European Parliament
2014-2019

Plenary sitting

A8-0322/2017

20.10.2017

***|
REPORT

on the 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
(COM(2016)0731 – C8-0466/2016 – 2016/0357A(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Kinga Gál

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.
By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

Page

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION 5

EXPLANATORY STATEMENT 153

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS 156

OPINION OF THE COMMITTEE ON BUDGETS 183

PROCEDURE – COMMITTEE RESPONSIBLE 197

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE 198

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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 (COM(2016)0731 – C8-0466/2016 – 2016/0357A(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2016)0731),

– having regard to Article 294(2), Article 77(2)(b) and (d) Article 87(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0466/2016),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 27 April 2017[1],

– having regard to the opinion of the Committee of the Regions of ...[2],

– having regard to the decision by the Conference of Presidents on 14 September 2017 to authorise the Committee on Civil Liberties, Justice and Home Affairs to split the above-mentioned Commission proposal and to draw up two separate legislative reports on the basis thereof,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A8-0322/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] Not yet published in the Official Journal.
[2] OJ C xx of ..., p. xx.

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

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	*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	(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.

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	*Amendment*
(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 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.	(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 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	*Amendment*
(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit	(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.

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	*Amendment*
(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.	(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	*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***, 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	(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

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.***	background questions (criminal records, presence in war zones, decision to return to borders/orders to leave territory).

Amendment 10

Proposal for a regulation
Recital 17

Text proposed by the Commission	*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 or legally responsible for him/her provided this person's identity is included in the application form.	(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. ***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	*Amendment*
(18) In order to finalise the application, ***all*** applicants ***above the age of 18*** should	(18) In order to finalise the application, applicants should be required to pay ***the***

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.	***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	*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) 2016/399[24] 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.	(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) 2016/399[24] 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 across borders (Schengen Borders Code).	[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).

Amendment 13

Proposal for a regulation
Recital 22

Text proposed by the Commission	*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	(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.

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	*Amendment*
(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.	(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.	(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 16

Proposal for a regulation
Recital 26

Text proposed by the Commission	*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 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.	(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.

Amendment 17

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(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	(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.	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	*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 ***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 the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.	(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 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	*Amendment*
(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 Convention[25]. 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.	(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	*Amendment*
(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/JHA[27]. 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 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 case[28].	(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/JHA[27]. 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 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 case[28].
[26] ***Council Framework Decision***	[26] ***Directive (EU) 2017/541 of the***

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

competent authorities.	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***	(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***

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 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

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.

personal data should be deleted.

Amendment 26

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(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.	(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).	[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	*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) 2016/680***]***[32] .	(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) 2016/680[32].

[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.

[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	*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.	(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

Text proposed by the Commission	*Amendment*
(46) ***"(...)*** The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No	(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***

45/2001 and delivered an opinion on *… "*	***March 2017.***

Amendment 30

Proposal for a regulation
Recital 47

Text proposed by the Commission	*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, ***correction, deletion*** and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities.	(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	*Amendment*
(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 establish the EES[33] , the ECRIS[34] and the recast proposal of the Eurodac Regulation[35] have been adopted.	(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 proposals to establish the EES[33], the ECRIS[34] and the recast proposal of the Eurodac Regulation[35] have been adopted.
[33] Proposal for a Regulation of the	[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.

	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	*Amendment*
– to further specify the security, irregular migration or ***public health*** risks	– to further specify the ***threat to*** security, ***the*** irregular migration or ***the***

to be used for the establishment of the risk indicators**.**	***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 Regulation (EU) 2016/399;

Amendment 45

Proposal for a regulation
Article 3 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(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.	(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	*Amendment*
(e) 'public health risk' means threat to public health as defined in Article 2(21) of Regulation (EU) 2016/399;	***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	(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***;	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	*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.	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	*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 factual indications ***or reasonable grounds*** to conclude that the presence of the person on the territory of the Member States poses a security ***risk***;	(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	*Amendment*
(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;	(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	*Amendment*
(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***	(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	*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;	(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	*Amendment*
(c) a ***secure*** Communication Infrastructure between the Central System and the National Uniform Interfaces;	(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	*Amendment*
(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;	(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 campaignreferred 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	*Amendment*
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)] shall be established ***to enable carrying out the risk assessment*** referred to in Article 18.	Interoperability between the ETIAS Information System and [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)] 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 encounted, and as a consequence of this evaluation, if appropriate, it shall be accompanied by a legislative proposal amending this Regulation.

Amendment 88

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*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.	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	*Amendment*
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.	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	*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 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.	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	*Amendment*
7. The Commission shall adopt detailed rules on the conditions for operation of the public 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* ***implementing measures*** shall be adopted in accordance with the examination procedure referred to in Article 79(2).	7. The Commission shall***, by means of implementing acts,*** adopt detailed rules on the conditions for operation of the public 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	*Amendment*
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.	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	*Amendment*
(e) the date of expiry of the validity of the travel document;	(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 date, 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 date 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 l – 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	*Amendment*
(b) whether he or she has ever been convicted of any criminal offence ***in any country***;	(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	*Amendment*
(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.	(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 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.	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 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	*Amendment*
1. A travel authorisation fee of EUR ***5*** shall be paid by the applicant for each application.	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	*Amendment*
2. The travel authorisation fee shall be waived for ***children under 18 years.***	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	*Amendment*
(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;]	(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	*Amendment*
4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), (d), (f), (g), ***(i),*** (m)	4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), (d), (f), (g), (m) and

and (8) to the data present in the ETIAS watchlist referred to in Article 29.	(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	*Amendment*
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.	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	*Amendment*
(d) an alert on persons and objects for discreet checks or specific checks.	(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	*Amendment*
Any hit resulting from this comparison shall be stored in the SIS.	***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	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***

procedure laid down in Article 22.	***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

Alignement 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*** to the data triggering a hit, the application shall be assessed in accordance with the procedure laid down in Article 20.	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 ***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	*Amendment*
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.	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	*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 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.	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	*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:	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);	(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).***]***	(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	*Amendment*
(b) ***an appeal*** as referred to in Article 32 shall be made in accordance with Directive 2004/38/EC;	(b) ***a remedy procedure*** 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	*Amendment*
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]	***deleted***

Amendment 136

Proposal for a regulation
Article 21 – paragraph 5 – point c – point iii

Text proposed by the Commission	*Amendment*
iii) five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.	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	*Amendment*
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).	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	*Amendment*
(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.	(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	*Amendment*
(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.	(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 indicacting 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	*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***,*** security ***or public health risk*** and decide whether to issue or refuse a travel authorisation.	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	*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 security ***risk*** and decide whether to issue or refuse a travel authorisation.	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	*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, security or ***public health*** risk and decide whether to issue or refuse a travel authorisation.	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	*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	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.	***shall*** request additional information or documentation ***from the applicant***.

Amendment 148

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission	*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 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.	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	*Amendment*
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.	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	*Amendment*
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.	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	*Amendment*
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.	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	*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)(d),(e),(g),(h),(i) or (k).	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	*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 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	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.	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	*Amendment*
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.	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	*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 ***may*** transmit to Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which	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.	Europol is consulted.

Amendment 160

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission	*Amendment*
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).	***deleted***

Amendment 161

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission	*Amendment*
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 application.	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.

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	*Amendment*
(b) if additional information or documentation is requested.	(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	*Amendment*
3. Before expiry of the deadlines referred to in paragraphs 1 ***and*** 2 a decision shall be taken to:	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	*Amendment*
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.	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	*Amendment*
2. The irregular migration***,*** security or ***public health*** risks shall be determined on the basis of:	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	*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***,*** security or ***public health*** risk associated with a specific group of travellers;	(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	*Amendment*
(d) information provided by Member States concerning specific security risk indicators or threats identified by that Member State;	(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	*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;	(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	*Amendment*
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further specify the irregular migration**,** security or	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further specify the irregular migration ***risk, the***

public health risks referred to in paragraph 2.	***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	*Amendment*
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:	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	*Amendment*
(c) education level;	***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	*Amendment*
(c) information related to terrorist offences or other serious criminal offences obtained through international cooperation.	***deleted***

Amendment 180

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission	*Amendment*
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***:	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***, first name(s), surname at birth; date of birth, place of birth, country of birth, sex, nationality***;	(a) surname;
	(aa) surname at birth;
	(ab) date of birth;
(b) other names (alias(es), artistic name(s), usual name(s));	(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);	(c) a travel document (type, number and country of issuance of the travel document);
(d) home address;	(d) home address;
(e) e-mail address***, phone number***;	(e) e-mail address;
	(ea) phone number
(f) the name, e-mail address, mailing address, phone number of a firm or organization;	(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	*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 ***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.	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 Member States.	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.

Amendment 186

Proposal for a regulation
Article 30 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***A*** travel authorisation ***shall*** not	3. ***In accordance with Article 6(1)(b) of Regulation (EU) 2016/399 the***

confer an automatic right of entry.	***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	*Amendment*
(d) information on the procedure to be followed for an ***appeal***.	(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	*Amendment*

(e) the ground(s) for refusal of the travel authorisation as laid down in Article 31(1).	(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	*Amendment*
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.	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	*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 ***which shall revoke the travel authorisation***.	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	*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 ***of first entry as declared by the applicant in***	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

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.

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

(d) information on the procedure to be followed for an ***appeal***.	(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	*Amendment*
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:	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***.	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 213

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

Text proposed by the Commission	*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 auhtorisation with limited territorial validity.

Amendment 215

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	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	*Amendment*
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.	4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State. ***It may exeptionally 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 data shall be entered in the application file:	5. Where a travel authorisation with ***limited*** territorial validity is issued ***or 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	*Amendment*
(b) the ***territory in*** which the travel authorisation holder is entitled to travel;	(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	*Amendment*
(c) the ***authority*** of the Member State that issued the travel authorisation with territorial validity;	(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	*Amendment*
(d) a reference to the humanitarian grounds, the reasons of national interest or the international obligations.	(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	*Amendment*
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	***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 machine readable zone of the travel document.	the travel document.

Amendment 227

Proposal for a regulation
Article 39 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
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.	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	*Amendment*
3. An authentification 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 authentification scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2).	3. An authentification 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 authentification scheme shall be adopted by the Commission by means of implementing acts in accordance with the 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	*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).	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	*Amendment*
2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation.	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	*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 by the ETIAS Central ***Unit***.	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	*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 ***in a Member State, that Member State's competent authority shall notify*** eu-LISA, the ETIAS Central Unit and 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 ***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	*Amendment*
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.***	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	*Amendment*
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	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

include a justification of the necessity to consult those specific data.

justification of the necessity to consult those specific data.

Amendment 239

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	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	*Amendment*
3. If 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.	3. If ***the verification referred to in paragraph 2 of this Article concludes that*** 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	*Amendment*
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.	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	*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.	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. ***Article 53a shall apply***.

Amendment 243

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

Text proposed by the Commission	*Amendment*
(a) the consultation is necessary for the	(a) the consultation is necessary for the

purpose of the prevention, detection or investigation of a terrorist ***offences*** or another serious criminal offence;	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	*Amendment*
(b) access for consultation is necessary in a specific case;	(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	*Amendment*
(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 falls under the category of third country nationals covered by this Regulation;	(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 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	*Amendment*
4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access	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)***.	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 247

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

Text proposed by the Commission	*Amendment*
2. The reasoned request shall contain evidence that the following conditions are met:	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	*Amendment*
(b) the consultation is necessary in a specific case;	(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	*Amendment*
(c) the consultation shall be limited to searching with data referred to in Article 45(2);	(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	*Amendment*
(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;	(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	*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.	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(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)

Text proposed by the Commission	*Amendment*
	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	*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 (***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:	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	*Amendment*
2. ***[***Regulation 2016/679***]*** shall apply to the processing of personal data by the ETIAS National Units.	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	*Amendment*
3. ***[***Directive (EU) 2016/680***]*** shall apply to the processing by Member States designated authorities for the purposes of Article 1(2).	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	*Amendment*
4. Regulation (EU) 2016/794 shall apply to the processing of personal data by Europol pursuant to Articles ***24*** and 46.	4. Regulation (EU) 2016/794 shall 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	*Amendment*
1. The European Border and Coast	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.	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	*Amendment*
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.	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	*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 ***and*** the software enabling to process the applications***;***	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	*Amendment*
(b) deny unauthorised persons access to the secure website ***that carries out operations in accordance with the purposes of the ETIAS***;	(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	*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 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	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

Member State.	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	*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.	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 277

Proposal for a regulation
Article 54 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*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.	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 ***without delay***.

Amendment 278

Proposal for a regulation
Article 54 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
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.	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	*Amendment*
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	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

to him.	delete data relating to him.

Amendment 280

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	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 281

Proposal for a regulation
Article 56 – title

Text proposed by the Commission	*Amendment*
Supervision by the national supervisory ***authority***	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	*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	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.	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	*Amendment*
2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.	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	*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	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.	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	*Amendment*
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.	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	*Amendment*
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.	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	*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 first meeting. Further working methods shall be developed jointly as necessary.	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 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	*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. ***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.	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	*Amendment*
(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	(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***

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***;	***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 297

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

Text proposed by the Commission	*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 298

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

Text proposed by the Commission	*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	*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	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.	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	*Amendment*
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.	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	*Amendment*
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 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.	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.

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

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.	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	*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 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.	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	*Amendment*
3. eu-LISA shall also perform tasks related to providing training on the technical use of the ETIAS Information System.	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	*Amendment*
(a) the setting up and operation of the ETIAS Central Unit;	(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	*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.	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	*Amendment*
(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;	(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	*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.	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. ***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	*Amendment*
1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information ***system***.	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	*Amendment*
2. Europol shall be responsible for the ***establishment*** of the ETIAS watchlist pursuant to Article 29.	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	*Amendment*
3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article ***26***.	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	*Amendment*
(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;	(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	*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.	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 ***twelve*** months.

Amendment 325

Proposal for a regulation
Article 72 – paragraph 2

Text proposed by the Commission	*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.	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	*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 ***a language version the person concerned understands or is reasonably assumed to understand***.	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	*Amendment*
(b) nationalities, sex and ***date*** of birth of the applicant;	(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	*Amendment*
(d) education;	***deleted***

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	*Amendment*
(e) current occupation (domain), job title;	***deleted***

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	*Amendment*
2. For the purpose of paragraph 1, eu-LISA shall 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	2. For the purpose of paragraph 1, eu-LISA shall***, according to the principles of 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

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.	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.
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)***.	***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 331

Proposal for a regulation
Article 73 – paragraph 4

Text proposed by the Commission	*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 refused, including the grounds for refusal, and of third country nationals whose travel authorisation were annulled or revoked.	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	*Amendment*
5. At the end of each year, statistical data shall be compiled in the form of ***quarterly statistics*** for that year.	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	*Amendment*
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.	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	*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 and ***the*** operation of the ETIAS shall be borne by the general budget of the Union.	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 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	*Amendment*
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.	***deleted***

Amendment 341

Proposal for a regulation
Article 76 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall notify the Commission of their designated authorities referred to in Article 43 and shall notify without delay any amendments thereto.	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	*Amendment*
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.	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	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

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.	decision. It shall take effect the day 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	*Amendment*
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.	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	*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	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.	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. ***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	*Amendment*
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:	***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	*Amendment*
(a) the results achieved by the ETIAS having regard to its objectives, mandate and tasks;	(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	*Amendment*
(b) the impact, effectiveness and efficiency of the ETIAS performance and its working practices in relation to its objectives, mandate and tasks;	(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	*Amendment*
Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year.	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.

EXPLANATORY STATEMENT

Background and content of the proposal

The Commission presented the proposal establishing a European Travel Information and Authorisation System (ETIAS) (COM(2016) 731) accompanied by a legislative financial statement and based on a feasibility study[1] on 16 November 2016. It follows up on the Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security' (COM(2016) 205) in which the Commission outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism.

The proposal lays down provisions on the objectives of the ETIAS, its technical architecture, the different actors involved in the assessment of an ETIAS application, the data required, the application process, the rules for assessment including checks against other information systems, the watchlist and specific risk indicators, the authorities with access and data protection provisions. It also contains amendments to a number of other legislative instruments, including the Schengen Borders Code to make the possession of an ETIAS a condition of entry, the Europol Regulation and the Frontex Regulation. Necessary amendments to the eu-LISA Regulation will be included in the upcoming review of this Regulation. Finally, it will be necessary to amend the legal acts of the information systems with which interoperability should be established with the ETIAS Information System to specify which data may be exchanged between the systems in an automated way and the detailed rules in this regard.

Procedure

In order to assess the Commission's proposal and to prepare for this draft report the rapporteur sought input from a wide range of sources. A series of meetings held at technical level took place with the Commission's services to discuss the entire proposal in detail. In addition, various stakeholders and experts were invited to attend meetings with the shadow rapporteurs. These were the European agencies affected by or interested in the ETIAS proposal (eu-LISA, Europol, Frontex, FRA), the European Data Protection Supervisor, US experts informing about experiences with the US ESTA and representatives of air carriers. Finally, the authors of a study requested by the LIBE Committee on ETIAS presented their findings. To complement these meetings a request for an opinion of the Fundamental Rights Agency was made and a visit to the technical site of eu-LISA in Strasbourg organised.

Position of the rapporteur

The rapporteur welcomes the proposal to establish a European Travel Information and

[1] Feasibility Study for a European Travel Information and Authorisation System (ETIAS), Final Report; http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-security/legislative-documents/docs/20161116/etias_feasability_study_en.pdf.

Authorisation System. She fully supports the overall rationale and the main elements of the Commission's proposal.

The ETIAS will allow for the possibility to assess whether a visa-exempt third country national who intends to travel to the Schengen area potentially constitutes an irregular migration, security or public health risk before the person arrives at the external border at a border crossing point. The ETIAS will therefore contribute to a better assessment as to whether the conditions of entry are fulfilled by a third country national and thereby to the security of the Schengen area as a whole.

Currently, a border guard is faced with the task to make a wide range of assessments on the spot within a very limited timeframe. The ETIAS system, once in place, will allow to make a number of pre-checks in advance of the border check, some of which are currently are not possible for a border guard to undertake. The system thereby provides the border guard with an indication that such a pre-check was undertaken and that during this check no reasons for a refusal were found. The system would, however, not impinge upon the border guard's authority to take the final decision to allow the person to enter or to refuse the entry to the person if he or she considers that the conditions for entry are not fulfilled.

Furthermore, it can legitimately be assumed that the system will lead to a reduction of the cases of refusal of entry at the border as a first assessment has taken place before the traveller departs towards the external border of the Schengen area. To reduce the number of refusals at the border will overall improve border management and will also be beneficial to carriers which subsequently have less passengers for which to assume responsibility following a refusal of entry. It will also be beneficial for travellers as those whose entry would otherwise be refused at the border would not embark.

While fully supporting the overall rationale and the main elements of the Commission's proposal the rapporteur proposes a series of amendments with the objective of further improving the proposal.

The amendments included in this draft report focus among others on:

- The avoidance of implementation problems:

More detailed rules are proposed to determine the Member State responsible for the assessment of an ETIAS, and thereby also a possible appeal. The criteria of the Member States of intended first entry should be complemented by responsibilities based on issued alerts and data provided for the ETIAS watchlist to ensure a more balanced distribution of responsibilities.

To avoid unnecessary burdens carriers transporting groups overland by coach should not fall under the carriers with obligations under this Regulation. Furthermore, a recital is proposed suggesting that carries should be able to connect to ETIAS, EES and similar systems via a unique entry-point.

To ensure a smooth functioning of the system, travellers should receive more information about ETIAS in general and regarding their specific situation in particular. They should, for example, be notified before their ETIAS expires and also be allowed to apply for a new

authorisation before the previous one expires. More information about appeal procedures should be given to ensure that the right to appeal can effectively be exercised.

In many parts it is proposed to clarify drafting, to provide for better defined provisions and to provide for more safeguards for travellers. A hit against the Interpol Stolen and Lost Travel Document database should, for example, not lead to an automatic refusal of the ETIAS but require further manual checks. Also it should be specified that each application is to be assessed on its own merits to avoid that a first refusal automatically leads to further refusals.

- Efficiency and effectiveness:

It is suggested that Member States set up specific central access points which verify whether the conditions for access by law enforcement authorities are fulfilled instead of the ETIAS national units taking this tasks. It is thereby avoided that a third authority needs to be involved in the process of accessing ETIAS which seems overly complicated.

In order to improve the border checks, border guards should when conducting second line checks have the possibility to access the ETIAS central system. In the case of a second line check when it was already considered necessary by the border guard in the first line to undertake a further check, the border authorities should have such an access in order to be able to take a more informed decision.

- Data security and data protection:

The provisions on data security and data protection are suggested to be more clearly aligned to the legal bases of the other large-scale information systems and thereby reinforced. Provisions on information security risk management as well as data protection by design and default are proposed as suggested in the opinion of the EDPS.

- Oversight and accountability:

Finally, a number of new or reinforced reporting provisions are included to ensure better transparency and thereby accountability of the system. In particular, information as to the functioning of the central unit has to be made available as the central unit will constitute the core element of the future ETIAS system.

23.8.2017

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the 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
COM(2016)731 – C8-0466/2016 – 2016/0357 (COD)

Rapporteur: David McAllister

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) The ETIAS represents one of the priorities identified in the Bratislava Roadmap of 16 September 2016, signed and agreed by the 27 heads of state and government of the Union.

Amendment 2

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) The Commission together with the

High Representative of the European Union for Foreign Affairs and Security Policy and in cooperation with the Member States should attach high relevance to foreign policy aspects of the establishment of ETIAS and communicate its objectives to the governments of the third countries concerned in a timely and concise manner, emphasising the fundamental political, legal and practical differences between visa obligation and travel authorisation.

Amendment 3

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5 b) The Commission should launch communication campaigns in the relevant third countries in due time before the ETIAS Regulation enters into force so that travellers will be duly informed about the application process for ETIAS authorisation and the legal remedies available in the event of a refusal, as well as about the positive aspects of enabling smooth and faster crossing of the border for travellers with prior travel authorisation.

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***	(9) ***Several third countries have carried out a series of complex reforms in order to obtain visa-free travel for their citizens and the Union has granted a visa-free regime in recognition of their successful efforts. Therefore,*** the ETIAS

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.	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 ***exclusively*** whether ***the*** presence ***of certain individuals*** in the territory of the Member States does not pose an irregular migration, security or public health risk. ***For this reason,*** 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 16

Text proposed by the Commission	*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, ***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.	(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, 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 6

Proposal for a regulation
Recital 17

Text proposed by the Commission	*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 or legally responsible for him/her provided this person's identity is included in the application form.	(17) ***ETIAS should be designed as a user-friendly platform and provide all relevant information in the language of the applicant or in a language the applicant can understand.*** 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 application form. ***ETIAS should provide application facilities (kiosks) for applicants at the main departure air and seaports and at major land border crossings. Travel agents should be able to create applications on behalf of individuals or groups of applicants.***

Amendment 7

Proposal for a regulation
Recital 20

Text proposed by the Commission	*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) 2016/399[24] 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.	(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) 2016/399[24] and assessing whether the applicant ***has been refused entry or overstayed in the past***, whether the entry of the applicant in the Union could pose a threat to security or to public health 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 across borders (Schengen Borders Code).

[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).

Amendment 8

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) The assessment of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the European Criminal Records Information System (ECRIS) and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) or against the ETIAS watchlists, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the ETIAS watchlist or the specific risk indicators.	(21) The assessment of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the European Criminal Records Information System (ECRIS) and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) ***including the Yellow Notices that could help locate missing persons,*** or against the ETIAS watchlists, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the ETIAS watchlist or the specific risk indicators.

Amendment 9

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(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.	(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. ***The appeal procedure should be concluded within three months at most.***

Amendment 10

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) When, in exceptional circumstances, ***a Member State considers*** necessary to allow a third country national to travel ***to its territory*** on humanitarian grounds, for reasons of national interest or because of international obligations, it should have the possibility to issue a travel authorisation with limited territorial and temporal validity.	(30) When, in exceptional circumstances, ***it is*** necessary to allow a third country national to travel on humanitarian grounds, for reasons of national interest or because of international obligations, it should have the possibility to issue a travel authorisation with limited territorial and temporal validity.

Amendment 11

Proposal for a regulation
Recital 34

Text proposed by the Commission	*Amendment*
(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/JHA[27] . 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	(34) Access to the information contained in ETIAS ***should contribute*** 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/JHA[27] . 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 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 case[28] .	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***, in particular with the right to*** private life of individuals and ***the right*** 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 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 case[28.]
[26] Council Framework Decision 2002/475/JHA of 13 June 2002 on combatting terrorism (OJ L 164, 22.6.2002 p.6).	[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).	[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.	[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 12

Proposal for a regulation
Recital 47

Text proposed by the Commission	*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, correction, deletion and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities.	(47) Strict access rules to the ETIAS Central System and the necessary safeguards should be established. ***The collection, storage and use of the data acquired under ETIAS should in every case comply with the Charter of Fundamental Rights of the European Union.*** 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 13

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

Amendment 14

Proposal for a regulation
Recital 50 – indent 3

Text proposed by the Commission	*Amendment*
- to lay down the payment methods and process for the travel authorisation fee taking into account the technological developments and their availability ***and to amend the amount of the fee***,	- ***to amend the amount of the fee,*** to lay down the payment methods and process for the travel authorisation fee taking into account the technological developments and their availability***, in order not to hinder visa-free third country nationals who may not have access to certain payment means when applying for an ETIAS authorisation***,

Amendment 15

Proposal for a regulation
Recital 51

Text proposed by the Commission	*Amendment*
(51) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(51) It is of particular importance that the Commission carry out ***an impact assessment as well as*** appropriate consultations during its preparatory work, including at expert ***and diplomatic*** level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. ***The EEAS and the diplomatic representations of the third countries subject to a visa-free regime should also be consulted.*** In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ***Such expert groups should include representatives of the EEAS.***

Amendment 16

Proposal for a regulation
Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission	*Amendment*
	(e a) irregular migration risk means the risk of a third country national not fulfilling the conditions of entry and stay as set out in Article 6 of Regulation (EU) 2016/399 of the European Parliament and of the Council.

Justification

The definition of irregular migration risk added to the proposal according to the European Data Protection Supervisor recommendation.

Amendment 17

Proposal for a regulation
Article 3 – paragraph 1 – point e b (new)

Text proposed by the Commission	*Amendment*
	(e b) security risk means a risk of a threat to public policy, internal security or international relations of any of the Member States;

Justification

The definition of security risk added to the proposal according to the European Data Protection Supervisor recommendation.

Amendment 18

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

Text proposed by the Commission	*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 factual indications ***or reasonable grounds*** to conclude that the presence of the person on the territory of the Member States poses a security risk;	(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 to conclude that the presence of the person on the territory of the Member States poses a security risk;

Amendment 19

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

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

Amendment 20

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

Text proposed by the Commission	*Amendment*
	2 a. The fundamental rights officer of the European Border and Coast Guard Agency shall be in charge of carrying out regular audits on the processing of applications and on the implementation of Article 28 including a regular assessment of their impact on fundamental rights, in particular with regard to privacy. The data protection officer of the European Border and Coast Guard Agency shall be in charge of carrying out regular audits on the processing of applications including a regular assessment of their impact on personal data protection.

Amendment 21

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Applicants shall lodge an application by filling in the online application form via the dedicated public website ***or*** via the mobile app for web devices sufficiently in advance of any intended travel.	1. Applicants shall lodge an application by filling in the online application form via the dedicated public website**,** via the mobile app for web devices ***or where applicable via application facilities (kiosks),*** sufficiently in advance of any intended travel.

Amendment 22

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Applications may be lodged by the applicant or by a person or a commercial intermediary authorised by the applicant to lodge the application in his or her behalf.	2. Applications may be lodged by the applicant or by a person or a commercial intermediary authorised by the applicant to lodge the application in his or her behalf. ***The Union Delegations in third countries shall provide necessary assistance to the applicants.***

Amendment 23

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 free of charge***. Both the website and the mobile app shall be accessible to people with disabilities***.

Amendment 24

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 25

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

Text proposed by the Commission	*Amendment*
(h) education (level and field);	***deleted***

Amendment 26

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***,*** first name(s)***, e-mail address or phone number and home address*** of the applicant's parental authority or legal guardian;

Amendment 27

Proposal for a regulation
Article 15 – paragraph 2 – point l a (new)

Text proposed by the Commission	*Amendment*
	(la) whether he or she is a refugee or a stateless person;

Amendment 28

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

Text proposed by the Commission	*Amendment*
(m) in the case of applications filled in by a person other than the applicant, the surname, first name(s), name of firm, organization if applicable, e-mail address, mailing address, phone number; relationship to the applicant and an electronically signed representative declaration.	(m) in the case of applications filled in by a person other than the applicant ***and of applications filled in by groups***, the surname, first name(s), name of firm, organization if applicable, e-mail address, mailing address, phone number; relationship to the applicant and an electronically signed representative declaration.

Amendment 29

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.	3. The applicant shall choose 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.

Amendment 30

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

Text proposed by the Commission	*Amendment*
(b) whether he or she has ever been convicted of any criminal offence in any country;	(b) whether he or she has ever been convicted of any ***serious*** criminal offence***, as defined in point (m) of Article 3,*** in any country;

Amendment 31

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 on the payment methods and process for the travel authorisation fee and on changes to the amount of that fee.	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 on the payment methods and process for the travel authorisation fee and on changes to the amount of that fee. ***The Commission shall take into account technological developments and their availability, in order not to hinder visa-free third country nationals who may not have access to certain payment means when applying for***

an ETIAS authorisation.

Amendment 32

Proposal for a regulation
Article 18 – paragraph 2 – subparagraph 2 – point m

Text proposed by the Commission	*Amendment*
(m) whether the travel document used for the application corresponds to a travel document recorded in a file in the Interpol TDAWN;	(m) whether the travel document used for the application corresponds to a travel document recorded in a file in the Interpol TDAWN***, including the Yellow Notices that could help locate missing persons***;

Amendment 33

Proposal for a regulation
Article 18 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) an alert in respect of missing persons;	(b) an alert in respect of missing persons***, in particular children***;

Amendment 34

Proposal for a regulation
Article 21 a (new)

Text proposed by the Commission	*Amendment*
	Article 21a
	Specific rules for refugees and stateless persons residing in a visa-exempt country
	When a refugee or a stateless person referred to in Article 2(1)(b) applies for a travel authorisation, the following specific rules will apply:
	(a) the applicant shall indicate his or her status as referred to in Article 15(2)(la).

	(b) the applicant shall not reply to the question referred to in Article 15(4)(c).
	(c) the fee referred to in Article 16 shall be waived.

Amendment 35

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission	*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 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.	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. ***The applicant shall be entitled to ask for additional time to submit the requested documentation. The additional time granted in response shall not exceed 30 working days.***

Amendment 36

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	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 ***or by phone***.

Amendment 37

Proposal for a regulation
Article 23 – paragraph 6

Text proposed by the Commission	*Amendment*
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.	6. 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 38

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission	*Amendment*
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).	3. In any case, Europol shall not have access to the personal data concerning the health of the applicant as referred to in Article 15(4)(a).

Amendment 39

Proposal for a regulation
Article 28 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) [statistics generated by the EES indicating abnormal rates of overstayers and refusals of entry ***for a specific group of travellers***;]	(a) [statistics generated by the EES indicating abnormal rates of overstayers and refusals of entry;]

Amendment 40

Proposal for a regulation
Article 28 – paragraph 2 – point b

Text proposed by the Commission	*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,*** security or public health risk;	(b) statistics generated by the ETIAS in accordance with Article 73 indicating abnormal rates of refusals of travel authorisations due to ***a*** security or public health risk;

Amendment 41

Proposal for a regulation
Article 28 – paragraph 2 – point e

Text proposed by the Commission	*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***;	(e) information provided by Member States concerning abnormal rates of overstayers and refusals of entry for specific travellers;

Amendment 42

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

Text proposed by the Commission	*Amendment*
(c) education level;	***deleted***

Amendment 43

Proposal for a regulation
Article 28 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based on a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.	5. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based on a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation. ***Preventive risk profiling based on general data rather than on a***

concrete and manifest risk shall not be permissible.

Amendment 44

Proposal for a regulation
Article 29 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. Safeguards must be established to ensure that personal data that are processed in the ETIAS watchlist are sufficiently protected.

Amendment 45

Proposal for a regulation
Article 29 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3 b. Should the grounds for inclusion in the ETIAS watchlist be unjustified, removal from the ETIAS watchlist shall be possible at any time.

Amendment 46

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	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 ***in writing*** regarding the procedure to be followed in the event of an

followed in the event of an appeal.	appeal***, in a language that applicants can understand. The appeals procedure shall be concluded within three months at most.***

Amendment 47

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.	1. A travel authorisation with limited territorial validity ***shall*** be issued exceptionally, when ***it is*** 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 48

Proposal for a regulation
Article 38 – paragraph 4

Text proposed by the Commission	*Amendment*
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***.	4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State.

Amendment 49

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission	*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	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).	(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 whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).

Amendment 50

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 ETIAS Central Unit, the Member States, ***their Embassies to the third countries falling within the scope of this Regulation, and the Union Delegations in those countries, launch, well in advance before*** the start of the ETIAS operation, 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.

Amendment 51

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission	*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, availability, quality and speed laid down in paragraph 3.	2. The infrastructures supporting the public website, the mobile app***, the facilities (kiosks)*** 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 52

Proposal for a regulation
Article 64 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
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.	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 ***facilities (kiosks), 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 53

Proposal for a regulation
Article 66 – paragraph 1 – point -a (new)

Text proposed by the Commission	*Amendment*

	a. the compliance with its obligations concerning fundamental rights, in particular the obligations under the European Convention on Human Rights (ECHR), the Charter of Fundamental Rights of the European Union (EUCFR) and the Convention on the Rights of the Child (CRC);

Amendment 54

Proposal for a regulation
Article 70 – paragraph 1 – point 1
Regulation (EU) 2016/794
Article 4 – paragraph 1 – point n

Text proposed by the Commission	*Amendment*
(1) In Article 4 paragraph 1, the following point (n) is added:	***deleted***
' (n) establish, manage and update the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a). '	

Amendment 55

Proposal for a regulation
Article 72 – paragraph 2

Text proposed by the Commission	*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.	2. During this six month period, the border guards ***as well as the diplomatic representations of Member States and Union Delegations to the countries falling within the scope of this Regulation,*** 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 56

Proposal for a regulation
Article 73 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) education;	***deleted***

Amendment 57

Proposal for a regulation
Article 73 – paragraph 6

Text proposed by the Commission	*Amendment*
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.	6. At the request of the Commission ***and the European Parliament***, 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 58

Proposal for a regulation
Article 76 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	5. The Commission shall make the information notified pursuant to paragraph 1 available to the Member States and the public by ***an accessible and*** constantly updated public website.

Amendment 59

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) the impact on diplomatic relations between the Union and the third countries involved;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Travel Information and Authorisation System (ETIAS)
References	COM(2016)0731 – C8-0466/2016 – 2016/0357(COD)
Committee responsible Date announced in plenary	LIBE 19.1.2017
Opinion by Date announced in plenary	AFET 19.1.2017
Rapporteur Date appointed	David McAllister 11.7.2017
Previous rapporteur	Bodil Valero
Date adopted	11.7.2017
Result of final vote	+: 42 –: 14 0: 3
Members present for the final vote	Lars Adaktusson, Michèle Alliot-Marie, Petras Auštrevičius, Bas Belder, Mario Borghezio, Victor Boştinaru, Elmar Brok, Klaus Buchner, James Carver, Fabio Massimo Castaldo, Lorenzo Cesa, Aymeric Chauprade, Javier Couso Permuy, Andi Cristea, Arnaud Danjean, Knut Fleckenstein, Eugen Freund, Michael Gahler, Iveta Grigule, Sandra Kalniete, Tunne Kelam, Janusz Korwin-Mikke, Andrey Kovatchev, Eduard Kukan, Ryszard Antoni Legutko, Arne Lietz, Barbara Lochbihler, Sabine Lösing, Andrejs Mamikins, Alex Mayer, David McAllister, Tamás Meszerics, Javier Nart, Demetris Papadakis, Ioan Mircea Paşcu, Alojz Peterle, Tonino Picula, Julia Pitera, Cristian Dan Preda, Jozo Radoš, Sofia Sakorafa, Jordi Solé, Jaromír Štětina, Charles Tannock, László Tőkés, Miguel Urbán Crespo, Ivo Vajgl, Elena Valenciano, Hilde Vautmans, Boris Zala
Substitutes present for the final vote	Brando Benifei, Luis de Grandes Pascual, Javi López, Eleni Theocharous, Ernest Urtasun, Bodil Valero, Paavo Väyrynen, Marie-Christine Vergiat
Substitutes under Rule 200(2) present for the final vote	Frank Engel

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

42	+
ALDE	Petras Auštrevičius, Iveta Grigule, Javier Nart, Hilde Vautmans
ECR	Bas Belder, Ryszard Antoni Legutko, Charles Tannock, Eleni Theocharous
EFDD	Fabio Massimo Castaldo
NI	Aymeric Chauprade
PPE	Lars Adaktusson, Michèle Alliot-Marie, Elmar Brok, Lorenzo Cesa, Arnaud Danjean, Frank Engel, Michael Gahler, Sandra Kalniete, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, David McAllister, Alojz Peterle, Julia Pitera, Cristian Dan Preda, László Tőkés, Luis de Grandes Pascual, Jaromír Štětina
S&D	Brando Benifei, Victor Boştinaru, Andi Cristea, Knut Fleckenstein, Eugen Freund, Arne Lietz, Javi López, Andrejs Mamikins, Alex Mayer, Demetris Papadakis, Ioan Mircea Paşcu, Tonino Picula, Elena Valenciano, Boris Zala

14	-
EFDD	James Carver
ENF	Mario Borghezio
GUE/NGL	Javier Couso Permuy, Sabine Lösing, Sofia Sakorafa, Miguel Urbán Crespo, Marie-Christine Vergiat
NI	Janusz Korwin-Mikke
VERTS/ALE	Klaus Buchner, Barbara Lochbihler, Tamás Meszerics, Jordi Solé, Ernest Urtasun, Bodil Valero

3	0
ALDE	Jozo Radoš, Ivo Vajgl, Paavo Väyrynen

Key to symbols:
+ : in favour
- : against
0 : abstention

31.8.2017

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the 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
(COM(2016)0731 – C8-0466/2016 – 2016/0357(COD)

Rapporteur: Gérard Deprez

SHORT JUSTIFICATION

The rapporteur welcomes the proposal to set up a European Travel Information and Authorisation System (ETIAS), whose main purpose is to conduct an advance security, migration and public health risk assessment of visa-exempt travellers with a view to granting authorisation to travel to the Schengen Area. This proposal is part of the continuous development of the EU's Integrated Border Management Strategy and closes an important information gap regarding visa-exempt travellers. Complementing the Visa Information System (VIS) and the Entry/Exit System (EES), ETIAS should contribute to strengthening the quality of Schengen border management, notably at land borders, increasing travel convenience and reinforcing the fight against international criminality, terrorism and other security threats.

The rapporteur is of the opinion that the proposed system is proportionate to the identified needs and well structured, with a central Information System developed and maintained by eu-LISA, managed by a Central Unit embedded in the European Border and Coast Guard (Frontex) and connected to the national border guard infrastructures, and ETIAS National Units in each Member State.

The rapporteur welcomes the proposed interoperability of information systems in the area of justice and home affairs and, in particular, a high degree of resource-sharing with the EES, which should generate significant cost-savings for the set-up of ETIAS.

The rapporteur recalls that the total cost of developing ETIAS is estimated at EUR 212,1 million, which is to cover the cost of developing and operating ETIAS central components

and of integrating existing national border infrastructures in Member States with ETIAS, while the average annual operations cost (from 2021) is estimated at EUR 85 million. He supports that, from 2020, operational costs in the Member States should be supported by their national programmes under the Internal Security Fund (ISF). He welcomes the fact that ETIAS is expected to be financially fully self-sustaining through the collection of revenue from user fees. He recalls that Europol shall also have the necessary financial and human resources for the development of the Watchlist and the connection of its databases to ETIAS.

The rapporteur agrees with the proposal to treat the fee-generated revenue as external assigned revenue, which is carried over automatically to the following years and allows using possible surplus revenue for financing related expenditure in the field of Smart Borders. He proposes to increase the travel authorisation fee to EUR 10 but maintains Article 16(4) saying that the Commission shall be empowered to adopt delegated acts to adapt the amount of this fee according to the increase in the development, integration, connection and operation costs of the ETIAS. Knowing that 39 million persons per year from 2020 are expected to apply for an ETIAS travel authorisation, this proposed increase of the fee should represent an important revenue for the Union budget.

He also proposes assigning any surplus revenue remaining after covering the recurring operational and maintenance costs of ETIAS, to finance related border management expenditure under chapter 18 02 (internal security) of the general budget or the successor programmes or actions under the post-2020 MFF.

The Rapporteur proposes to change the age under which the applicant should not pay any fee from eighteen to twelve but at the same time, he wishes to waive the fee for a wider set of travellers, including students and teachers who travel to the Schengen Area for the purpose of study or training, researchers and young NGO representatives, in analogy with the current provisions of the Visa Code and Recommendation No 2005/761/EC of the European Parliament and of the Council of 28 September 2005. In this context, he also proposes to amend the application form to enable these persons to justify their belonging to one of these categories.

The rapporteur proposes reducing the validity of the travel authorisation to three years, in order to allow re-running checks on travellers more frequently in the current high-risk security context and to take account of the evolution of the personal situation of applicants.

The rapporteur recalls that for the 2014-2020 period, EUR 791 million was foreseen under ISF-Borders for developing IT systems supporting the management of migration flows. Of this amount, EUR 480 million is foreseen for the EES and EUR 210 million (excluding costs under heading 5) for the ETIAS. He expects the Commission to propose a delegated act without delay upon conclusion of the two legislative proposals for the reallocation of the remaining EUR 101 million within ISF-Borders.

Finally, the rapporteur wishes to point out that the major cost factor upon completion of the ETIAS set-up (from 2021 onwards) is the expenditure under AMIF and ISF for the operation of the National Uniform Interfaces and the National central Units, as well as the cost for eu-LISA and Frontex of operating ETIAS on a 24/7 basis. The rapporteur urges the Commission, eu-LISA, Frontex and the Member States to ensure the highest degree of cost efficiency possible throughout the roll-out and implementation of ETIAS.

AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation
Recital 55

Text proposed by the Commission	*Amendment*
(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover ***the recurring operational and maintenance costs of the ETIAS Information System,*** of the ***ETIAS Central Unit and of the ETIAS National Units***. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.	(55) ***The recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units should be covered by*** the revenue generated by the payment of travel authorisation fees***. Any amounts remaining after those costs have been covered*** should be assigned to cover ***expenditure incurred under programmes and actions in Chapter 18 02 (internal security)*** of the ***general budget of the Union or, from 1 January 2021, under the succeeding programmes or actions***. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.

Justification

It should be specified that the costs of the ETIAS should be covered as a matter of priority, but that any surplus revenue may be used for other purposes. The legal base should specify the nature of these purposes.

Amendment 2

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The ETIAS Screening 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.	4. The ETIAS Screening 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***, which shall therefore receive the appropriate additional funding and personnel***.

Amendment 3

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, 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 ***functional diversity***.

Amendment 4

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The public website and the mobile app for mobile devices shall be available in all the official languages of the Member States.	3. The public website and the mobile app for mobile devices shall be available in all the official languages of the Member States***, and in versions suitable for use by persons with functional diversity***.

Amendment 5

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 points (b) to (d) of Article 16(2) for whom the travel authorisation fee is to be waived, to be selected from a predetermined list; in that case, the applicant shall submit together with his or her application any relevant documents as proof that his or her travel purpose falls under one of the categories set out in points (b) to (d) of Article 16(2).

Justification

The addition of a question on the travel purpose is the logical consequence of the rapporteur's proposal to waive the fee for specific categories of travellers (see AM 7) introducing new categories (b), (c) and (d)), e.g. for the purpose of study, training, scientific research or participation in conferences. The analysis of the travel purpose for these specific categories may lead to a slightly longer processing time, as the accompanying documents need to be reviewed.

Amendment 6

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A travel authorisation fee of EUR ***5*** shall be paid by the applicant for each application.	1. A travel authorisation fee of EUR ***10*** shall be paid by the applicant for each application.

Justification

Increasing the fee to EUR 10 will result in an estimated surplus revenue of EUR 305 million per year (EUR 110** million in the case of a EUR 5 fee), which can be assigned to underfinanced activities in the EU budget in the area of migration and security. The sum of EUR 10 is sufficiently small to avoid a lasting impact on tourism, even from less affluent regions. * 10 x 39 million of travellers = 390 million → 390 million - 85 million (operations costs) = 305 million * * 5 x 39 million of travellers = 195 million → 195 million - 85 million*

= 110 million

Amendment 7

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The travel authorisation fee shall be waived for children under ***eighteen*** years.	2. The travel authorisation fee shall be waived for ***applicants belonging to any of the following categories:***
	(a) children under ***twelve years of age;***
	(b) school pupils, students, post-graduate students and accompanying teachers who undertake stays for the purpose of study or educational training;
	(c) researchers travelling for the purpose of carrying out scientific research;
	(d) representatives of non-profit organisations aged 25 years ***or under participating in seminars, conferences, or sports, cultural or educational events organised by non-profit organisations***.

Justification

The rapporteur wishes to lower the age for minors benefiting from a fee waiver to 12 but the fee waiver should also be foreseen for a number of other categories, in analogy with the current provisions of the Visa Code and Recommendation No 2005/761/EC of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research.

Amendment 8

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Where the information provided by the applicant in the application form suggests that the authorisation fee can be waived pursuant to Article 16, the ETIAS

	National Unit of the responsible Member State may request additional information or documentation from the applicant in order to verify that the applicant does indeed fall into one of the categories exempted from paying the authorisation fee as provided for in points (b) to (d) of Article 16(2) , and with regard to the duration of the activity concerned.

Amendment 9

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 Member States.	2. ***Travel*** authorisation shall be valid for ***three*** years or until the end of ***the activity that gave rise to the authorisation fee being waived pursuant to points (b) to (d) of Article 16(2) 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.

Amendment 10

Proposal for a regulation
Article 65 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The European Coast and Border Guard Agency shall be equipped with the appropriate funding and staffing to exercise the responsibilities referred to in Article 65.

Amendment 11

Proposal for a regulation
Article 67 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Europol shall be equipped with the appropriate funding and staffing to exercise the responsibilities referred to in paragraphs (1), (2) and (3) of this Article.

Amendment 12

Proposal for a regulation
Article 74 – paragraph 1

Text proposed by the Commission	*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 and the operation of the ETIAS shall be borne by the general budget of the Union.	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 operation of the ETIAS shall be ***proportionate to the individual administrative needs of each Member State and*** borne by the general budget of the Union. ***Before starting any procurement procedure, the Commission shall undertake a precise analysis of the technical requirements for the integration of existing national systems, of the technical standards of the ETIAS, and of the requirements concerning the content and accessibility of the ETIAS.***

Justification

Digitalisation of border controls is a growing trend at national level within the EU and in third countries. Experience with the development with large-scale IT systems at EU level, like the SIS II and VIS systems revealed that these initiatives experienced escalating costs. Therefore, it is important to clarify the costs as precisely as possible beforehand in order to minimise the risk of cost overruns.

Amendment 13

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 14

Proposal for a regulation
Article 74 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	Member States shall receive financial support for expenses incurred by the responsibilities listed in Article 66.The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define such financial support.

Amendment 15

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 amounts remaining after covering the cost of the development of the ETIAS and recurring costs related to the operation and maintenance of the***

ETIAS Information System, the ETIAS Central Unit and the ETIAS National Units, shall be assigned to cover expenditure incurred under programmes and actions in Chapter 18 02 (internal security) of the general budget of the Union or, from 1 January 2021, under the succeeding programmes or actions.

Amendment 16

Proposal for a regulation
Article 81 – paragraph 2

Text proposed by the Commission	*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.	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. ***That report shall include an overview of the budgetary and cost developments with a detailed technical and financial assessment, precise information on cost increases and changes in design requirements and the reasons for any such increases or changes, as well as information on any risks which could 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.

Justification

Experience with the development of other large-scale IT systems at EU-level, like the SIS II and VIS systems, revealed that these initiatives often experience long delays and escalating costs. To ensure full parliamentary scrutiny and oversight of the process and to minimise the risk of cost overruns and delays, it is suggested that eu-LISA's reporting back to the Parliament and the Council during the development of ETIAS should include an obligatory update on budgetary and cost developments.

Amendment 17

Proposal for a regulation
Article 81 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
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:	***One year*** after the start of operations of the ETIAS and every ***two*** 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:

Justification

To ensure full parliamentary scrutiny, budgetary oversight and planning and in order to detect possible changes with a budgetary impact as early as possible, it is suggested that the overall evaluations take place after one year and then every two years and include an overview of possible budgetary implications of future operations.

Amendment 18

Proposal for a regulation
Article 81 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the results achieved by the ETIAS having regard to its objectives, mandate and tasks;	(a) ***the costs and*** the results achieved by the ETIAS having regard to its objectives, mandate and tasks;

Amendment 19

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) generated revenues of the Union and expenditures incurred by bodies of the Union as well as by Member States.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Travel Information and Authorisation System (ETIAS)
References	COM(2016)0731 – C8-0466/2016 – 2016/0357(COD)
Committee responsible Date announced in plenary	LIBE 19.1.2017
Opinion by Date announced in plenary	BUDG 19.1.2017
Rapporteur Date appointed	Gérard Deprez 24.11.2016
Date adopted	30.8.2017
Result of final vote	+: 30 –: 8 0: 0
Members present for the final vote	Jonathan Arnott, Jean Arthuis, Richard Ashworth, Reimer Böge, Lefteris Christoforou, Gérard Deprez, Manuel dos Santos, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Ingeborg Gräßle, Iris Hoffmann, Monika Hohlmeier, John Howarth, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Siegfried Mureşan, Liadh Ní Riada, Jan Olbrycht, Younous Omarjee, Urmas Paet, Pina Picierno, Paul Rübig, Petri Sarvamaa, Jordi Solé, Patricija Šulin, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Monika Vana, Daniele Viotti, Tiemo Wölken, Marco Zanni
Substitutes present for the final vote	Anneli Jäätteenmäki, Claudia Țapardel, Tomáš Zdechovský

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

30	+
ALDE	Jean Arthuis, Gérard Deprez, Anneli Jäätteenmäki, Urmas Paet
ECR	Richard Ashworth, Bernd Kölmel, Zbigniew Kuźmiuk
PPE	Reimer Böge, Lefteris Christoforou, José Manuel Fernandes, Ingeborg Gräßle, Monika Hohlmeier, Siegfried Mureşan, Jan Olbrycht, Paul Rübig, Petri Sarvamaa, Patricija Šulin, Inese Vaidere, Tomáš Zdechovský
S&D	Eider Gardiazabal Rubial, Jens Geier, Iris Hoffmann, John Howarth, Vladimír Maňka, Pina Picierno, Claudia Țapardel, Isabelle Thomas, Daniele Viotti, Tiemo Wölken, Manuel dos Santos

8	-
EFDD	Jonathan Arnott
ENF	André Elissen, Marco Zanni
GUE/NGL	Liadh Ní Riada, Younous Omarjee
Verts/ALE	Jordi Solé, Indrek Tarand, Monika Vana

0	0

Key to symbols:
+ : in favour
- : against
0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624		
References	COM(2016)0731 – C8-0466/2016 – 2016/0357A(COD)		
Date submitted to Parliament	17.11.2016		
Committee responsible Date announced in plenary	LIBE 19.1.2017		
Committees asked for opinions Date announced in plenary	AFET 19.1.2017	BUDG 19.1.2017	TRAN 19.1.2017
Not delivering opinions Date of decision	TRAN 5.12.2016		
Rapporteurs Date appointed	Kinga Gál 30.1.2017		
Discussed in committee	22.3.2017	26.6.2017	19.10.2017
Date adopted	19.10.2017		
Result of final vote	+: –: 0:	42 12 0	
Members present for the final vote	Asim Ahmedov Ademov, Jan Philipp Albrecht, Gerard Batten, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Daniel Dalton, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Raymond Finch, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Sophia in ‘t Veld, Eva Joly, Dietmar Köster, Barbara Kudrycka, Marju Lauristin, Monica Macovei, Roberta Metsola, Louis Michel, Claude Moraes, Alessandra Mussolini, Péter Niedermüller, Soraya Post, Judith Sargentini, Birgit Sippel, Helga Stevens, Bodil Valero, Marie-Christine Vergiat, Harald Vilimsky, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra		
Substitutes present for the final vote	Ignazio Corrao, Gérard Deprez, Teresa Jiménez-Becerril Barrio, Jeroen Lenaers, Andrejs Mamikins, John Procter, Christine Revault d’Allonnes Bonnefoy, Elly Schlein, Barbara Spinelli		
Substitutes under Rule 200(2) present for the final vote	Lara Comi, Elisabetta Gardini, Czesław Hoc, Patrizia Toia		
Date tabled	23.10.2017		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

42	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Sophia in 't Veld, Louis Michel, Cecilia Wikström
ECR	Czesław Hoc, Monica Macovei, Helga Stevens
EFDD	Ignazio Corrao, Laura Ferrara, Kristina Winberg
PPE	Asim Ahmedov Ademov, Heinz K. Becker, Michał Boni, Lara Comi, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Elisabetta Gardini, Kinga Gál, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Alessandra Mussolini, Tomáš Zdechovský
S&D	Caterina Chinnici, Tanja Fajon, Ana Gomes, Sylvie Guillaume, Dietmar Köster, Marju Lauristin, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Soraya Post, Christine Revault d'Allonnes Bonnefoy, Elly Schlein, Birgit Sippel, Patrizia Toia

12	-
EFDD	Gerard Batten, Raymond Finch
ENF	Harald Vilimsky, Auke Zijlstra
GUE/NGL	Malin Björk, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat
Verts/ALE	Jan Philipp Albrecht, Eva Joly, Judith Sargentini, Bodil Valero

2	0
ECR	Daniel Dalton, John Procter

Key to symbols:
+ : in favour
- : against
0 : abstention