed by the Commission

Amendment

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a **valid** travel authorisation. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file itself should not be accessible to the border guard for border controls. If there is no valid travel authorisation, the border guard should refuse entry and should complete the border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a travel authorisation **valid at least until the day of entry into the territory of the Member States**. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file itself should not be accessible to the border guard for border controls. **Border guards should, however, in order to facilitate border checks, be informed automatically of flags covering a number of specific cases and exceptionally, during second-line checks should have access to additional information related to them inserted in the ETIAS file.** If there is no valid travel authorisation, the border guard should refuse entry and should complete the

border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard. ***Where border control at internal borders is temporarily reintroduced borders guards should not check whether the traveller is in possession of a valid travel authorisation.***

Amendment 22

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in ***Council Framework Decision 2002/475/JHA***²⁶ or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA²⁷. In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be ***retained and*** made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such

Amendment

(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in ***Directive (EU) 2017/541***²⁶ or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA²⁷. In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly

access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case²⁸.

²⁶ ***Council Framework Decision 2002/475/JHA of 13 June 2002 on combatting terrorism (OJ L 164, 22.6.2002 p.6).***

²⁷ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

²⁸ Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case²⁸.

²⁶ ***Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).***

²⁷ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

²⁸ Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

Amendment 23

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be granted following a reasoned request by the competent authorities giving reasons for its necessity. Member States should ensure that any such request for access to data stored in ETIAS be the subject of a prior review by ***a court or by an authority providing guarantees of full independence and impartiality, and which is free from any direct or indirect external influence.*** However, in situations of extreme urgency,

Amendment

(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be granted following a reasoned request by the competent authorities giving reasons for its necessity. Member States should ensure that any such request for access to data stored in ETIAS be the subject of a prior review by ***an independent central access point which checks whether the conditions to request access to the ETIAS Central System are met in the concrete case at hand.*** However, in situations of

it can be crucial for the competent authorities to obtain immediately personal data necessary for preventing the commission of a serious crime or so that its perpetrators can be prosecuted. In such cases it should be accepted that the review of the personal data obtained from ETIAS takes place as swiftly as possible after access to such data has been granted to the competent authorities.

extreme urgency, it can be crucial for the competent authorities to obtain immediately personal data necessary for preventing ***an imminent danger associated with a terrorist offense***, the commission of a serious crime or so that its perpetrators can be prosecuted. In such cases it should be accepted that the review of the personal data obtained from ETIAS takes place as swiftly as possible after access to such data has been granted to the competent authorities.

Justification

It is suggested to use the system of central access points as in the case of VIS, Eurodac and EES instead of entrusting the task of the central access point to the ETIAS National Unit. As in the case of the other systems the central access point would verify whether the conditions for providing access are met.

Amendment 24

Proposal for a regulation

Recital 37

Text proposed by the Commission

Amendment

(37) The ETIAS National Units should act as the central access point and should verify that the conditions to request access to the ETIAS Central System are fulfilled in the concrete case at hand.

deleted

Justification

It is suggested to use the system of central access points as in the case of VIS, Eurodac and EES instead of entrusting the task of the central access point to the ETIAS National Unit. As in the case of the other systems the central access point would verify whether the conditions for providing access are met.

Amendment 25

Proposal for a regulation

Recital 40

Text proposed by the Commission

Amendment

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. ***In order to assess the security, irregular migration and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and irregular migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code.*** A decision to refuse, revoke or annul a travel authorisation could indicate a higher security or irregular

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. ***After the period of validity of the travel authorisation the data should not be stored without the explicit consent of the applicant given for the purpose of facilitating a new application after the expiry of the period of validity of an ETIAS travel authorisation.*** A decision to refuse, revoke or annul a travel authorisation could indicate a higher ***threat*** to security or irregular migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. ***Where the underlying alert in a database is deleted earlier than the 5 years the related ETIAS application file should be deleted as well.*** After the expiry of such period, the personal data should be deleted.

migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

Amendment 26

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) [Regulation (EU) 2016/679]³¹ applies to the processing of personal data by the Member States in application of this Regulation unless such processing is carried out by the designated or verifying authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.

³¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Amendment 27

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) The processing of personal data by the authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of

Amendment

(43) Regulation (EU) 2016/679³¹ applies to the processing of personal data by the Member States in application of this Regulation unless such processing is carried out by the designated or verifying authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.

³¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Amendment

(44) The processing of personal data by the authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of

other serious criminal offences pursuant to this Regulation should be subject to a standard of protection of personal data under their national law which complies with Directive (EU) 2016/680³².

³² Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

other serious criminal offences pursuant to this Regulation should be subject to a standard of protection of personal data under their national law which complies with Directive (EU) 2016/680³².

³² Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

Amendment 28

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) The independent supervisory authorities established in accordance with Regulation (EU) 2016/679 should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the ETIAS.

Amendment 29

Proposal for a regulation Recital 46

Amendment

(45) The independent supervisory authorities established in accordance with Regulation (EU) 2016/679 should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the ETIAS.

Text proposed by the Commission

(46) "(...) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on ... "

Amendment

(46) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on **6 March 2017**.

Amendment 30

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) Strict access rules to the ETIAS Central System and the necessary safeguards should be established. It is also necessary to provide for individuals' rights of access, **correction, deletion** and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities.

Amendment

(47) Strict access rules to the ETIAS Central System and the necessary safeguards should be established. It is also necessary to provide for individuals' rights of access, **rectification, restriction, blocking, erasure** and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities.

Amendment 31

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) In order to assess the security, irregular migration or **public health** risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to

Amendment

(48) In order to assess the **threat to** security, **the** irregular migration or **the high epidemic** risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the

establish the EES³³, the ECRIS³⁴ and the recast proposal of the Eurodac Regulation³⁵ have been adopted.

³³ Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

³⁴ Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

³⁵ Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

proposals to establish the EES³³, the ECRIS³⁴ and the recast proposal of the Eurodac Regulation³⁵ have been adopted.

³³ Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

³⁴ Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

³⁵ Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

Amendment 32

Proposal for a regulation Recital 50 – indent -1 (new)

Text proposed by the Commission

Amendment

- *to define the requirements of the secure account service,*

Amendment 33

Proposal for a regulation
Recital 50 – indent -1 a (new)

Text proposed by the Commission

Amendment

- *to regulate the submission of travel authorisation applications by a commercial intermediary and at Delegations of the European Union,*

Amendment 34

Proposal for a regulation
Recital 50 – indent 1

Text proposed by the Commission

Amendment

- *to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation and the job title to be indicated in the application for a travel authorisation,*

deleted

Amendment 35

Proposal for a regulation
Recital 50 – indent 3 a (new)

Text proposed by the Commission

Amendment

- *to further define the verification tool,*

Amendment 36

Proposal for a regulation
Recital 50 – indent 5

Text proposed by the Commission

- to further specify the security, irregular migration or **public health** risks to be used for the establishment of the risk indicators.

Amendment

- to further specify the **threat to** security, **the** irregular migration or **the high epidemic** risks to be used for the establishment of the risk indicators,

Amendment 37

Proposal for a regulation

Recital 50 – indent 5 a (new)

Text proposed by the Commission

Amendment

- **to establish a standard form for refusal of a travel authorisation,**

Amendment 38

Proposal for a regulation

Recital 50 – indent 5 b (new)

Text proposed by the Commission

Amendment

- **to define the type of additional information related to flags that may be added in the ETIAS application file and its formats,**

Amendment 39

Proposal for a regulation

Recital 50 – indent 5 c (new)

Text proposed by the Commission

Amendment

- **to define the financial support for Member States for expenses incurred by additional responsibilities,**

Amendment 40

Proposal for a regulation

Recital 50 – indent 5 d (new)

Text proposed by the Commission

Amendment

- *to lay down the rules of the central repository.*

Amendment 41

Proposal for a regulation Recital 56 a (new)

Text proposed by the Commission

Amendment

(56a) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.

Justification

The text suggested is a standard recital which is missing here.

Amendment 42

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to **determine** whether their presence in the territory of the Member States does not pose an irregular migration, security or **public health** risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to **consider** whether their presence in the territory of the Member States does not pose an irregular migration **risk, a threat to security or a high epidemic** risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Amendment 43

Proposal for a regulation

Article 2 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) third country nationals exercising mobility in accordance with Directive 2014/66/EU of the European Parliament and of the Council^{1a} or Directive (EU) 2016/801 of the European Parliament and of the Council^{1b}.

^{1a} Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).

^{1b} Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

Justification

As in the case of the Entry/Exit System third country nationals covered by the Directives on intra-corporate transfers as well as students and researchers should not fall under the scope of ETIAS.

Amendment 44

Proposal for a regulation

Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ‘second line check’ means second line check as defined in Article 2(13) of

Amendment 45

Proposal for a regulation

Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications **or reasonable grounds** to conclude that the presence of the person on the territory of the Member States poses an irregular migration, security or **public health** risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Amendment

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no **reasonable grounds based on** factual indications to conclude that the presence of the person on the territory of the Member States poses **or will pose** an irregular migration **risk, a threat to** security or **a high epidemic** risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1 – point e

Text proposed by the Commission

(e) '**public health risk**' means **threat to public health as defined in Article 2(21) of Regulation (EU) 2016/399;**

Amendment

deleted

Amendment 47

Proposal for a regulation

Article 3 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) '**carrier**' means **any natural or legal person whose profession it is to provide transport of persons;**

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) 'person for whom an alert has been issued for the purposes of refusing entry' means any third-country national for whom an alert has been issued in the Schengen Information System (SIS) in accordance with and for the purposes laid down in Articles 24 and 26 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council;

Justification

Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II).

Amendment 49

Proposal for a regulation

Article 3 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System, in the ETIAS watchlist or with the specific risk indicators referred to in Article 28;

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in ***the ETIAS Central System, in a database or in*** an information system queried by the ETIAS Central System, in the ETIAS watchlist ***referred to in Article 29*** or with the specific risk indicators referred to in Article 28;

Amendment 50

Proposal for a regulation

Article 3 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in **Articles 1 to 4 of Framework Decision 2002/475/JHA**;

(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in **Directive (EU) 2017/541**;

Justification

The definition is updated to refer to the new Directive on combatting terrorism.

Amendment 51

Proposal for a regulation

Article 3 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) 'Europol data' means personal data **provided to** Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794.

(n) 'Europol data' means personal data **processed by** Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794;

Amendment 52

Proposal for a regulation

Article 3 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

(na) 'electronically signed' means the confirmation of signature through the ticking of a box in the application form.

Amendment 53

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The definitions set out in Article 4 of **/Regulation (EU) 2016/679]** shall apply in so far as personal data are processed by the authorities of Member States.

3. The definitions set out in Article 4 of Regulation (EU) 2016/679 shall apply in so far as personal data are processed by the authorities of Member States.

Amendment 54

Proposal for a regulation Article 3 – paragraph 4

Text proposed by the Commission

4. The definitions set out in Article 3 of */Directive (EU) 2016/680/* shall apply in so far as personal data are processed by the authorities of the Member States for law enforcement purposes.

Amendment

4. The definitions set out in Article 3 of Directive (EU) 2016/680 shall apply in so far as personal data are processed by the authorities of the Member States for law enforcement purposes.

Amendment 55

Proposal for a regulation Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) contribute to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival at the external borders crossing points, in order to determine whether there are factual indications *or reasonable grounds* to conclude that the presence of the person on the territory of the Member States poses a security *risk*;

Amendment

(a) contribute to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival at the external borders crossing points, in order to determine whether there are *reasonable grounds based on* factual indications to conclude that the presence of the person on the territory of the Member States poses a *threat to* security;

Amendment 56

Proposal for a regulation Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a *public health risk within the meaning of Article 3(1)(e)* prior to their arrival at the external borders crossing points;

Amendment

(c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a *a high epidemic* risk prior to their arrival at the external borders crossing points;

Amendment 57

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks *or* specific checks; *and*

Amendment

(e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of ***third country nationals subject to an entry ban***, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, specific ***checks or [inquiry checks]***;

Amendment 58

Proposal for a regulation

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) a National Uniform Interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the Central System to connect to the national border infrastructures in Member States;

Amendment

(b) a National Uniform Interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the Central System to connect to the national border infrastructures in Member States ***in a secure manner***;

Amendment 59

Proposal for a regulation

Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) a ***secure*** Communication Infrastructure between the Central System and the National Uniform Interfaces;

Amendment

(c) a Communication Infrastructure between the Central System and the National Uniform Interfaces ***which shall be secure and encrypted***;

Amendment 60

Proposal for a regulation Article 6 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the central repository referred to in Article 73(2);

Amendment 61

Proposal for a regulation Article 6 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) a verification tool for applicants to track the progress of their applications and to check the period of validity and status of their travel authorisations;

Amendment 62

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. /The Central System, the National Uniform Interfaces, the web service, the carrier gateway and the Communication Infrastructure of the ETIAS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure./

3. The Central System, the National Uniform Interfaces, the web service, the carrier gateway and the Communication Infrastructure of the ETIAS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure. ***Without prejudice to Article 10, logical separation of ETIAS data and EES data shall be ensured.***

Amendment 63

Proposal for a regulation Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 in order to define the requirements of the secure account service referred to in paragraph 2(g).

Amendment 64

Proposal for a regulation Article 7 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ensuring that the data stored in the applications files and in the ETIAS Central System is correct and up to date; **deleted**

Justification

It is not clear how the Central Unit could ensure that data is correct and up to date. According to Article 15(1) the applicant is responsible for the correctness of his/her data.

Amendment 65

Proposal for a regulation Article 7 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) defining, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;

Amendment 66

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) verifying travel **authorisations'** applications **rejected from** the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases **or** the specific risk indicators referred to in Article 28;

Amendment

(b) **in accordance with Article 20** verifying travel **authorisation** applications **that have triggered one or more hits during** the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in **the ETIAS Central System**, one of the consulted information systems/databases, the specific risk indicators referred to in Article 28 **or the ETIAS watchlist referred to in Article 29, and if necessary initiating the manual processing further to Article 22;**

Amendment 67

Proposal for a regulation
Article 7 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) recording the checks performed in accordance with point (b) in the ETIAS Central System;

Amendment 68

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;

deleted

Amendment 69

Proposal for a regulation

Article 7 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) carrying out regular audits on the processing of applications and on the implementation of the provisions of Article 28 including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.

deleted

Amendment 70

Proposal for a regulation

Article 7 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) indicating the Member State responsible for the manual processing of applications as referred to in Article 22(1a);

Amendment 71

Proposal for a regulation

Article 7 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) where appropriate facilitating the consultations between Member States as referred to in Article 24 and between the responsible Member State and Europol as referred to in Article 25;

Amendment 72

Proposal for a regulation

Article 7 – paragraph 2 – point d c (new)

Text proposed by the Commission

Amendment

(dc) notifying carriers in case of a failure of the ETIAS Information System as referred to in Article 40(1);

Justification

A number of further tasks for the Central Unit are mentioned in other Articles. For reasons of transparency they should all be mentioned under this Article.

Amendment 73

Proposal for a regulation

Article 7 – paragraph 2 – point d d (new)

Text proposed by the Commission

Amendment

(dd) notifying the Member States' authorities competent for carrying out border checks at external border crossing points of a failure of the ETIAS Information System as referred to in Article 42(1);

Justification

A number of further tasks for the Central Unit are mentioned in other Articles. For reasons of transparency they should all be mentioned under this Article.

Amendment 74

Proposal for a regulation

Article 7 – paragraph 2 – point d e (new)

Text proposed by the Commission

Amendment

(de) processing requests for consultation of data in the ETIAS Central System by Europol as referred to in Article 46;

Justification

A number of further tasks for the Central Unit are mentioned in other Articles. For reasons of transparency they should all be mentioned under this Article.

Amendment 75

Proposal for a regulation Article 7 – paragraph 2 – point d f (new)

Text proposed by the Commission

Amendment

(df) providing the general public with all relevant information in relation to the application for a travel authorisation as referred to in Article 61;

Justification

A number of further tasks for the Central Unit are mentioned in other Articles. For reasons of transparency they should all be mentioned under this Article.

Amendment 76

Proposal for a regulation Article 7 – paragraph 2 – point d g (new)

Text proposed by the Commission

Amendment

(dg) cooperating with the Commission as regards the information campaign referred to in Article 62;

Justification

A number of further tasks for the Central Unit are mentioned in other Articles. For reasons of transparency they should all be mentioned under this Article.

Amendment 77

Proposal for a regulation Article 7 – paragraph 2 – point d h (new)

Text proposed by the Commission

Amendment

(dh) acting as a helpdesk providing support to travellers in case of problems encountered during the application

process.

Justification

The proposal of the Commission does not contain any reference to a helpdesk function. It is, however, important for the credibility of the system to provide for such a function.

Amendment 78

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The ETIAS Central Unit shall publish an annual activity report. That report shall include:

(a) statistics on:

(i) the number of travel authorisations issued automatically by the ETIAS Central System;

(ii) the number of applications verified by the Central Unit;

(iii) the number of applications processed manually per Member State;

(iv) the number of applications that were rejected by country and the reason for the rejection;

(v) the extent to which the deadlines referred to in Articles 20(6), 23, 26 and 27 have been met.

(b) general information on the functioning of the ETIAS Central Unit, its activities as referred to in this Article and information on current trends and challenges affecting the conduct of its tasks.

The annual activity report shall be transmitted to the European Parliament, the Council and the Commission by 31 March of the following year at the latest.

Amendment 79

Proposal for a regulation Article 8 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ensuring that the data stored in the applications files and in the ETIAS Central System is correct and up to date; **deleted**

Justification

It is not clear how the national units could ensure that data is correct and up to date. According to Article 15(1) the applicant is responsible for the correctness of his/her data.

Amendment 80

Proposal for a regulation Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) recording the checks performed in accordance with point (b) in the ETIAS Central System;

Amendment 81

Proposal for a regulation Article 8 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) providing applicants with information regarding the procedure to be followed *in the event of an appeal* in accordance with Article 31(2);

(d) providing applicants with information regarding the *remedy* procedure to be followed in accordance with Article 31(2);

Amendment 82

Proposal for a regulation Article 8 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) annulling and revoking a travel authorisation pursuant to Articles 34 and 35.

Amendment 83

Proposal for a regulation

Article 8 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) acting as central access point for the consultation of the ETIAS Central System for the purpose laid down in Article 1(2) and in accordance with Article 44. ***deleted***

Justification

It is suggested to use the system of central access points as in the case of VIS, Eurodac and EES instead of entrusting the task of the central access point to the ETIAS National Unit. As in the case of the other systems the central access point would verify whether the conditions for providing access are met.

Amendment 84

Proposal for a regulation

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

The ETIAS Ethics Board

1. An independent ETIAS Ethics Board with an advisory and audit function is hereby established. It shall be composed of the Fundamental Rights Officer of the European Border and Coast Guard Agency, a representative of the consultative forum on fundamental rights of the European Border and Coast Guard Agency, a representative of the EDPS, a representative of the European Data Protection Board and a representative of

the Fundamental Rights Agency.

2. The ETIAS Ethics Board shall carry out regular audits on the processing of applications and on the implementation of the provisions of Article 28, including regularly assessing their impact on fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination.

3. The ETIAS Ethics Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard Agency. The secretariat shall be provided by the European Border and Coast Guard Agency. The ETIAS Ethics Board shall adopt rules of procedure at its first meeting by a simple majority of its members.

4. The members of the ETIAS Ethics Board shall be invited to attend the meetings of the ETIAS Screening Board in an advisory function. They shall have access to all ETIAS-related information and premises.

5. The ETIAS Ethics Board shall publish an annual report, to be made publically available. It shall also report in writing and orally at least annually to the European Parliament. Classification shall not preclude information being made available to the European Parliament. Where necessary, the provisions of Article 50 of Regulation (EU) 2016/1624 shall apply.

Amendment 85

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

Interoperability between the ETIAS Information System and *other information systems consulted by ETIAS such as* [the

Amendment

Interoperability between the ETIAS Information System and [the Entry/Exit System (EES)], the Visa Information

Entry/Exit System (EES)], the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), [the Eurodac] and [the European Criminal Records Information System (ECRIS)] shall be established *to enable carrying out the risk assessment* referred to in Article 18.

System (VIS), the Europol data, the Schengen Information System (SIS), [the Eurodac] and [the European Criminal Records Information System (ECRIS)] shall be established *for the sole purpose of enabling the automated processing* referred to in Article 18.

Amendment 86

Proposal for a regulation Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Interoperability shall be established in full compliance with the Union acquis concerning fundamental rights.

Amendment 87

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Querying the Interpol databases

The ETIAS Central System shall verify the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).

Two years after the start of operations of the ETIAS the Commission shall submit a report to the European Parliament and the Council on the verification of Interpol databases through ETIAS. This report shall include information on the number of hits against Interpol databases, the number of travel authorisations refused following such hits and information on any problems encountered, and as a consequence of this evaluation, if appropriate, it shall be accompanied by a

Amendment 88

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. Access by border guards to the ETIAS Central System in accordance with Article 41 shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller present at an external border crossing point.

Amendment

2. Access by border guards to the ETIAS Central System in accordance with Article 41 shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller present at an external border crossing point. ***In addition border guards shall be informed automatically of the flags referred to in Articles 22(4a), 30(1a) and (1b). Exceptionally, when an additional second line check is required at the border, the border guard may access the ETIAS Central System to obtain the additional information related to these flags referred to in Article 33 (ea) and 38(5)(da)).***

Amendment 89

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. Access by carriers to the ETIAS Central System by in accordance with Article 39, shall be limited to ***searching*** the ETIAS Central System to obtain the travel authorisation status of a traveller.

Amendment

3. Access by carriers to the ETIAS Central System by in accordance with Article 39, shall be limited to ***sending requests to*** the ETIAS Central System to obtain the travel authorisation status of a traveller.

Amendment 90

Proposal for a regulation Article 12 - Title

Text proposed by the Commission

Amendment

Non-discrimination

Fundamental Rights

Amendment 91

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Processing of personal data within the ETIAS Information System by any user shall not result in discrimination against third country nationals on the grounds of sex, **racial or** ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.

Processing of personal data within the ETIAS Information System by any user shall not result in discrimination against third country nationals on the grounds of sex, **race, colour, ethnic or social** origin, **genetic features, language**, religion or belief, **political or any other opinion, membership of a national minority, property, birth**, disability, age or sexual orientation. 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 and persons with a disability. **The best interests of the child shall be a primary consideration.**

Amendment 92

Proposal for a regulation Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Applications may be lodged in the Delegations of the European Union in third countries.

Amendment 93

Proposal for a regulation Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 in order to regulate the submission of travel authorisation applications by a commercial intermediary and at Delegations of the European Union.

Amendment 94

Proposal for a regulation

Article 13 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Six months before the expiry of a valid travel authorisation, the holder shall be informed automatically by email of the coming expiry.

Amendment 95

Proposal for a regulation

Article 13 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. Applications may be lodged by holders of a travel authorisation within the six months prior to expiry of the authorisation.

Amendment 96

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The public website and the mobile app for mobile devices shall make the application form widely available and easily accessible to applicants free of charge.

2. The public website and the mobile app for mobile devices shall make the application form widely available and easily accessible to applicants, **including those with disabilities**, free of charge.

Amendment 97

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

4. Where the official language(s) of the countries listed in Annex II of Council Regulation (EC) No 539/2001 do not correspond to the languages referred to in paragraph 3, factsheets with information concerning ***the content and*** the use of the public website and the mobile app ***for mobile devices and explanatory information*** shall be made available in at least one of the official languages of the countries referred to.

Amendment

4. Where the official language(s) of the countries listed in Annex II of Council Regulation (EC) No 539/2001 do not correspond to the languages referred to in paragraph 3, factsheets with ***explanatory information concerning ETIAS, the application procedure,*** the use of the public website and the mobile app ***as well as a step-by-step guide for the application*** shall be made available in at least one of the official languages of the countries referred to.

Amendment 98

Proposal for a regulation Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The public website and the mobile app for mobile devices shall inform applicants of their right to an effective remedy under this Regulation. Where a travel authorisation is refused, they shall refer an applicant to the ETIAS National Unit of the responsible Member which shall provide further information in accordance with Article 31(2).

Amendment 99

Proposal for a regulation Article 14 – paragraph 7

Text proposed by the Commission

7. The Commission shall adopt detailed rules on the conditions for operation of the public website and the mobile app for

Amendment

7. The Commission shall, ***by means of implementing acts,*** adopt detailed rules on the conditions for operation of the public

mobile devices, and on the data protection and security rules applicable to the public website and the mobile app for mobile devices. *Those implementing measures* shall be adopted in accordance with the examination procedure referred to in Article 79(2).

website and the mobile app for mobile devices, and on the data protection and security rules applicable to the public website and the mobile app for mobile devices. Those *detailed rules shall be based on information security risk management and data protection by design and by default*. They shall be adopted in accordance with the examination procedure referred to in Article 79(2).

Justification

Recommended by the EDPS in point 100 of his opinion.

Amendment 100

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. Each applicant shall submit a completed application form including a declaration of authenticity, completeness and reliability of the data submitted and a declaration of veracity and reliability of the statements made. Minors shall submit an application form electronically signed by a person exercising permanent or temporary parental authority or legal guardianship.

Amendment

1. Each applicant shall submit a completed application form including a declaration of authenticity, completeness, *correctness* and reliability of the data submitted and a declaration of veracity and reliability of the statements made. Minors shall submit an application form electronically signed by a person exercising permanent or temporary parental authority or legal guardianship.

Amendment 101

Proposal for a regulation Article 15 – paragraph 2 – point e

Text proposed by the Commission

(e) the date of expiry of the validity of the travel document;

Amendment

(e) the *date of issue and* date of expiry of the validity of the travel document;

Amendment 102

Proposal for a regulation
Article 15 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) e-mail address, phone number;

(g) e-mail address ***and, if available,***
phone number;

Amendment 103

Proposal for a regulation
Article 15 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) ***education (level and field);***

deleted

Justification

Collecting information on education may reveal sensitive data, and does not seem necessary nor proportionate.

Amendment 104

Proposal for a regulation
Article 15 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) ***current occupation;***

deleted

Justification

Collecting information on current occupation may reveal sensitive data and does not seem necessary nor proportionate. Plus, considering the ETIAS authorisation validity length, this information is subject to changes and collecting it does not seem accurate.

Amendment 105

Proposal for a regulation
Article 15 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) for minors, surname and first name(s)
of the ***applicant's*** parental authority or
legal guardian;

(k) for minors, surname and first
name(s), ***home address, e-mail address***
and, if available, phone number of the

person exercising parental authority or *the applicant's* legal guardian;

Amendment 106

Proposal for a regulation

Article 15 – paragraph 2 – point 1 – point i

Text proposed by the Commission

Amendment

(i) their status *of* family member;

(i) their status *as a* family member;

Amendment 107

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. The applicant shall choose the level and field of education, the current occupation and the job title from a predetermined list. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down these predetermined lists.

deleted

Amendment 108

Proposal for a regulation

Article 15 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) whether the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases;

deleted

Justification

Collecting and processing this information does not seem accurate since this is declarative information that may change within an ETIAS validity length. Mostly, this question can reveal really sensitive data, and it was not proven that collecting and processing them was necessary nor proportionate. The public health risk must keep on being assessed at the external borders

checks by border guards, as foreseen by the provisions of Article 8 of Regulation (EU) 2016/399.

Amendment 109

Proposal for a regulation Article 15 – paragraph 4 – point b

Text proposed by the Commission

(b) whether he or she has ever been convicted of any criminal offence ***in any country***;

Amendment

(b) whether he or she has ever been convicted of any ***serious*** criminal offence ***in Annex 1a within the last ten years***;

Amendment 110

Proposal for a regulation Article 15 – paragraph 4 – point d

Text proposed by the Commission

(d) regarding any decision requiring him or her to leave the territory of a Member State or ***of any other country*** or whether he or she was subject to any return decision issued over the last ten years.

Amendment

(d) regarding any decision requiring him or her to leave the territory of a Member State or whether he or she was subject to any return decision issued over the last ten years.

Amendment 111

Proposal for a regulation Article 15 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) whether the applicant belongs to one of the categories of applicants referred to in Article 16(2)(d) to (f) for whom the travel authorisation fee is to be waived, to be selected from a predetermined list; the applicant shall be informed that he or she will be sent a request for additional information or documentation, in accordance with Article 23, in order to establish that the purpose of his or her travel comes under one of the categories laid down in points (d) to (f) of Article 16(2). The applicant

shall be informd that consequently the decision on the application will be taken in accordance with the deadlines provided for in Article 27(2).

Amendment 112

Proposal for a regulation Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The applicant shall also declare that he or she has taken note of the entry conditions as laid down in Article 6 of Regulation (EU) No 2016/399 and of the fact that he or she may be asked for relevant supporting documents at each entry.*

Amendment 113

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 specifying the content and format of *those* questions.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 specifying the content and format of *the* questions *referred to in paragraph 4. The content and format of those questions shall enable applicants to give clear and precise answers.*

Amendment 114

Proposal for a regulation Article 15 – paragraph 6

Text proposed by the Commission

Amendment

6. ***The applicant shall provide answers to those questions.*** Where the applicant answers affirmatively to any of the questions, he or she shall be required to provide answers to additional questions on

6. Where the applicant answers affirmatively to any of the questions, he or she shall be required to provide answers to additional questions on the application form aimed at collecting further

the application form aimed at collecting further information via providing answers to a predetermined list of questions. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of those additional questions and the predetermined list of answers to those questions.

information via providing answers to a predetermined list of questions. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of those additional questions and the predetermined list of answers to those questions.

Justification

Covered in paragraph 4.

Amendment 115

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. A travel authorisation fee of EUR **5** shall be paid by the applicant for each application.

Amendment

1. A travel authorisation fee of EUR **10** shall be paid by the applicant for each application.

Justification

Increasing the travel authorisation fee to EUR 10 could result in estimated surplus revenue of EUR 305 million per year (EUR 110 million if the fee remains EUR 5), which can be assigned to border security and management activities. However, the sum of EUR 10 is sufficiently small to ensure that there will be no impact on tourism, even from less affluent regions.

Amendment 116

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. The travel authorisation fee shall be waived for **children under 18 years**.

Amendment

2. The travel authorisation fee shall be waived for **applicants belonging to one of the following categories:**

- (a) applicants under eighteen years of age;**
- (b) applicants over sixty years of age;**
- (c) family members of Union citizens or of third-country nationals enjoying the**

- right of free movement under Union law;*
- (d) students, postgraduate students and accompanying teachers travelling for study or educational purposes;*
- (e) researchers travelling for the purpose of carrying out scientific research;*
- (f) representatives of non-profit organisations aged 25 or less participating in seminars, conferences or sports, cultural or educational events organised by non-profit organisations.*

Amendment 117

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

In particular, the ETIAS Central System shall verify:

The ETIAS Central System shall verify:

Amendment 118

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 2 – point g

Text proposed by the Commission

Amendment

(g) *[whether the applicant is currently reported as overstayer, whether he has been reported as overstayer in the past through consultation of the EES;]*

(g) whether the applicant is currently reported as overstayer, whether he has been reported as overstayer in the past through consultation of the EES;

Amendment 119

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 2 – point h

Text proposed by the Commission

Amendment

(h) *[whether the applicant was refused entry through consultation of the EES;]*

(h) whether the applicant was refused entry through consultation of the EES;

Amendment 120

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 2 – point k

Text proposed by the Commission

(k) [whether the applicant was subject to a return decision or a removal order **issued following the withdrawal or rejection of the application for internal protection** in the Eurodac;]

Amendment

(k) [whether the applicant was subject to a return decision or a removal order **recorded** in the Eurodac;]

Justification

Return or removal decisions recorded in Eurodac are not solely adopted after an application for international protection has been withdrawn or rejected; rather, they may also relate to irregular migrants.

Amendment 121

Proposal for a regulation

Article 18 – paragraph 4

Text proposed by the Commission

4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), (d), (f), (g), **(i)**, (m) and (8) to the data present in the ETIAS watchlist referred to in Article 29.

Amendment

4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), (d), (f), (g), (m) and (8) to the data present in the ETIAS watchlist referred to in Article 29.

Amendment 122

Proposal for a regulation

Article 18 – paragraph 5

Text proposed by the Commission

5. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (f), **(h) and (i)** and the specific risk indicators referred to in Article 28.

Amendment

5. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a) **and** (f) and the specific risk indicators referred to in Article 28.

Justification

Article 28 to be deleted.

Amendment 123

Proposal for a regulation

Article 18 – paragraph 7 – subparagraph 1 – point d

Text proposed by the Commission

(d) an alert on persons and objects for discreet checks or specific checks.

Amendment

(d) an alert on persons and objects for discreet checks *[inquiry checks]* or specific checks.

Amendment 124

Proposal for a regulation

Article 18 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Any hit resulting from this comparison shall be stored in the SIS.

Amendment

deleted

Amendment 125

Proposal for a regulation

Article 18 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where comparison under paragraph 7 reports one or several hits, the ETIAS Central System shall send an automated notification to the ETIAS Central Unit. The ETIAS Central Unit shall verify whether the applicant's personal data corresponds to the personal data contained in the alert having triggered that hit. The ETIAS Central System shall subsequently send an automated notification to the SIRENE Bureau of the Member State that created the alert. The SIRENE Bureau concerned shall further verify whether the applicant's personal data corresponds to the personal data contained in the alert having triggered the hit and take any appropriate follow-up

action.

Amendment 126

Proposal for a regulation Article 18 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. The notification sent to the SIRENE Bureau of the Member State that issued the alert shall contain the following data:

(a) surname(s), first name(s) and, if any, alias;

(b) place and date of birth;

(c) sex;

(d) nationality(ies);

(e) the applicant's home address or, if not available, his or her city and country of residence;

(f) travel authorisation status information, indicating whether a travel authorisation has been issued, refused or whether the application is subject to manual processing pursuant to Article 22;

(g) a reference to any hits obtained, including their date and time.

Amendment 127

Proposal for a regulation Article 18 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

7c. The ETIAS Central System shall add a reference to any hit obtained to the application file.

Amendment 128

Proposal for a regulation Article 18 – paragraph 7 d (new)

Text proposed by the Commission

Amendment

7d. Where a hit concerns an alert in respect of persons wanted for arrest for surrender purposes, an ETIAS shall not be refused.

Amendment 129

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the automated processing laid down in Article 18(2) to (5) reports one or several hit(s), the application shall be assessed in accordance with the procedure laid down in Article 22.

2. Where the automated processing laid down in Article 18(2) to (5) reports one or several hit(s) **and the ETIAS Central System is in a position to certify that the data recorded in the application file corresponds to the data triggering a hit**, the application shall be assessed in accordance with the procedure laid down in Article 22.

Justification

Alignment of the language to Article 20.

Amendment 130

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the automated processing laid down in Article 18(2) to (5) **is inconclusive because** the ETIAS Central System is not in a position to certify that the data recorded in the application file **correspond**

3. Where the automated processing laid down in Article 18(2) to (5) **reports one or several hits and** the ETIAS Central System is not in a position to certify that the data recorded in the application file

to the data triggering a hit, the application shall be assessed in accordance with the procedure laid down in Article 20.

corresponds to the data triggering a hit, the application shall be assessed in accordance with the procedure laid down in Article 20.

Amendment 131

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. The ETIAS Central Unit shall verify whether the data recorded in the application file corresponds to the data present in one of the consulted information systems/databases, the ETIAS watchlist referred to in Article 29 or the specific risk indicators referred to in Article 28.

Amendment

3. The ETIAS Central Unit shall verify whether the data recorded in the application file corresponds to the data present in *the ETIAS Central System or* one of the consulted information systems/databases, the ETIAS watchlist referred to in Article 29 or the specific risk indicators referred to in Article 28.

Amendment 132

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. For third country nationals referred to in Article 2(1)(c), the travel authorisation as defined in Article 3(d) shall be understood as a decision issued in accordance with this Regulation indicating that there are no factual indications *or reasonable grounds* to conclude that the presence of the person on the territory of the Member States poses a security or *public health* risk in accordance with Directive 2004/38/EC.

Amendment

1. For third country nationals referred to in Article 2(1)(c), the travel authorisation as defined in Article 3(d) shall be understood as a decision issued in accordance with this Regulation indicating that there are no *reasonable grounds based on* factual indications to conclude that the presence of the person on the territory of the Member States poses a *threat to* security or *a high epidemic* risk in accordance with Directive 2004/38/EC.

Justification

“Reasonable grounds” that do not rely on factual indications are just guesses.

Amendment 133

Proposal for a regulation Article 21 – paragraph 3 – subparagraph 1

Text proposed by the Commission

[When processing an application for a travel authorisation for a third country national referred to in Article 2(1)(c), the ETIAS Central Systems shall not verify whether:

- (a) the applicant is currently reported as overstayer, whether he or she has been reported as overstayer in the past through consultation of the EES as referred to in Article 18(2)(g);
- (b) the applicant corresponds to a person whose data is recorded in the Eurodac as referred to in Article 18(2)(j).]

Amendment 134

Proposal for a regulation

Article 21 – paragraph 5 – point b

Text proposed by the Commission

(b) *an appeal* as referred to in Article 32 shall be made in accordance with Directive 2004/38/EC;

Amendment 135

Proposal for a regulation

Article 21 – paragraph 5 – point c – point ii

Text proposed by the Commission

ii) *[one year from the last entry record of the applicant stored in the EES, where that period of one year ends on a later date than the period of validity of the travel authorisation; or]*

Amendment 136

Proposal for a regulation

Article 21 – paragraph 5 – point c – point iii

Amendment

When processing an application for a travel authorisation for a third country national referred to in Article 2(1)(c), the ETIAS Central Systems shall not verify whether:

- (a) the applicant is currently reported as overstayer, whether he or she has been reported as overstayer in the past through consultation of the EES as referred to in Article 18(2)(g);
- (b) the applicant corresponds to a person whose data is recorded in the Eurodac as referred to in Article 18(2)(j).

Amendment

(b) *a remedy procedure* as referred to in Article 32 shall be made in accordance with Directive 2004/38/EC;

Amendment

deleted

Text proposed by the Commission

iii) five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Amendment

iii) five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35 ***or for a shorter period of time than five years if the alert giving rise to the decision is deleted earlier.***

Amendment 137

Proposal for a regulation

Article 21 – paragraph 5 – point c – subpoint 2

Text proposed by the Commission

Amendment

For the purpose of facilitating a new application after the expiry of the period of validity of an ETIAS travel authorisation, the application file may be stored in the ETIAS Central System for an additional period of no more than one year after the end of the period of validity of the travel authorisation only where, following a request for consent, the applicant freely and explicitly consents by means of an electronically signed declaration. Requests for consent shall be presented in a manner which is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language in accordance with Article 7 of Regulation (EU) 2016/679 of the European Parliament and of the Council.

Consent shall be given following the automatic information provided for in Article 13(2c). The automatic information shall remind the applicant about the purpose of the data retention on the basis of the information referred to in Article 61(ea).

Amendment 138

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. The Member State responsible for the manual processing of applications pursuant to this Article (the 'responsible Member State') shall be the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j).

Amendment

1. The Member State responsible for the manual processing of applications pursuant to this Article (the 'responsible Member State') shall be:

(a) in the case of a hit from any of the checked systems, the Member State that entered the most recent alert resulting in a hit;

(b) in the case of a hit from the ETIAS watchlist, the Member State which provided the data for the watchlist;

(c) in all other cases, the Member State of first entry as declared by the applicant in accordance with Article 15 (2)(j).

Amendment 139

Proposal for a regulation Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The responsible Member State shall be indicated by the ETIAS Central Unit.

Amendment 140

Proposal for a regulation Article 22 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. A Member State consulted in accordance with Article 24 may request

the ETIAS Central Unit to be the responsible Member State for reasons of national security.

Amendment 141

Proposal for a regulation Article 22 – paragraph 4 – point a

Text proposed by the Commission

(a) where the hit corresponds to **one or several of the categories laid down in Article 18(2)(a) to (c)**, refuse a travel authorisation.

Amendment

(a) where the hit corresponds to Article 18(2)(c), refuse a travel authorisation.

Amendment 142

Proposal for a regulation Article 22 – paragraph 4 – point b

Text proposed by the Commission

(b) where the hit corresponds to one or several of the categories laid down in Article 18(2)(d) to (m), assess the security or irregular migration risk and decide whether to issue or refuse a travel authorisation.

Amendment

(b) where the hit corresponds to one or several of the categories laid down in Article 18(2)(a),(b) or (d) to (m), assess the **threat to** security or irregular migration risk and decide whether to issue or refuse a travel authorisation.

Amendment 143

Proposal for a regulation Article 22 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where the hit corresponds to an alert referred to in Article 18(2)(d), the ETIAS National Unit shall issue a pro forma travel authorisation that is marked in the ETIAS Central System with a flag indicating to the border authorities to proceed with an arrest of the third-country national.

Amendment 144

Proposal for a regulation Article 22 – paragraph 5

Text proposed by the Commission

5. Where the automated processing laid down in Article 18(3) has reported that the applicant replied affirmatively to one of the questions referred to in Article 15(4), the ETIAS National Unit of the responsible Member State shall assess the irregular migration, security **or public health risk** and decide whether to issue or refuse a travel authorisation.

Amendment

5. Where the automated processing laid down in Article 18(3) has reported that the applicant replied affirmatively to one of the questions referred to in Article 15(4), the ETIAS National Unit of the responsible Member State shall assess the irregular migration **risk or the threat to** security and decide whether to issue or refuse a travel authorisation.

Amendment 145

Proposal for a regulation Article 22 – paragraph 6

Text proposed by the Commission

6. Where the automated processing laid down in Article 18(4) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the security **risk** and decide whether to issue or refuse a travel authorisation.

Amendment

6. Where the automated processing laid down in Article 18(4) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the **threat to** security and decide whether to issue or refuse a travel authorisation.

Amendment 146

Proposal for a regulation Article 22 – paragraph 7

Text proposed by the Commission

7. Where the automated processing laid down in Article 18(5) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the irregular migration, security or **public health** risk and decide whether to issue or refuse a travel authorisation.

Amendment

7. Where the automated processing laid down in Article 18(5) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the irregular migration **risk, the threat to** security or **the high epidemic** risk and decide whether to issue or refuse a travel authorisation. **In no circumstances may the ETIAS National**

Unit of the responsible Member State take a decision only on the basis of a hit based on specific risk indicators. The ETIAS National Unit of the responsible Member State shall individually assess the irregular migration risk, the threat to security and the high epidemic risks in all cases.

Amendment 147

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. Where the information provided by the applicant in the application form does not allow the ETIAS National Unit of the responsible Member State to decide whether to issue or refuse a travel authorisation, that ETIAS National Unit **may** request **the applicant for** additional information or documentation.

Amendment

1. Where the information provided by the applicant in the application form does not allow the ETIAS National Unit of the responsible Member State to decide whether to issue or refuse a travel authorisation, that ETIAS National Unit **shall** request additional information or documentation **from the applicant**.

Amendment 148

Proposal for a regulation Article 23 – paragraph 2

Text proposed by the Commission

2. The request for additional information or documentation shall be notified to the contact e-mail address recorded in the application file. The request for additional information or documentation shall clearly indicate the information or documentation that the applicant is required provide. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g) within 7 working days of the date of receipt of the request.

Amendment

2. The request for additional information or documentation shall be notified to the contact e-mail address recorded in the application file. The request for additional information or documentation shall clearly indicate the information or documentation that the applicant is required **to** provide. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g) within **14** working days of the date of receipt of the request. **Only additional information or documentation**

necessary for the assessment of the ETIAS application may be requested.

Amendment 149

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

4. In exceptional circumstances, the ETIAS National Unit may invite the applicant for an interview at a consulate in his or her country of residence.

Amendment

4. In exceptional circumstances, ***and after processing the additional documentation and information in accordance with paragraph 3***, the ETIAS National Unit may invite the applicant for an interview at ***any consulate of a Union Member State located*** in his or her country of residence, ***or use modern means of communication to carry out an interview with the applicant. Where an interview is conducted the deadline referred to in Article 27(2a) shall apply.***

Amendment 150

Proposal for a regulation Article 23 – paragraph 5

Text proposed by the Commission

5. The invitation shall be notified to the applicant by the ETIAS National Unit of the Member and shall be notified to the contact e-mail address recorded in the application file.

Amendment

5. The invitation shall be notified to the applicant ***at least 5 working days before the scheduled interview*** by the ETIAS National Unit of the ***responsible Member State*** and shall be notified to the contact e-mail address recorded in the application file. ***The applicant shall have the option to indicate a preference for being interviewed at a specific consulate or for the use of modern means of communication. Wherever possible, the interview shall take place in the consulate indicated by the applicant or, if requested, through modern means of communication.***

Amendment 151

Proposal for a regulation Article 23 – paragraph 6

Text proposed by the Commission

6. Where the applicant fails to reply to the invitation within the deadline or where the applicant fails to attend the interview, the application shall be refused in accordance with Article 31(1) and the ETIAS National Unit of the responsible Member State shall inform the applicant without delay.

Amendment

5. Where the applicant fails to reply to the invitation within the deadline or where the applicant fails to attend the interview ***without providing a substantiated justification***, the application shall be refused in accordance with Article 31(1) and the ETIAS National Unit of the responsible Member State shall inform the applicant without delay.

Amendment 152

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

1. For the purpose of carrying out the assessment referred to in Article 22(4)(b) the ETIAS National Unit of the responsible Member State shall consult the authorities of the Member State(s) responsible for the data having triggered a hit pursuant to Article 18(2)(d),(e),(g),(h),(i) or (k).

Amendment

1. For the purpose of carrying out the assessment referred to in Article 22(4)(b) the ETIAS National Unit of the responsible Member State shall consult the authorities of the Member State(s) responsible for the data having triggered a hit pursuant to Article 18(2)(**a**),(d),(e),(g),(h),(i) or (k).

Amendment 153

Proposal for a regulation Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where an ETIAS National Unit is considering issuing a travel authorisation with limited territorial validity covering several Member States, the Member State responsible shall consult those Member States.

Amendment 154

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. Where the responsible Member State consults with one or several Member States during the manual processing of an application, the ETIAS National Units of those Member States shall have access to the relevant data of the application file as well as to the hits obtained by the automated system pursuant to Article 18 (2), (4) and (5) which are necessary for the purpose the consultation. The ETIAS National Units of the Member States consulted shall also have access to the relevant additional information or documentation provided by the applicant following a request from the responsible Member State in relation to the matter for which they are being consulted.

Amendment

3. Where the responsible Member State consults with one or several Member States during the manual processing of an application, the ETIAS National Units of those Member States shall have access to the relevant data of the application file as well as to the hits obtained by the automated system pursuant to Article 18 (2), (4) and (5) which are necessary for the purpose *of* the consultation. The ETIAS National Units of the Member States consulted shall also have access to the relevant additional information or documentation provided by the applicant following a request from the responsible Member State in relation to the matter for which they are being consulted.

Amendment 155

Proposal for a regulation Article 24 – paragraph 5

Text proposed by the Commission

5. The ETIAS National Unit of the Member States consulted shall reply within **24** hours from the date of the notification of the consultation. The failure by Member States to reply within the deadline shall be considered as a positive opinion on the application.

Amendment

5. The ETIAS National Unit of the Member States consulted shall reply within **48** hours from the date of the notification of the consultation. The failure by Member States to reply within the deadline shall be considered as a positive opinion on the application.

Amendment 156

Proposal for a regulation Article 24 – paragraph 8

Text proposed by the Commission

Amendment

8. *Where* one or several Member States consulted provide a negative opinion on the application, the responsible Member State shall refuse the travel authorisation pursuant to Article 31.

8. *Without prejudice to Article 38, where* one or several Member States consulted provide a negative opinion on the application, the responsible Member State shall refuse the travel authorisation pursuant to Article 31.

Justification

Article 38 stipulates that a travel authorisation with limited territorial validity may be issued in this instance.

Amendment 157

**Proposal for a regulation
Article 24 – paragraph 8 a (new)**

Text proposed by the Commission

Amendment

8a. *Where necessary the ETIAS Central Unit shall facilitate the consultations between Member States referred to in this Article.*

Amendment 158

**Proposal for a regulation
Article 25 – paragraph 1**

Text proposed by the Commission

Amendment

1. For the purpose of carrying out the assessment of security *risks* following a hit pursuant to Article 18(2)(j) and (4), the ETIAS National Unit of the responsible Member State shall consult Europol in cases falling under Europol's mandate. The consultation shall take place through existing communication channels between the Member State and Europol as established under Article 7 of Regulation (EU) 2016/794.

1. For the purpose of carrying out the assessment of ***the threat to*** security following a hit pursuant to Article 18(2)(j) and (4), the ETIAS National Unit of the responsible Member State shall consult Europol in cases falling under Europol's mandate. The consultation shall take place through existing communication channels between the Member State and Europol as established under Article 7 of Regulation (EU) 2016/794 ***and in accordance with that Regulation.***

Amendment 159

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. Where the responsible Member State consults Europol, the ETIAS National Unit of that Member State shall transmit to Europol the relevant data of the application file as well as the hit(s) which are necessary for the purpose of the consultation. The ETIAS National Unit **may** transmit to Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which Europol is consulted.

Amendment

2. Where the responsible Member State consults Europol, the ETIAS National Unit of that Member State shall transmit to Europol the relevant data of the application file as well as the hit(s) which are necessary for the purpose of the consultation. The ETIAS National Unit **shall also** transmit to Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which Europol is consulted.

Amendment 160

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. ***In any case, Europol shall not have access to the personal data concerning the education of the applicant as referred to in Article 15(2)(h) and the health of the applicant as referred to in Article 15(4)(a).***

Amendment

deleted

Amendment 161

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

5. Europol shall reply within **24** hours of the date of the notification of the consultation. The failure by Europol to reply within the deadline shall be considered as a positive opinion on the

Amendment

5. Europol shall reply within **48** hours of the date of the notification of the consultation. The failure by Europol to reply within the deadline shall be considered as a positive opinion on the

application.

application.

Amendment 162

Proposal for a regulation Article 25 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Where necessary the ETIAS Central Unit shall facilitate the consultations between the responsible Member State and Europol referred to in this Article.

Amendment 163

Proposal for a regulation Article 26 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. When an ETIAS application has been deemed admissible, but the ETIAS Central System has not automatically issued the authorisation, the applicant shall immediately receive a notification via the email service:

- (a) acknowledging receipt of the application;**
- (b) stating the maximum period within which the application will be processed;**
- (c) explaining that, during processing of the application, the applicant may be asked to provide additional information or documentation or, in exceptional circumstances, attend an interview at a consulate or through the use of modern means of communication;**
- (d) giving the application number, enabling the applicant to make use of the verification tool provided for in Article 26a.**

Amendment 164

Proposal for a regulation Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) if additional information or documentation is requested.

Amendment

(b) if additional information or documentation is requested ***indicating the maximum processing time referred to in Article 27(2).***

Amendment 165

Proposal for a regulation Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Verification tool

The Commission shall set up a verification tool for applicants to track the progress of their applications and to check the period of validity and status of their travel authorisations (valid, denied, annulled or revoked).

The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further define the verification tool.

Amendment 166

Proposal for a regulation Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the exceptional case of an applicant being invited to a consulate under Article 23(4) the period in paragraph 1 shall be extended by seven working days.

Amendment 167

Proposal for a regulation

Article 27 – paragraph 3 – introductory part

Text proposed by the Commission

3. Before expiry of the deadlines referred to in paragraphs 1 *and* 2 a decision shall be taken to:

Amendment

3. Before expiry of the deadlines referred to in paragraphs 1, 2 *and 2a* a decision shall be taken to:

Amendment 168

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. The ETIAS screening rules shall be an algorithm enabling the comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators pointing to irregular migration, security or *public health* risks. The ETIAS screening rules shall be registered in the ETIAS Central System.

Amendment

1. The ETIAS screening rules shall be an algorithm enabling *profiling as defined in Article 4(4) of Regulation (EU) 2016/679 through* the comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators pointing to irregular migration *risk, threat to* security or *high epidemic* risks. The ETIAS screening rules shall be registered in the ETIAS Central System.

Amendment 169

Proposal for a regulation

Article 28 – paragraph 2 – introductory part

Text proposed by the Commission

2. The irregular migration, security or *public health* risks shall be determined on the basis of:

Amendment

2. The irregular migration *risk, the threat to* security or *the high epidemic* risks shall be determined on the basis of:

Amendment 170

Proposal for a regulation

Article 28 – paragraph 2 – point b

Text proposed by the Commission

(b) statistics generated by the ETIAS in accordance with Article 73 indicating abnormal rates of refusals of travel authorisations due to an irregular migration, security or **public health** risk associated with a specific group of travellers;

Amendment

(b) statistics generated by the ETIAS in accordance with Article 73 indicating abnormal rates of refusals of travel authorisations due to an irregular migration **risk, a threat to security or a high epidemic** risk associated with a specific group of travellers;

Amendment 171

Proposal for a regulation

Article 28 – paragraph 2 – point d

Text proposed by the Commission

(d) information provided by Member States concerning specific security risk indicators or threats identified by that Member State;

Amendment

(d) information provided by Member States concerning specific security risk indicators or threats identified by that Member State **substantiated by objective and evidence-based elements**;

Justification

Member States shall justify and substantiate the information they provide regarding security risk indicators or threats identified, in order to avoid discriminatory processing of the applications.

Amendment 172

Proposal for a regulation

Article 28 – paragraph 2 – point e

Text proposed by the Commission

(e) information provided by Member States concerning abnormal rates of overstayers and refusals of entry for a specific group of travellers for that Member State;

Amendment

(e) information provided by Member States concerning abnormal rates of overstayers and refusals of entry for a specific group of travellers for that Member State **substantiated by objective and evidence-based elements**;

Justification

Member States shall justify and substantiate the information they provide regarding overstaying and refusals of entry, in order to avoid discriminatory processing of the

applications.

Amendment 173

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further specify the irregular migration, security or **public health** risks referred to in paragraph 2.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further specify the irregular migration **risk, the threat to** security or **the high epidemic** risks referred to in paragraph 2.

Amendment 174

Proposal for a regulation Article 28 – paragraph 4 – introductory part

Text proposed by the Commission

4. Based on the risks determined in accordance with paragraph 2, the ETIAS Central Unit shall establish the specific risk indicators consisting of a combination of data including one or several of the following:

Amendment

4. Based on the risks determined in accordance with paragraph 2 **and delegated acts adopted under paragraph 3**, the ETIAS Central Unit shall establish the specific risk indicators consisting of a combination of data including one or several of the following:

Justification

It is necessary to refer as well to paragraph 3 as the delegated act will further specify the risks concerned and the risk indicators should be based on these risks.

Amendment 175

Proposal for a regulation Article 28 – paragraph 4 – point c

Text proposed by the Commission

(c) education level;

Amendment

deleted

Justification

According with the deletion of Article 15(2)(h).

Amendment 176

**Proposal for a regulation
Article 28 – paragraph 4 – point d**

Text proposed by the Commission

Amendment

(d) current occupation. **deleted**

Justification

According with the deletion of Article 15(2)(i).

Amendment 177

**Proposal for a regulation
Article 29 – paragraph 1**

Text proposed by the Commission

Amendment

1. The ETIAS watchlist shall consist of data related to persons who are suspected of having committed or taken part in a criminal offence or persons regarding whom there are factual indications or reasonable grounds to believe that they will commit **criminal** offences.

1. The ETIAS watchlist, **as part of the Central System**, shall consist of data related to persons who are suspected **by one or several Member States** of having committed or taken part in a **serious** criminal offence **or a terrorist offence** or persons regarding whom there are factual indications or reasonable grounds, **based on an overall assessment of a person, in particular on the basis of past offences**, to believe that they will commit **terrorist** offences.

Amendment 178

**Proposal for a regulation
Article 29 – paragraph 2 – point b**

Text proposed by the Commission

Amendment

(b) information related to terrorist offences or other serious criminal offences **provided by Member States**;

(b) information related to terrorist offences or other serious criminal offences;

Amendment 179

Proposal for a regulation Article 29 – paragraph 2 – point c

Text proposed by the Commission

(c) information related to terrorist offences or other serious criminal offences obtained through international cooperation.

Amendment

deleted

Amendment 180

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. On the basis of the information referred to in paragraph 2 and relevant Europol data, Europol shall **establish** the ETIAS watchlist composed of items consisting of one or more of the following **data elements**:

(a) surname, **first name(s), surname at birth; date of birth, place of birth, country of birth, sex, nationality**;

(b) other names (alias(es), artistic name(s), usual name(s));

(c) a travel document (type, number and country of issuance of the travel document);

(d) home address;

(e) e-mail address, **phone number**;

(f) the name, e-mail address, mailing address, phone number of a firm or organization;

Amendment

3. On the basis of the information referred to in paragraph 2 and relevant Europol data, Europol shall **manage** the ETIAS watchlist composed of items consisting of one or more of the following:

(a) surname;

(aa) surname at birth;

(ab) date of birth;

(b) other names (alias(es), artistic name(s), usual name(s));

(c) a travel document (type, number and country of issuance of the travel document);

(d) home address;

(e) e-mail address;

(ea) phone number

(f) the name, e-mail address, mailing address, phone number of a firm or organization;

(g) IP address.

(g) IP address.

If available, first name(s), place of birth, country of birth, sex and nationality shall be added.

Justification

The language is aligned with Article 28(4). As the idea is, however, to provide for more flexibility in the case of the watchlist a number of data elements which are presented together by the Commission are split in different letters. First name, place of birth, country of birth, sex and nationality should not alone be sufficient for an insertion in the watchlist. They shall, however, be added where available.

Amendment 181

Proposal for a regulation Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Responsibilities and tasks regarding the ETIAS watchlist

- 1. Before inserting data into the ETIAS watchlist, Europol shall carry out a thorough assessment of the reasons for the insertion and verify it is necessary and proportionate.***
- 2. When the data are inserted on the basis of information provided by a Member State, that Member State shall have determined whether the information is adequate, accurate and important enough to be included in the ETIAS watchlist.***
- 3. Member States and Europol shall be responsible for the accuracy of the data in the ETIAS watchlist and for keeping them up to date.***
- 4. Europol shall foresee a procedure to review and verify regularly the accuracy and up-to-dateness of the data elements present in the ETIAS watchlist. The Member States having provided information related to terrorist offences or***

other serious criminal offences shall be associated to the review procedure.

5. Following a review, items of data shall be withdrawn from the ETIAS watchlist if it is proven that the reasons for which they were inserted no longer hold, or that the data elements are obsolete or not up-to-date.

6. The Agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA') shall be responsible for the technical management of the ETIAS watchlist, as it is responsible for the development and the technical management of the ETIAS Information System.

7. One year after ETIAS comes into operation, and every two years thereafter, the European Data Protection Supervisor shall carry out a data protection audit of the ETIAS watchlist and submit a report to the European Parliament, to the Council and to the Commission.

Amendment 182

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no ***factual indications*** or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration, security or ***public health*** risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Amendment

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no or reasonable grounds ***based on factual indications*** to conclude that the presence of the person on the territory of the Member States poses an irregular migration ***risk, a threat to*** security or ***a high epidemic*** risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Amendment 183

Proposal for a regulation Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. ETIAS National Units shall have the possibility, in case of doubt, to issue a travel authorisation with a flag recommending to border guards to proceed to a second line check.

Amendment 184

Proposal for a regulation Article 30 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The ETIAS Central Unit and the ETIAS National Units shall have the possibility to add a flag indicating to border authorities and other authorities with access to the data of the ETIAS Central System that a specific hit triggered during the processing of the application has been assessed and that it has been verified that the hit constituted a false hit or that the manual processing has shown that there was no reason for the refusal of an ETIAS.

Amendment 185

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

Amendment

2. A travel authorisation shall be valid for ***five*** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the

2. A travel authorisation shall be valid for ***three*** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the

Member States.

Member States.

Amendment 186

Proposal for a regulation Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. A travel authorisation **shall** not confer an automatic right of entry.

3. ***In accordance with Article 6(1)(b) of Regulation (EU) 2016/399 the possession of a valid travel authorisation constitutes one of the entry conditions. However, it does not confer an automatic right of entry.***

Amendment 187

Proposal for a regulation Article 31 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***presents a travel document which is reported as lost, stolen or invalidated;*** ***deleted***

Justification

Automatic refusal in the case of an invalid travel document is contrary to the practice of law enforcement authorities and intelligence services and European legislation. Indeed, each application should be assessed manually and on an individual basis. Moreover, in some cases, the person should be allowed, for law enforcement purposes, to reach the border.

Amendment 188

Proposal for a regulation Article 31 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) poses a security ***risk***;

(c) poses a ***threat to*** security;

Amendment 189

Proposal for a regulation Article 31 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) poses a **public health** risk;

(d) poses a **a high epidemic** risk;

Amendment 190

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

A travel authorisation shall also be refused if there are reasonable doubts as to the authenticity of the data, the reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents.

A travel authorisation shall also be refused if there are reasonable, **serious, and substantiated** doubts as to the authenticity of the data, the reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents.

Justification

Proposal from the Meijers Committee to ensure effective scrutiny.

Amendment 191

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. Applicants who have been refused a travel authorisation shall have the right to **appeal**. **Appeals** shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in **the event of an appeal**.

2. Applicants who have been refused a travel authorisation shall have the right to **an effective remedy**. **Remedy procedures** shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State, **which shall include the possibility for a judicial remedy**. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in **a language that applicants can reasonably be assumed to understand**.

Justification

Following the FRA and WP29 opinion, also in line with the CJEU judgement in Schrems, C-362/14, para. 95.

Amendment 192

**Proposal for a regulation
Article 31 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. A previous refusal of a travel authorisation shall not lead to an automatic refusal of a new application. A new application shall be assessed on the basis of all available information.

Justification

Provision taken over from Article 21(8) of the Visa Code.

Amendment 193

**Proposal for a regulation
Article 32 – paragraph 1 – point b a (new)**

Text proposed by the Commission

Amendment

(ba) a clear indication that upon entry the applicant will have to present the same travel document as that indicated in the application form and that any change of travel document will require a new application for a travel authorisation;

Amendment 194

**Proposal for a regulation
Article 32 – paragraph 1 – point b b (new)**

Text proposed by the Commission

Amendment

(bb) a reminder about the entry conditions laid down in Article 6 of Regulation (EU) No 2016/319 and the

need to carry relevant supporting documents at each entry;

Amendment 195

Proposal for a regulation Article 32 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) where applicable, the territory or territories of the Member States to which the applicant is authorised to travel;

Amendment 196

Proposal for a regulation Article 32 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) a link to the ETIAS public website containing information on the possibility *for the applicant to revoke* the travel authorisation.

(d) a link to the ETIAS public website containing information on the possibility *that* the travel authorisation *may be revoked or annulled and the conditions for such a revocation or annulment*.

Amendment 197

Proposal for a regulation Article 32 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the ground(s) for refusal of the travel authorisation, as laid down in Article 31(1);

(c) the ground(s) for refusal of the travel authorisation *enabling the applicant to apply for a remedy*, as laid down in Article 31(1);

Amendment 198

Proposal for a regulation Article 32 – paragraph 2 – point d

Text proposed by the Commission

(d) information on the procedure to be followed for an *appeal*.

Amendment

(d) information on the procedure to be followed *to apply* for an *effective remedy*. *This information shall include at least the references to the national law applicable to the remedy, the competent authority and how to apply for a remedy, information as to any assistance that may be provided by the national data protection authority, as well as the time limit for applying for a remedy.*

Amendment 199

Proposal for a regulation
Article 32 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 in order to establish a standard form for refusal of a travel authorisation.

Amendment 200

Proposal for a regulation
Article 33 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *place and* date of the decision to issue or refuse the travel authorisation;

(c) date of the decision to issue or refuse the travel authorisation;

Amendment 201

Proposal for a regulation
Article 33 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the commencement and expiry dates of the validity period of the travel authorisation;

(d) *where a travel authorisation is issued*, the commencement and expiry dates of the validity period of the travel

authorisation;

Amendment 202

Proposal for a regulation Article 33 – paragraph 1 – point e

Text proposed by the Commission

(e) the ground(s) for refusal of the travel authorisation as laid down in Article 31(1).

Amendment

(e) ***where a travel authorisation is refused***, the ground(s) for refusal of the travel authorisation as laid down in Article 31(1).

Amendment 203

Proposal for a regulation Article 33 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) any flags as referred to in Article 22(4a), 30(1a) and 30(1b) together with additional information relevant to second-line checks related to them.

Amendment 204

Proposal for a regulation Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define the type of additional information that may be added and its formats.

Amendment 205

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

3. A person whose travel authorisation has been annulled shall have the right to **appeal**. **Appeals** shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.

Amendment

3. A person whose travel authorisation has been annulled shall have the right to **an effective remedy**. **Remedy procedures** shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State. **The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in a language that applicants can reasonably be assumed to understand.**

Amendment 206

**Proposal for a regulation
Article 35 – paragraph 3**

Text proposed by the Commission

3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert **which shall revoke the travel authorisation**.

Amendment

3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert. **Where a new refusal of entry alert has been reported, the ETIAS National Unit shall revoke the travel authorisation. Where the travel authorisation is linked to a travel document reported as lost, stolen or invalidated in SIS, the ETIAS National Unit shall manually review the application file.**

Amendment 207

Proposal for a regulation Article 35 – paragraph 4

Text proposed by the Commission

4. New elements introduced by Europol in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the Member State ***of first entry as declared by the applicant in accordance with Article 15(2)(j)*** shall assess the security ***risk*** and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.

Amendment

4. New elements introduced by Europol in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the Member State ***responsible under Article 22*** shall assess the ***threat to*** security and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.

Amendment 208

Proposal for a regulation Article 35 – paragraph 5

Text proposed by the Commission

5. An applicant whose travel authorisation has been revoked shall have the right to ***appeal***. ***Appeals*** shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.

Amendment

5. An applicant whose travel authorisation has been revoked shall have the right to ***an effective remedy***. ***Remedy procedures*** shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State. ***The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in a language that applicants can reasonably be assumed to understand.***

Amendment 209

Proposal for a regulation Article 36 – paragraph 1 – point c

Text proposed by the Commission

(c) the ground(s) for the annulment or revocation of the travel authorisation, as laid down in Article 31(1);

Amendment

(c) the ground(s) for the annulment or revocation of the travel authorisation ***enabling the applicant to apply for a remedy***, as laid down in Article 31(1);

Amendment 210

Proposal for a regulation

Article 36 – paragraph 1 – point d

Text proposed by the Commission

(d) information on the procedure to be followed for an ***appeal***.

Amendment

(d) information on the procedure to be followed for an ***effective remedy***. ***This information shall include at least the references to the national law applicable to the remedy, the competent authority and how to apply for a remedy, information as to any assistance that may be provided by the national data protection authority, as well as the time limit for applying for a remedy.***

Amendment 211

Proposal for a regulation

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a decision has been taken to annul or to revoke a travel authorisation, the Member State responsible for the revocation or annulment of the travel authorisation shall add the following data to the application file:

Amendment

1. Where a decision has been taken to annul or to revoke a travel authorisation, the ***ETIAS National Unit of the*** Member State responsible for the revocation or annulment of the travel authorisation shall add the following data to the application file:

Amendment 212

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

Amendment

1. A travel authorisation with limited territorial validity *may* be issued exceptionally, when the Member State *concerned* considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations *notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.*

Amendment 213

Proposal for a regulation Article 38 – paragraph 1 a (new)

Text proposed by the Commission

1. A travel authorisation with limited territorial validity *shall* be issued exceptionally, when the Member State *responsible under paragraph 3* considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations.

Amendment

1a. Following the refusal of a travel authorisation in accordance with Article 31, the applicant shall have the possibility to apply for a travel authorisation with limited territorial validity.

Amendment 214

Proposal for a regulation Article 38 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b In cases of urgency, notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked the applicant may apply for a travel authorisation with limited territorial validity.

Amendment 215

Proposal for a regulation Article 38 – paragraph 2

Text proposed by the Commission

2. For the purposes of **paragraph 1**, the applicant may apply for a travel authorisation with limited territorial validity to the Member State to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.

Amendment

2. For the purposes of **paragraphs 1, 1a and 1b** the applicant may apply for a travel authorisation with limited territorial validity to the Member State to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.

Amendment 216

**Proposal for a regulation
Article 38 – paragraph 4**

Text proposed by the Commission

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State **and** for a maximum of **15** days.

Amendment

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State. **It may exceptionally be valid for the territory of more than one Member State, subject to the consent of each such Member State. It shall be valid** for a maximum of **90** days **within 180** days.

Amendment 217

**Proposal for a regulation
Article 38 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Article 30 (1a) and (1b) shall apply.

Amendment 218

**Proposal for a regulation
Article 38 – paragraph 5 – introductory part**

Text proposed by the Commission

Amendment

5. Where a travel authorisation with territorial validity is issued, the following

5. Where a travel authorisation with **limited** territorial validity is issued **or**

data shall be entered in the application file:

refused, the following data shall be entered in the application file:

Amendment 219

Proposal for a regulation

Article 38 – paragraph 5 – point b

Text proposed by the Commission

(b) the *territory in* which the travel authorisation holder is entitled to travel;

Amendment

(b) the *Member States to* which the travel authorisation holder is entitled to travel;

Amendment 220

Proposal for a regulation

Article 38 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the period of validity of the travel authorisation with limited territorial validity;

Amendment 221

Proposal for a regulation

Article 38 – paragraph 5 – point c

Text proposed by the Commission

(c) the *authority* of the Member State that issued the travel authorisation with territorial validity;

Amendment

(c) the *National Unit* of the Member State that issued *or refused* the travel authorisation with *limited* territorial validity;

Amendment 222

Proposal for a regulation

Article 38 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) date of the decision to issue or refuse the travel authorisation with

limited territorial validity;

Amendment 223

Proposal for a regulation

Article 38 – paragraph 5 – point d

Text proposed by the Commission

(d) a reference to the humanitarian grounds, the reasons of national interest or the international obligations.

Amendment

(d) ***where appropriate***, a reference to the humanitarian grounds, the reasons of national interest or the international obligations.

Amendment 224

Proposal for a regulation

Article 38 – paragraph 5 – point d a (new)

Text proposed by the Commission

Amendment

(da) any flags as referred to in Article 30 (1a) and (1b) together with additional information relevant to second-line checks related to them.

Amendment 225

Proposal for a regulation

Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. ***In accordance with Article 26 of the Convention Implementing the Schengen Agreement*** carriers shall ***consult*** the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

1. ***Air and sea*** carriers shall ***send a query to*** the ETIAS Central System ***at the latest at the time of boarding*** in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Amendment 226

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A secure internet access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the *consultation* referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall *be permitted to consult* the ETIAS Central System using the data contained in the machine readable zone of the travel document.

Amendment

Secure access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the *query* referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall *send a query to* the ETIAS Central System using the data contained in the machine readable zone of the travel document.

Amendment 227

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation. Carriers may store the information sent and the answer received.

Amendment

The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation *and, where applicable, the territory or territories in which a travel authorisation with limited territorial validity is valid*. Carriers may store the information sent and the answer received.

Amendment 228

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

3. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the

Amendment

3. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the

examination procedure referred to in Article 79(2).

examination procedure referred to in Article 79(2). ***The authentication scheme shall be based on information security risk management and data protection by design and by default.***

Amendment 229

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

2. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 79(2).

Amendment

2. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 79(2). ***Such procedures shall take into account information security risk management and data protection by design and by default.***

Amendment 230

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation.

Amendment

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation ***or a valid travel authorisation with limited territorial validity for the Member State the person wishes to enter.***

Amendment 231

Proposal for a regulation Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The authorities competent for carrying out checks at external border

crossing points shall be authorised during a second line check to consult the additional information relevant for second-line checks inserted in the application file in accordance with Article 33 and 38.

Amendment 232

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. Where it is technically impossible to proceed with the consultation referred to in Article 41(1), because of a failure of the ETIAS Information System, the Member State's authorities competent for carrying out checks at external border crossing points shall be notified by the ETIAS Central *Unit*.

Amendment

1. Where it is technically impossible to proceed with the consultation referred to in Article 41(1), because of a failure of the ETIAS Information System, the Member State's authorities competent for carrying out checks at external border crossing points shall be notified *automatically* by the ETIAS Central *System*.

Amendment 233

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure *in a Member State, that Member State's competent authority shall notify* eu-LISA, the ETIAS Central Unit and the Commission.

Amendment

2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure *affecting ETIAS,* eu-LISA, the ETIAS Central Unit and the Commission *shall be automatically notified.*

Amendment 234

Proposal for a regulation Article 42 – paragraph 3

Text proposed by the Commission

3. In both *scenarios, the Member State's* competent *authorities* for carrying out checks at external border crossing points *shall follow their national contingency plans.*

Amendment

3. In both *cases referred to in paragraphs 1 and 2, the authorities* competent for carrying out checks at external border crossing points *in accordance with Regulation (EU) 2016/399 shall be temporarily authorised to derogate from the obligation to consult the ETIAS Central System referred to in Article 41(1) and the provisions regarding the travel authorisation referred to in Article 6(1)(b) and Article 8(a)(i) and (bb) of Regulation (EU) 2016/399 shall temporarily not apply.*

Justification

Instead of referring to national contingency plans it is better to provide for a harmonised solution of how to proceed in case of technical failure. In such cases border guards should proceed with the border control without ETIAS.

Amendment 235

Proposal for a regulation Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Each Member State shall designate a central access point which shall have access to the ETIAS Central System. The central access point shall ensure that the conditions for requesting access to the ETIAS Central System in Article 45 are met.

The designated authority and the central access point may be part of the same organisation if this is permitted under national law. The central access point shall act independently of the designated authorities when performing its tasks under this Regulation. The central access point shall be separate from the designated authorities and shall not receive instructions from them as regards

the outcome of any verification it undertakes.

Member States may designate more than one central access point to reflect their organisational and administrative structure in accordance with their constitutional or legal requirements.

Justification

It is suggested to use the system of central access points as in the case of VIS, Eurodac and EES instead of entrusting the task of the central access point to the ETIAS National Unit. As in the case of the other systems the central access point would verify whether the conditions for providing access are met.

Amendment 236

Proposal for a regulation

Article 43 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2b) Each Member State shall notify eu-LISA, the ETIAS Central Unit and the Commission of its designated authorities and central access point and may at any time amend or replace its notification. The notifications shall be published in the Official Journal of the European Union.

Amendment 237

Proposal for a regulation

Article 43 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

(2c) Only duly empowered staff of the central access points shall be authorised to access the ETIAS Central System in accordance with Articles 44 and 45.

Amendment 238

Proposal for a regulation Article 44 – paragraph 1

Text proposed by the Commission

1. The **competent** authorities shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 8(2)(c). Where consultation of data referred to in Article 15(2)(i) **and** (4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.

Amendment

1. The **designated** authorities shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 43(2a). Where consultation of data referred to in Article 15(4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.

Amendment 239

Proposal for a regulation Article 44 – paragraph 2

Text proposed by the Commission

2. **Each Member State shall ensure prior** to accessing ETIAS Central System **that according to its national law and procedural law a request for consultation undergoes an independent, efficient and timely verification** whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15(2)(i) **and** (4)(b) to (d) is justified.

Amendment

2. **Prior** to accessing ETIAS Central System, **the central access point shall verify** whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15(4)(b) to (d) is justified.

Amendment 240

Proposal for a regulation Article 44 – paragraph 3

Text proposed by the Commission

3. If the conditions referred to in Article 45 are fulfilled, the central access point

Amendment

3. If **the verification referred to in paragraph 2 of this Article concludes that**

shall process the requests. The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to the contact points referred to in Article 43(2) in such a way as to not compromise the security of the data.

the conditions referred to in Article 45 are fulfilled, the central access point shall process the requests. The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to the contact points referred to in Article 43(2) in such a way as to not compromise the security of the data.

Amendment 241

Proposal for a regulation Article 44 – paragraph 4

Text proposed by the Commission

4. In an exceptional case of urgency, where there is a need to ***immediately obtain personal data necessary for preventing the commission of a serious crime or for prosecuting its perpetrators***, the central access point shall process the request immediately and without the ***independent*** verification provided in paragraph 2. An ex post independent verification shall ***take place without undue delay after the processing of the request***, including whether an exceptional case of urgency actually existed.

Amendment

4. In an exceptional case of urgency, where there is a need to ***prevent an imminent danger associated with a terrorist offence or other serious criminal offence, or for the prosecution of its perpetrators***, the central access point shall process the request immediately and without the independent verification provided in paragraph 2. An ***independent*** ex post verification shall ***verify whether the conditions referred to in Article 45 were fulfilled*** including whether an exceptional case of urgency actually existed. ***The independent ex post verification shall take place without undue delay after the processing of the request.***

Amendment 242

Proposal for a regulation Article 44 – paragraph 5

Text proposed by the Commission

5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall

Amendment

5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall

erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure. **Article 53a shall apply.**

Amendment 243

Proposal for a regulation Article 45 – paragraph 1 – point a

Text proposed by the Commission

(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist **offences** or another serious criminal offence;

Amendment

(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist **offence** or another serious criminal offence;

Amendment 244

Proposal for a regulation Article 45 – paragraph 1 – point b

Text proposed by the Commission

(b) access for consultation is necessary in a specific case;

Amendment

(b) access for consultation is necessary **and proportionate** in a specific case;

Amendment 245

Proposal for a regulation Article 45 – paragraph 1 – point c

Text proposed by the Commission

(c) reasonable grounds exist to consider that the consultation of data stored in the ETIAS Central System **may** substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence

Amendment

(c) **objective evidence or** reasonable grounds exist to consider that the consultation of data stored in the ETIAS Central System **will** substantially contribute to the prevention, detection or investigation of any of the **serious** criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist

falls under the category of third country nationals covered by this Regulation;

offence or other serious criminal offence falls under the category of third country nationals covered by this Regulation;

Amendment 246

Proposal for a regulation Article 45 – paragraph 4

Text proposed by the Commission

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) **and in** (4) (b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification. ***Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) or on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).***

Amendment 247

Proposal for a regulation Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. The reasoned request shall contain evidence that the following conditions are met:

Amendment

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(4) (b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification.

Amendment

2. The reasoned request shall contain evidence that ***all*** the following conditions are met:

Amendment 248

Proposal for a regulation Article 46 – paragraph 2 – point b

Text proposed by the Commission

(b) the consultation is necessary in a specific case;

Amendment

(b) the consultation is necessary **and proportionate** in a specific case;

Amendment 249

Proposal for a regulation Article 46 – paragraph 2 – point c

Text proposed by the Commission

(c) the consultation shall be limited to searching with data referred to in Article 45(2);

Amendment

(c) the consultation shall be limited to searching with data referred to in Article 45(2). **The data listed under Article 45(2) may be combined with the data listed under Article 45(3);**

Amendment 250

Proposal for a regulation Article 46 – paragraph 2 – point d

Text proposed by the Commission

(d) reasonable grounds exist to consider that the consultation **may** substantially contribute to the prevention, detection or investigation of any of the criminal offences in question;

Amendment

(d) **objective evidence or** reasonable grounds exist to consider that the consultation **will** substantially contribute to the prevention, detection or investigation of any of the **serious** criminal offences in question;

Amendment 251

Proposal for a regulation Article 46 – paragraph 4

Text proposed by the Commission

4. Consultation of the ETIAS Central System shall, in the event of a hit with data

Amendment

4. Consultation of the ETIAS Central System shall, in the event of a hit with data

stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) **and in** (4)(b) to (d) as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.

stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(4)(b) to (d) as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.

Amendment 252

Proposal for a regulation

Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) [five years from the last entry record of the applicant stored in the EES; or] deleted

Justification

Keeping the whole ETIAS application five years after the last entry of the applicant is not justified, and does not seem proportionate nor necessary. The data retention period, according to EU standards, should be as limited as possible.

Amendment 253

Proposal for a regulation

Article 47 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *five* years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

(c) *five* years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35 **35 or for a shorter period of time than five years if the alert giving rise to the decision is deleted earlier.**

Amendment 254

Proposal for a regulation

Article 47 – paragraph 1 a (new)

1a. For the purpose of facilitating a new application after the expiry of the period of validity of an ETIAS travel authorisation, the application file may be stored in the ETIAS Central System for an additional period of no more than three years after the end of the period of validity of the travel authorisation only where, following a request for consent, the applicant freely and explicitly consents by means of an electronically signed declaration. Requests for consent shall be presented in a manner which is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language in accordance with Article 7 of Regulation (EU) 2016/679 of the European Parliament and of the Council.

Consent shall be given following the automatic information provided for in Article 13(2c). The automatic information shall remind the applicant about the purpose of the data retention on the basis of the information referred to in Article 61(ea).

Amendment 255

Proposal for a regulation

Article 48 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where a third country national has acquired the nationality of a Member State or has fallen under the scope of Article 2(2)(a) to (e), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:

Amendment

5. Where a third country national has acquired the nationality of a Member State or has fallen under the scope of Article 2(2)(a) to (c), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:

Justification

The compulsory deletion of the application file for a person obtaining a residence permit or a long-stay visa should be withdrawn, as their period of validity may be less than the remaining period of validity of the ETIAS.

This is to ensure that the applicant does not have to re-apply for travel authorisation after the expiry of his or her visa or residence permit.

Amendment 256

Proposal for a regulation

Article 48 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) *the ETIAS National Unit of the Member State that issued the residence permit or card;* **deleted**

Amendment 257

Proposal for a regulation

Article 48 – paragraph 5 – point d

Text proposed by the Commission

Amendment

(d) *the ETIAS National Unit of the Member State that issued the long-stay visa.* **deleted**

Amendment 258

Proposal for a regulation

Article 48 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *Where a third country national has fallen under the scope of Article 2(2)(d), (e) or (ha), the authorities of that Member State shall verify whether that person has a valid travel authorisation. Where relevant, they shall delete the application file without delay from the ETIAS Central System if the period of validity of the residence card or residence permit or*

long-stay visa is longer than the remaining period of validity of the ETIAS. The authority responsible for deleting the application file shall be:

(a) the ETIAS National Unit of the Member State that issued the residence permit or card;

(b) the ETIAS National Unit of the Member State that issued the long-stay visa.

Amendment 259

Proposal for a regulation Article 49 – paragraph 2

Text proposed by the Commission

2. [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units.

Amendment

2. ***Where those activities fall within its scope,*** Regulation 2016/679 shall apply to the processing of personal data by the ETIAS National Units ***and border authorities.***

Amendment 260

Proposal for a regulation Article 49 – paragraph 3

Text proposed by the Commission

3. [Directive (EU) 2016/680] shall apply to the processing by Member States designated authorities for the purposes of Article 1(2).

Amendment

3. ***Where those activities fall within its scope,*** Directive (EU) 2016/680 shall apply to the processing ***of personal data*** by Member States designated authorities for the purposes of Article 1(2).

Amendment 261

Proposal for a regulation Article 49 – paragraph 4

Text proposed by the Commission

4. Regulation (EU) 2016/794 shall

Amendment

4. Regulation (EU) 2016/794 shall

apply to the processing of personal data by Europol pursuant to Articles 24 and 46.

apply to the processing of personal data by Europol pursuant to Articles 25 and 46.

Amendment 262

Proposal for a regulation Article 50 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System.

Amendment

1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System. ***In relation to information security management of the ETIAS Central System, the European Border and Coast Guard Agency and eu-LISA are to be considered joint controllers.***

Amendment 263

Proposal for a regulation Article 51 – paragraph 1

Text proposed by the Commission

1. eu-LISA is to be considered a data processor in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Information System.

Amendment

1. eu-LISA is to be considered a data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Information System.

Justification

The reference is corrected.

Amendment 264

Proposal for a regulation Article 52 – paragraph 1

Text proposed by the Commission

Amendment

1. **Both** eu-LISA **and** the ETIAS National Units shall ensure the security of processing of personal data **takes place** pursuant to the application of this Regulation. eu-LISA **and** the ETIAS National Units shall cooperate on security related tasks.

1. eu-LISA, the ETIAS National Units **and the ETIAS Central Unit** shall ensure the security of processing of personal data pursuant to the application of this Regulation. eu-LISA, the ETIAS National Units **and the ETIAS Central Unit** shall cooperate on security related tasks.

Amendment 265

Proposal for a regulation

Article 52 – paragraph 2

Text proposed by the Commission

2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the Central System, the Communication Infrastructure between the Central System and the National Uniform Interface, the public website and mobile app, the email service, the secure account service, the carrier gateway, the web service **and** the software enabling to process the applications;

Amendment

2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the Central System, the Communication Infrastructure between the Central System and the National Uniform Interface, the public website and mobile app, the email service, the secure account service, the carrier gateway, the web service, the software enabling to process the applications **and the ETIAS watchlist**.

Amendment 266

Proposal for a regulation

Article 52 – paragraph 3 – point b

Text proposed by the Commission

(b) deny unauthorised persons access to the secure website **that carries out operations in accordance with the purposes of the ETIAS**;

Amendment

(b) deny unauthorised persons access to the secure website;

Amendment 267

Proposal for a regulation

Article 52 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) deny unauthorised persons access to data-processing equipment and national installations in which the Member State carries out operations in accordance with the purposes of ETIAS;

Justification

A number of additions are proposed which correspond to the EP position in EES which aligned the text to the Eurodac proposal of the Commission.

Amendment 268

Proposal for a regulation

Article 52 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment;

Justification

A number of additions are proposed which correspond to the EP position in EES which aligned the text to the Eurodac proposal of the Commission.

Amendment 269

Proposal for a regulation

Article 52 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) ensure that persons authorised to access the ETIAS Information System have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;

(f) ensure that persons authorised to access the ETIAS Information System have access only to the data covered by their access authorisation, by means of individual ***and unique*** user identities and confidential access modes only;

Justification

A number of additions are proposed which correspond to the EP position in EES which aligned the text to the Eurodac proposal of the Commission.

Amendment 270

Proposal for a regulation

Article 52 – paragraph 3 – point j a (new)

Text proposed by the Commission

Amendment

(ja) ensure that, in the event of an interruption, installed systems can be restored to normal operation;

Justification

A number of additions are proposed which correspond to the EP position in EES which aligned the text to the Eurodac proposal of the Commission.

Amendment 271

Proposal for a regulation

Article 52 – paragraph 3 – point j b (new)

Text proposed by the Commission

Amendment

(jb) ensure reliability by making sure that any faults in the functioning of ETIAS are properly reported and that necessary technical measures are put in place to ensure that personal data can be restored in the event of corruption due to a system malfunction;

Justification

A number of additions are proposed which correspond to the EP position in EES which aligned the text to the Eurodac proposal of the Commission.

Amendment 272

Proposal for a regulation Article 52 a (new)

Text proposed by the Commission

Amendment

Article 52a

Security incidents

- 1. Any event that has or may have an impact on the security of ETIAS and may cause damage or loss to ETIAS data shall be considered to be a security incident, in particular where unauthorised access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.*
- 2. Security incidents shall be managed to ensure a quick, effective and appropriate response.*
- 3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) No 2016/679 and/ or to Article 30 of Directive (EU) No 2016/680, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident involving the ETIAS Central System, eu-LISA shall notify the Commission and the European Data Protection Supervisor. Europol shall notify the Commission and the European Data Protection Supervisor in the case of an ETIAS-related security incident.*
- 4. Information regarding a security incident that has or may have an impact on the operation of ETIAS or on the availability, integrity and confidentiality of the data shall be provided to the Member States and reported in compliance with an incident management plan to be provided by eu-LISA.*
- 5. The Member States and Union*

agencies and institutions concerned shall collaborate in the event of a security incident.

Amendment 273

Proposal for a regulation Article 53 a (new)

Text proposed by the Commission

Amendment

Article 53a

Penalties

Member States shall take the necessary measures to ensure that any processing of data entered in ETIAS in contravention of this Regulation is punishable in accordance with national law. The penalties provided shall be effective, proportionate and dissuasive.

Amendment 274

Proposal for a regulation Article 54 – title

Text proposed by the Commission

Amendment

Right of information, access, **correction**
and erasure

Right of information, access, **rectification,**
restriction, blocking and erasure

Justification

The title should be changed to correctly refer to the rights referred to in Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679].

Amendment 275

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of information in Articles 11 and 12 of Regulation (EC) 45/2001, applicants whose data are stored in the ETIAS Central System shall be informed, at the time their data are collected, on the procedures for exercising the rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and on the contact details of the data protection officer of the European Border and Coast Guard Agency, of the European Data Protection Supervisor and of the national supervisory authority of the responsible Member State.

Amendment 276

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible for the application, who shall examine and reply to the request.

Amendment 277

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where following an examination it is found that the data stored in the ETIAS

Amendment

1. Without prejudice to the right of information in Articles 11 and 12 of Regulation (EC) 45/2001, applicants whose data are stored in the ETIAS Central System shall be informed, at the time their data are collected, on the procedures for exercising the rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 **and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679** and on the contact details of the data protection officer of the European Border and Coast Guard Agency, of the European Data Protection Supervisor and of the national supervisory authority of the responsible Member State.

Amendment

In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible for the application, who shall examine and reply to the request **within 14 days**.

Amendment

Where following an examination it is found that the data stored in the ETIAS

Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State for the application shall correct or delete these data in the ETIAS Central System.

Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State for the application shall correct or delete these data in the ETIAS Central System *without delay*.

Amendment 278

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State *of first entry as declared by the applicant in accordance with Article 15(2)(j)* shall assess the irregular migration, security or *public health* risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Amendment

Where a travel authorisation is amended *following a request pursuant to this paragraph* by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), *in accordance with Article 22*, the ETIAS National Unit of the *responsible* Member State shall assess the irregular migration *risk, the threat to* security or *the high epidemic* risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Amendment 279

Proposal for a regulation

Article 54 – paragraph 3

Text proposed by the Commission

3. Where the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application do not agree that data stored in the ETIAS Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him.

Amendment 280

**Proposal for a regulation
Article 55 – paragraph 2**

Text proposed by the Commission

2. Personal data accessed from the ETIAS Central System by a Member State or *by* for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Amendment 281

**Proposal for a regulation
Article 56 – title**

Text proposed by the Commission

Supervision by the national supervisory
authority

Amendment

3. Where the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application do not agree *with the claim* that data stored in the ETIAS Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him.

Amendment

2. Personal data accessed from the ETIAS Central System by a Member State or *Europol* for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Amendment

Supervision by the national supervisory
authorities

Amendment 282

Proposal for a regulation Article 56 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Each Member State shall ensure that the national supervisory authority or authorities designated pursuant to Article 51(1) of Regulation (EU) 2016/679 monitor the lawfulness of the processing of personal data pursuant to this Regulation.

Amendment 283

Proposal for a regulation Article 56 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. Each Member State shall ensure that the provisions adopted under national law implementing Directive (EU) 2016/680 are also applicable to the access to ETIAS by its national authorities in accordance with Article 1(2).

Amendment 284

Proposal for a regulation Article 56 – paragraph -1 b (new)

Text proposed by the Commission

Amendment

-1b. The monitoring of the lawfulness of the access to personal data by the national authorities of the Member States for the purposes listed in Article 1(2) of this Regulation shall be carried out by the national supervisory authorities designated pursuant to Directive (EU) 2016/680.

Amendment 285

Proposal for a regulation Article 56 – paragraph 1

Text proposed by the Commission

1. The supervisory authority or authorities designated pursuant to Article 51 of [Regulation 2016/679] shall ensure that an audit of the data processing operations by the ETIAS National Units is carried out in accordance with relevant international auditing standards at least every four years.

Amendment

1. The supervisory authority or authorities designated pursuant to Article 51 of Regulation 2016/679 shall ensure that an audit of the data processing operations by the ETIAS National Units is carried out in accordance with relevant international auditing standards at least every four years. ***A report of the audit shall be made public.***

Amendment 286

Proposal for a regulation Article 56 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.

Amendment

2. Member States shall ensure that their supervisory authority has sufficient resources ***and expertise*** to fulfil the tasks entrusted to it under this Regulation.

Amendment 287

Proposal for a regulation Article 57 – paragraph -1 (new)

Text proposed by the Commission

Amendment

The European Data Protection Supervisor shall be responsible for monitoring the personal data processing activities of eu-LISA, Europol and the European Border and Coast Guard Agency involving ETIAS and for ensuring that such activities are carried out in accordance with Regulation (EC) No 45/2001 and with this Regulation.

Amendment 288

Proposal for a regulation Article 57 – paragraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before ***their reports are*** adopted.

Amendment

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States, ***and shall be made public.*** eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before ***the audit report is*** adopted.

Amendment 289

Proposal for a regulation Article 58 – paragraph 1

Text proposed by the Commission

1. ***The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities*** with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the ETIAS, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.

Amendment

1. ***Pursuant to Article 62 of Regulation (EU) 2017/XX... [new proposal repealing Regulation 45/2001], the European Data Protection Supervisor and the national supervisory authorities shall, each acting within the scope of their respective competences, cooperate actively in the framework of their responsibilities to ensure coordinated supervision of ETIAS. This includes close cooperation*** with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the ETIAS, or

in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.

Amendment 290

Proposal for a regulation Article 58 – paragraph 2

Text proposed by the Commission

2. ***In cases referred to under paragraph 1, the*** European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision ***may***, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties over the interpretation or application of this Regulation, study problems related to the exercise of independent supervision or the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

Amendment

2. ***The*** European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision ***shall***, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties over the interpretation or application of this Regulation, study problems related to the exercise of independent supervision or the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

Amendment 291

Proposal for a regulation Article 58 – paragraph 3

Text proposed by the Commission

3. The supervisory authorities and the European Data Protection Supervisor shall meet for that purpose at least twice a year as part of the Board established by ***/Regulation (EU) 2016/679/***. The costs of these meetings shall be borne by the Board established by ***/Regulation (EU) 2016/679/***. Rules of procedure shall be

Amendment

3. The supervisory authorities and the European Data Protection Supervisor shall meet for that purpose at least twice a year as part of the Board established by Regulation (EU) 2016/679. The costs of these meetings shall be borne by the Board established by Regulation (EU) 2016/679. Rules of procedure shall be adopted at the

adopted at the first meeting. Further working methods shall be developed jointly as necessary.

first meeting. Further working methods shall be developed jointly as necessary.

Amendment 292

Proposal for a regulation Article 60 – paragraph 4

Text proposed by the Commission

4. The records referred to in paragraphs 1 and 2 shall be used only to check the admissibility of the request, monitor the lawfulness of data processing and to ensure data integrity and security. **Only records containing non-personal data may be used for the monitoring and evaluation referred to in Article 81.** The European Data Protection Supervisor and the competent supervisory authorities responsible for monitoring the lawfulness of the data processing and data integrity and security shall have access to those records at their request for the purpose of fulfilling their duties. The authority responsible for checking the admissibility of the request shall also have access to those records for this purpose. Other than for such purposes, personal data, as well as the records of the consultation requests of data stored in the ETIAS Central System shall be erased in all national and Europol files after a period of one month, unless those data and records are required for the purposes of the specific ongoing criminal investigation for which they were requested by a Member State or by Europol.

Amendment

4. The records referred to in paragraphs 1 and 2 shall be used only to check the admissibility of the request, monitor the lawfulness of data processing and to ensure data integrity and security. **Those records shall be protected by appropriate measures against unauthorised access and deleted one year after the retention period referred to in Article 47 has expired, if they are not required for monitoring procedures which have already begun.** The European Data Protection Supervisor and the competent supervisory authorities responsible for monitoring the lawfulness of the data processing and data integrity and security shall have access to those records at their request for the purpose of fulfilling their duties. The authority responsible for checking the admissibility of the request shall also have access to those logs for this purpose. Other than for such purposes, personal data, as well as the records of the consultation requests of data stored in the ETIAS Central System shall be erased in all national and Europol files after a period of one month, unless those data and records are required for the purposes of the specific ongoing criminal investigation for which they were requested by a Member State or by Europol. **Only records containing non-personal data may be used for the monitoring and evaluation referred to in Article 81.**

Amendment 293

Proposal for a regulation

Article 61 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) information on the possibility that an application be lodged by another person or a commercial intermediary and on the possibility to lodge an application in the Delegations of the European Union in third countries;

Amendment 294

Proposal for a regulation

Article 61 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the fact that a travel authorisation is linked to the travel document indicated in the application form and that consequently the expiry and any modification of the travel document will result in the invalidity or non-recognition of the travel authorisation when crossing the border;

Amendment 295

Proposal for a regulation

Article 61 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) that applicants are responsible for the authenticity, completeness, correctness and reliability of the data submitted and for the veracity and reliability of the statements they make;

Amendment 296

Proposal for a regulation

Article 61 – paragraph 1 – point d

Text proposed by the Commission

(d) that decisions on applications must be notified to the applicant, that such decisions must state, where **relevant**, the reasons for refusal **on which they are based** and that applicants whose applications are refused have a right to **appeal**, with information regarding the procedure to be followed **in the event of an appeal**, including the competent authority, as well as the time limit for **lodging an appeal**;

Amendment 297

Proposal for a regulation
Article 61 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment 298

Proposal for a regulation
Article 61 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d) that decisions on applications must be notified to the applicant, that such decisions must state, where **a travel authorisation is refused**, the reasons for **such a** refusal and that applicants whose applications are refused have a right to **a remedy**, with information regarding the procedure to be followed **to apply for a remedy**, including the competent authority, as well as the time limit for **applying for a remedy**;

Amendment

(da) that applicants refused a travel authorisation have the possibility to apply for a travel authorisation with limited territorial validity as well as the conditions and procedures for doing so;

Amendment

(db) that the possession of a travel authorisation constitutes a condition for entry to the territory of the Member States;

Amendment 299

Proposal for a regulation

Article 61 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) that the data entered into the ETIAS Information System is used for the purposes of border management, including for checks in databases, and that the data may be accessed by the Member States and Europol for law enforcement purposes;

Amendment 300

Proposal for a regulation

Article 61 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) the period for which data will be stored;

Amendment 301

Proposal for a regulation

Article 61 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) the rights of data subjects according to Regulations (EC) No 45/2001, (EU)2016/679 and (EU) 2016/794 and Directive (EU) 2016/680;

Amendment 302

Proposal for a regulation

Article 61 – paragraph 1 – point e d (new)

Text proposed by the Commission

Amendment

(ed) the contact details of the helpdesk referred to in Article 7(2)(dh).

Amendment 303

Proposal for a regulation Article 62 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall, in cooperation with the ETIAS Central Unit, and the Member States, accompany the start of the ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their travel authorisation requirement to be in possession of a valid travel authorisation for crossing the external borders.

The Commission shall, in cooperation with the ***European External Action Service, the ETIAS Central Unit, the supervisory authorities, the European Data Protection Supervisor*** and the Member States, ***including their embassies in the third countries concerned***, accompany the start of the ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their requirement to be in possession of a valid travel authorisation for crossing the external borders.

Amendment 304

Proposal for a regulation Article 62 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

That information campaign shall be conducted in the official languages of the Members States and, by means of the factsheets referred to in Article 14(4), in at least one of the official languages of the countries whose citizens fall within the scope of this Regulation. Such information campaigns shall be conducted regularly.

Amendment 305

Proposal for a regulation Article 63 – paragraph 2

Text proposed by the Commission

2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed laid down in paragraph 3.

Amendment

2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, **data protection and data security**, availability, quality and speed laid down in paragraph 3. **The ETIAS watchlist shall be hosted in an eu-LISA site.**

Amendment 306

Proposal for a regulation Article 63 – paragraph 3 – subparagraph 1

Text proposed by the Commission

eu-LISA shall be responsible for the development of the ETIAS Information System, for any development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.

Amendment

eu-LISA shall be responsible for the **technical** development of the ETIAS Information System **and** for any **technical** development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.

Amendment 307

Proposal for a regulation Article 63 – paragraph 3 – subparagraph 2

Text proposed by the Commission

eu-LISA shall define the design of the **physical** architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which

Amendment

eu-LISA shall define the design of the architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the **National** Uniform Interfaces, which

shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

Justification

An IT system development for a system such as ETIAS goes far beyond a physical layout but also encompasses other topics such as functional or logical architectures as well as data model which are all an inherent part of the development of the system.

Amendment 308

Proposal for a regulation Article 63 – paragraph 3 – subparagraph 3

Text proposed by the Commission

eu-LISA shall develop and implement the Central System, the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article 28(5), Article 39(3), Article 40(2) and Article 72(1) and (4).

Amendment

eu-LISA shall develop and implement the Central System, the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article 28(5), Article 39(3), Article 40(2) and Article 72(1) and (4). ***It shall also define the design of the physical architecture and handle the technical management of the ETIAS watchlist.***

Amendment 309

Proposal for a regulation Article 63 – paragraph 3 – subparagraph 4

Text proposed by the Commission

The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.

Amendment

The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination. ***eu-LISA shall perform and maintain an information***

security risk assessment and follow the principles of data protection by design and by default.

Amendment 310

Proposal for a regulation Article 63 – paragraph 4

Text proposed by the Commission

4. During the designing and development phase, a Programme Management Board composed of a maximum of **10** members shall be established. It shall be composed of six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Amendment

4. During the designing and development phase, a Programme Management Board composed of a maximum of **11** members shall be established. It shall be composed of six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director, ***a member appointed by the European Data Protection Supervisor*** and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Amendment 311

Proposal for a regulation

Article 64 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System **and** the National Uniform Interfaces. It shall ensure, in cooperation with the Member States, at all times the best available technology, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the software to process the applications referred to in Article 6.

Amendment

Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System, the National Uniform Interfaces **and the ETIAS Watchlist. It shall also be responsible for any technical testing required for the establishment and update of the ETIAS screening rules.** It shall ensure, in cooperation with the Member States, **that** at all times the best available technology, subject to a cost-benefit analysis, **is used.** eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the software to process the applications referred to in Article 6.

Amendment 312

Proposal for a regulation

Article 64 – paragraph 2

Text proposed by the Commission

2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data stored in the ETIAS Central System. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.

Amendment

2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff **including those of contractors** required to work with data stored in the ETIAS Central System. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.

Amendment 313

Proposal for a regulation Article 64 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall also perform tasks related to providing training on the technical use of the ETIAS Information System.

Amendment

3. eu-LISA shall also perform tasks related to providing training on the technical use of the ETIAS Information System **and on measures to improve the quality of ETIAS data.**

Amendment 314

Proposal for a regulation Article 65 – paragraph 1 – point a

Text proposed by the Commission

(a) the setting up and operation of the ETIAS Central Unit;

Amendment

(a) the setting up and operation of the ETIAS Central Unit **and its information security;**

Amendment 315

Proposal for a regulation Article 65 – paragraph 2

Text proposed by the Commission

2. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS Central Unit having a right to access the ETIAS Central System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights.

Amendment

2. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS Central Unit having a right to access the ETIAS Central System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights. **They shall also follow training offered by eu-LISA on the technical use of the ETIAS Information System and on measures to improve the**

quality of ETIAS data.

Amendment 316

Proposal for a regulation

Article 66 – paragraph 1 – point b

Text proposed by the Commission

(b) the organisation, management, operation and maintenance of the ETIAS National Units *for* the examination of *and decision on* travel *authorisations'* applications *rejected* during the automated processing of applications;

Amendment

(b) the organisation, management, operation and maintenance of the ETIAS National Units *entrusted with* the examination of travel *authorisations* applications *which have triggered one or more hits* during the automated processing of applications, *adopting decisions on them and issuing an opinion when consulted*;

Amendment 317

Proposal for a regulation

Article 66 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ensuring that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation, including those necessary to ensure the respect of fundamental rights and data security.

Amendment 318

Proposal for a regulation

Article 66 – paragraph 3

Text proposed by the Commission

3. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS National Units having a right to access the ETIAS

Amendment

3. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS National Units having a right to access the ETIAS

Information System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights.

Information System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights. ***They shall also follow training offered by eu-LISA on the technical use of the ETIAS Information System and on measures to improve the quality of ETIAS data.***

Amendment 319

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information ***system***.

Amendment

1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information ***systems***.

Amendment 320

Proposal for a regulation Article 67 – paragraph 2

Text proposed by the Commission

2. Europol shall be responsible for the ***establishment*** of the ETIAS watchlist pursuant to Article 29.

Amendment

2. Europol shall be responsible for the ***management*** of the ETIAS watchlist pursuant to Article 29.

Amendment 321

Proposal for a regulation Article 67 – paragraph 3

Text proposed by the Commission

3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article ***26***.

Amendment

3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article ***25***.

Amendment 322

Proposal for a regulation

Article 69 – paragraph 1 – point 1 – point a

Regulation (EU) 2016/399

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) they are in a possession of a valid visa if required pursuant to Council Regulation (EC) No 539/2001 or of a **valid** travel authorisation if required pursuant to [Regulation establishing a European Travel Information and Authorisation system], except where they hold a valid residence permit or a valid long stay visa;

Amendment

(b) they are in a possession of a valid visa if required pursuant to Council Regulation (EC) No 539/2001 or of a travel authorisation **valid at least until the day of entry into the territory of the Member States** if required pursuant to [Regulation establishing a European Travel Information and Authorisation system], except where they hold a valid residence permit or a valid long stay visa;

Amendment 323

Proposal for a regulation

Article 69 – paragraph 1 – point 1 – point a a (new)

Regulation (EU) 2016/399

Article 6 – paragraph 1 – subparagraphs 1 a and 1 b (new)

Text proposed by the Commission

Amendment

(aa) the following subparagraphs are added:

“For a transitional period as established pursuant to Article 72(1) and (2) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the transitional period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers as referred to in

Article 72(3) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)].

During a grace period established pursuant to Article 72(4) and (5) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] the border guards shall exceptionally allow third country nationals subject to the travel authorisation requirement who are not in possession of a travel authorisation to cross the external borders where they fulfil all the remaining conditions of this Article, provided that they cross the external borders of the Member States for the first time since the end of the transitional period referred to in Article 72(1) and (2) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]. Border guards shall notify the third country nationals subject to the travel authorisation requirement of the requirement to be in possession of a valid travel authorisation in accordance with this Article.”

Justification

These provisions are foreseen in the ETIAS Regulation. They should, however, also be included in the Schengen Borders Code as they provide for derogations from the conditions of entry as laid down in the Schengen Borders Code.

Amendment 324

Proposal for a regulation Article 72 – paragraph 1

Text proposed by the Commission

1. For a period of six months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend

Amendment

1. For a period of six months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend

that period for a maximum of a further **six** months.

that period for a maximum of a further **twelve** months.

Amendment 325

Proposal for a regulation Article 72 – paragraph 2

Text proposed by the Commission

2. During this six month period, the border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the six month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers.

Amendment

2. During this six month period, the border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the six month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers. ***Such leaflet shall also be made available at the Member States' embassies and Union delegations to the countries falling within the scope of this Regulation.***

Amendment 326

Proposal for a regulation Article 72 – paragraph 3

Text proposed by the Commission

3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in ***a language version the person concerned understands or is reasonably assumed to understand.***

Amendment

3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in ***all the official languages of the Member States, and in at least one of the official languages of each third country whose nationals fall within the scope of this Regulation.***

Amendment 327

Proposal for a regulation Article 73 – paragraph 1 – point b

Text proposed by the Commission

(b) nationalities, sex and **date** of birth of the applicant;

Amendment

(b) nationalities, sex and **year** of birth of the applicant;

Amendment 328

Proposal for a regulation Article 73 – paragraph 1 – point d

Text proposed by the Commission

(d) **education**;

deleted

Amendment

Justification

Conforming with the deletion of Article (15)(2)(h).

Amendment 329

Proposal for a regulation Article 73 – paragraph 1 – point e

Text proposed by the Commission

(e) **current occupation (domain), job title**;

deleted

Amendment

Justification

Conforming with the deletion of Article (15)(2)(i).

Amendment 330

Proposal for a regulation Article 73 – paragraph 2

Text proposed by the Commission

2. For the purpose of paragraph 1, eu-LISA shall establish, implement and host a

Amendment

2. For the purpose of paragraph 1, eu-LISA shall, **according to the principles of**

central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the irregular migration, security *and health* risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Detailed rules on the operation of the central repository *and the data protection and security rules applicable to the repository shall be adopted in accordance with the examination procedure referred to in Article 79(2).*

Amendment 331

Proposal for a regulation Article 73 – paragraph 4

Text proposed by the Commission

4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was refused, including the grounds for refusal, and of third country nationals whose travel authorisation were annulled or revoked.

data protection by design and by default, establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the irregular migration *risk, the threat to* security and *the high epidemic* risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

The Commission shall be empowered to adopt delegated acts in accordance with Article 78 concerning the rules on the operation of the central repository, taking into consideration information security risk management and data protection by design and by default.

Amendment

4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was *granted or* refused, including the grounds for refusal, and of third country nationals whose travel authorisation were annulled or revoked.

Amendment 332

Proposal for a regulation Article 73 – paragraph 5

Text proposed by the Commission

5. At the end of each year, statistical data shall be compiled in the form of **quarterly statistics** for that year.

Amendment

5. At the end of each year, statistical data shall be compiled in the form of **an annual report** for that year. **The report shall be published and transmitted to the European Parliament, to the Council, to the Commission, to the European Data Protection Supervisor, to the European Border and Coast Guard Agency and to the supervisory authorities.**

Amendment 333

Proposal for a regulation Article 73 – paragraph 6

Text proposed by the Commission

6. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.

Amendment

6. At the request of the Commission, **the European Parliament and the Council**, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.

Amendment 334

Proposal for a regulation Article 74 – paragraph 1

Text proposed by the Commission

The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National Uniform Interface, the set-up of the ETIAS Central and National Units and **the**

Amendment

The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National Uniform Interface, the set-up of the ETIAS Central and National Units, **the**

operation of the ETIAS shall be borne by the general budget of the Union.

maintenance and operation of the ETIAS, ***including the costs of staff of the ETIAS National Units***, shall be borne by the general budget of the Union. ***eu-LISA shall pay particular attention to the risk of costs increases and ensure sufficient control of contractors.***

Amendment 335

Proposal for a regulation

Article 74 – paragraph 2

Text proposed by the Commission

Amendment

The following costs shall be excluded:

deleted

- (a) Member States' project management office (meetings, missions, offices);***
- (b) hosting of national systems (space, implementation, electricity, cooling);***
- (c) operation of national systems (operators and support contracts);***
- (d) customisation of existing border checks;***
- (e) design, development, implementation, operation and maintenance of national communication networks;***

Amendment 336

Proposal for a regulation

Article 74 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall receive financial support for expenses incurred by their additional responsibilities under Article 66. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define this financial support.

Amendment 337

Proposal for a regulation Article 74 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The European Border and Coast Guard Agency, eu-LISA, Europol, the national supervisory authorities, the European Data Protection Officer and the bodies which are part of the ETIAS Ethics Board shall receive the appropriate additional funding and staff necessary for the fulfillment of the tasks entrusted to them under this Regulation.

Amendment 338

Proposal for a regulation Article 75 – paragraph 1

Text proposed by the Commission

Amendment

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012. ***Any revenue remaining after covering the cost of the development of the ETIAS and the recurring costs of its operation and maintenance shall be assigned to the Union budget.***

Amendment 339

Proposal for a regulation Article 76 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The ETIAS Central Unit and the Member States shall notify eu-LISA of the competent authorities referred to in Article 11 which have access to the ETIAS Information System.

The ETIAS Central Unit and the Member States shall notify ***the Commission and*** eu-LISA of the competent authorities referred to in Article 11 which have access to the ETIAS Information System.

Amendment 340

Proposal for a regulation Article 76 – paragraph 2 – subparagraph 2

Text proposed by the Commission

A consolidated list of those authorities shall be published in the Official Journal of the European Union within a period of three months from the date on which ETIAS commenced operations in accordance with Article 77. Where there are amendments to the list, eu-LISA shall publish an updated consolidated list once a year.

Amendment

deleted

Amendment 341

Proposal for a regulation Article 76 – paragraph 3

Text proposed by the Commission

3. Member States shall notify the Commission of their designated authorities referred to in Article 43 and shall notify without delay any amendments thereto.

Amendment

3. Member States shall notify the Commission **and eu-LISA** of their designated authorities referred to in Article 43 and shall notify without delay any amendments thereto.

Amendment 342

Proposal for a regulation Article 76 – paragraph 5

Text proposed by the Commission

5. The Commission shall **make** the information notified pursuant to **paragraph 1 available to the Member States and the public** by a constantly updated public website.

Amendment

5. The Commission shall **publish** the information notified pursuant to **paragraphs 1, 2 and 3 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish once a year an**

updated consolidated version of this information. The Commission shall maintain a constantly updated public website containing this information in an easily accessible way.

Amendment 343

Proposal for a regulation
Article 77 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the necessary amendments to the legal acts of the information systems referred to in Article 10 with which interoperability shall be established with the ETIAS Information System have entered into force;

Amendment 344

Proposal for a regulation
Article 77 – paragraph 1 – point -a a (new)

Text proposed by the Commission

Amendment

(-aa) the necessary amendment to Regulation (EU) No 1077/2011 of the European Parliament and of the Council^{1a} entrusting the eu-LISA with the operational management of ETIAS has entered into force;

^{1a} Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286 1.11.2011, p. 1).

Amendment 345

Proposal for a regulation

Article 77 – paragraph 1 – point -a b (new)

Text proposed by the Commission

Amendment

(-ab) the necessary amendments to the legal acts of the information systems referred to in Article 18 providing for an access to these databases for the ETIAS Central Unit have entered into force;

Amendment 346

Proposal for a regulation

Article 78 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 15(3) **and** (4), Article 16(4), Article 28(3) **and** Article 72(1) and (5) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

2. The power to adopt delegated acts referred to in Article **6(3a), Article 13(db), Article 15(5) and (6),** Article 16(4), **Article 26a,** Article 28(3), **Article 32(2a), Article 33,** Article 72(1) and (5), **Article 73(2) and Article 74** shall be conferred on the Commission for an indeterminate period of time from [*the date of entry into force of this Regulation*].

Amendment 347

Proposal for a regulation

Article 78 – paragraph 3

Text proposed by the Commission

Amendment

3. The delegation of power referred to in Article 15(3) **and** (4), Article 16(4), Article 28(3) **and** Article 72(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union

3. The delegation of power referred to in Article **6(3a), Article 13(db), Article 15(5) and (6),** Article 16(4), **Article 26a,** Article 28(3), **Article 32(2a), Article 33,** Article 72(1) and (5), **Article 73(2) and Article 74** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day

or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 348

Proposal for a regulation Article 78 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 15(2) **and** (4), Article 16(4), Article 28(3) **and** Article 72(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Article **6(3a), Article 13(db), Article 15(5) and (6)**, Article 16(4), **Article 26a**, Article 28(3), **Article 32(2a), Article 33**, Article 72(1) and (5), **Article 73(2) and Article 74** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Amendment 349

Proposal for a regulation Article 81 – paragraph 2

Text proposed by the Commission

2. By [Six months after the entry into force of this Regulation – OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the

Amendment

2. By [Six months after the entry into force of this Regulation – OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the

Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. ***That report shall contain detailed information about the costs incurred and information as to any risks which may impact the overall costs of the system to be borne by the general budget of the Union in accordance with Article 74.*** Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Amendment 350

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Three years after the start of operations of the ETIAS and every ***four*** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:

Amendment

Two years after the start of operations of the ETIAS and every ***three*** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council, ***including a detailed assessment of their budgetary implications.*** This evaluation shall include:

Amendment 351

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

(a) the results achieved by the ETIAS having regard to its objectives, mandate and tasks;

Amendment

(a) ***the costs and*** the results achieved by the ETIAS having regard to its objectives, mandate and tasks;

Amendment 352

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

(b) the impact, effectiveness and efficiency of the ETIAS performance and its working practices in relation to its objectives, mandate and tasks;

Amendment

(b) the impact, effectiveness and efficiency of the ETIAS performance, ***including the ETIAS Central Unit and ETIAS National Units***, and its working practices in relation to its objectives, mandate and tasks;

Amendment 353

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the security of ETIAS;

Amendment 354

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the rules ***of the automated application processor*** used for the purpose of risk assessment;

(c) the ***screening*** rules used for the purpose of risk assessment;

Amendment 355

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the ETIAS watchlist;

Amendment 356

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the impact on diplomatic relations between the Union and the third countries involved;

Amendment 357

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) generated revenues of the EU and expenditures incurred by the EU bodies as well as Member States.

Amendment 358

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall transmit the evaluation report to the European Parliament ***and*** the Council.

The Commission shall transmit the evaluation report to the European Parliament, the Council, ***the European Data Protection Supervisor and the European Agency for Fundamental Rights.***

Amendment 359

Proposal for a regulation

Article 81 – paragraph 8 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the number of travel authorisation applications refused on the basis of a positive hit involving the ETIAS watchlist;

Amendment 360

Proposal for a regulation
Article 81 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year.

Amendment

Member States' and Europol's annual reports shall be transmitted to the Commission, ***the European Parliament and the Council*** by 30 June of the subsequent year.

Amendment 361

Proposal for a regulation
Article 82 –paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation shall apply from the date determined by the Commission in accordance with Article 77, with the exception of Articles 62, 63, 68, 74, 76, 78, 79 as well as the provisions related to the measures referred to in Article 77(1), which shall apply from the date of entry into force of this Regulation.

Amendment 362

Proposal for a regulation
Annex 1 a (new)

Text proposed by the Commission

Amendment

Annex 1a

List of criminal offences referred to in Article 15(4)(b)

- 1. terrorist offences,***
- 2. participation in a criminal organisation,***
- 3. trafficking in human beings,***
- 4. sexual exploitation of children and child pornography,***
- 5. illicit trafficking in narcotic drugs***

- and psychotropic substances,*
- 6. illicit trafficking in weapons, munitions and explosives,*
 - 7. corruption,*
 - 8. fraud, including that against the financial interests of the Union,*
 - 9. laundering of the proceeds of crime and counterfeiting of currency, including the euro,*
 - 10. computer-related crime/cybercrime,*
 - 11. environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,*
 - 12. facilitation of unauthorised entry and residence,*
 - 13. murder, grievous bodily injury,*
 - 14. illicit trade in human organs and tissue,*
 - 15. kidnapping, illegal restraint and hostage-taking,*
 - 16. organised and armed robbery,*
 - 17. illicit trafficking in cultural goods, including antiques and works of art,*
 - 18. counterfeiting and piracy of products,*
 - 19. forgery of administrative documents and trafficking therein,*
 - 20. illicit trafficking in hormonal substances and other growth promoters,*
 - 21. illicit trafficking in nuclear or radioactive materials,*
 - 22. rape,*
 - 23. crimes within the jurisdiction of the International Criminal Court,*
 - 24. unlawful seizure of aircraft/ships,*
 - 25. sabotage,*
 - 26. trafficking in stolen vehicles,*
 - 27. industrial espionage,*

28. *arson,*

29. *racism and xenophobia.*