



Council of the
European Union

Brussels, 3 December 2020
(OR. en)

13648/20

LIMITE

ASILE 24
EURODAC 9
ENFOPOL 329
IXIM 131
CODEC 1268

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	13148/20
No. Cion doc.:	11205/20 + ADD 1
Subject:	Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [<i>Regulation on Asylum and Migration Management</i>] and of Regulation (EU) XXX/XXX [<i>Resettlement Regulation</i>], 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 and amending Regulations (EU) 2018/1240 and (EU) 2019/818

At its informal meetings on 19-20 October, 10 November and 24 November 2020, the Asylum Working Party examined the amended proposal for the Eurodac Regulation.

On the basis of this discussion and the written comments from delegations, the Presidency is suggesting some further modifications in Annex to this document which is hereby submitted in a silence procedure.

It is understood that all delegations have general scrutiny reservations on the proposal.

In addition, some delegations have scrutiny or substantive reservations on certain specific provisions, in particular on the references to relocation and on the proposal for creation of a separate category of persons disembarked following SAR operations.

Some delegations consider that proposal for the Eurodac Regulation should not be considered separately from other legislative proposals and insist on the package approach.

References to the other proposals under the new Pact on Migration and Asylum (Asylum and Migration Management Regulation, Screening Regulation and Asylum Procedures Regulation) and to the other proposals of the asylum package (Resettlement Regulation and EUAA Regulation) are excluded from the text and are placed in [].

Possible future changes to other proposals accompanying the new Pact on Migration and Asylum will have to be reflected in the Eurodac Regulation and are not precluded by this version of the proposal.

Several further technical modifications reflecting the result of the previous inter-institutional negotiations on the resettlement-related provisions will need to be made in the document at a later stage.

Modifications as compared to the previous version are indicated as follows:

- new Presidency text is in **bold underline**;
- deleted Presidency text is in ~~**bold strikethrough**~~
- text of the Commission amended proposal is in **bold**;
- deleted text compared to the Commission amended proposal is in [...].

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of [Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]] and of [Regulation (EU) XXX/XXX [*Resettlement Regulation*]], 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 and amending Regulations (EU) 2018/1240 and (EU) 2019/818

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2)(d), (e) and (g), 79(2)(c), 87(2)(a) ~~(e)~~ and 88(2)(a) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) the following recitals are inserted after recital 4:

‘(4a) Moreover, for the purposes of effectively applying [Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management]] and in accordance with the rules thereof, it is necessary to clearly mark in Eurodac the fact that there has been a shift of responsibility between Member States, including in cases of relocation.

(4aa) Furthermore, in order to reflect accurately the obligations Member States have to conduct search and rescue operations and to help these Member States with the specific challenges they face as they cannot apply to persons disembarked following such operations the same tools as for irregular crossings by land, sea or air, as well as to support creating a more accurate picture of the composition of migratory flows in the EU by enabling the production of statistical data for this category of persons it is also necessary to register third-country nationals or stateless persons disembarked following search and rescue operations as a separate category in Eurodac.

(4b) [Furthermore, for the purposes of applying Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] it is necessary to flag whether, following security checks during screening, it appears that a person could pose a threat to internal security.'];

(2) the following recitals are inserted after recital 5:

‘(5a) It is also necessary to introduce provisions that would ensure the functioning of that system within the interoperability framework established by Regulations (EU) 2019/817¹ and 2019/818² of the European Parliament and of the Council.

(5b) Furthermore, it is necessary to introduce the provisions that would frame the access of European Travel Information and Authorization System (ETIAS) national units and of competent visa authorities to Eurodac in accordance with Regulation (EU) 2018/1240³ and (EC) 767/2008⁴ of the European Parliament and of the Council.

¹ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27-84

² Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816, OJ L 135, 22.5.2019, p. 85–135

³ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, OJ L 236, 19.9.2018, p. 1–71

⁴ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), OJ L 218, 13.8.2008, p. 60–81

(5c) Likewise, for the purpose of managing irregular migration, it is necessary to allow eu-LISA to produce cross-system statistics using data from Eurodac, the Visa Information System, ETIAS and the Entry/Exit System. In order to specify the content of these cross-system statistics, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.';

(3) recital 6 is replaced by the following:

'(6) To those ends, it is necessary to set up a system known as 'Eurodac', consisting of a Central System and of the Common Identity Repository (CIR) established by Regulation (EU) 2019/818, which will operate a computerised central database of biometric [...] data and other personal data, as well as of the electronic means of transmission between those [the Central System and the [...] CIR] and the Member States, hereinafter the "Communication Infrastructure".';

(4) the following recital is inserted after recital 11:

'(11a) For that purpose, it is also necessary to clearly mark in Eurodac the fact that an application for international protection has been rejected where the third-country national or stateless person has no right to remain and has not been allowed to remain in accordance with [Regulation (EU) XXX/XXX [*Asylum Procedure Regulation*]].';

(5) recital 14 is replaced by the following:

‘(14) Moreover, in order for Eurodac to effectively assist with the control of irregular migration and with the detection of secondary movements within the EU, it is necessary to allow the system to count applicants in addition to applications by linking all sets of data corresponding to one person, regardless of their category, in one sequence.’;

(6) the following recital is inserted after recital 24:

‘(24a) For the purposes of this Regulation, it is recalled that a person should be considered to be illegally staying on the territory of the Member State of relocation if that person does not apply for international protection following relocation or does otherwise not fulfil or no longer fulfils the conditions of entry as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in the Member State of relocation.’;

(7) the following recital is inserted after recital 60:

‘(60a) This Regulation should be without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the Council¹.’;

(8) recital 63 is deleted.

HAVE ADOPTED THIS REGULATION:

(9) Article 1 is replaced by the following:

¹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77

Article 1

Purpose of "Eurodac"

1. A system known as "Eurodac" is hereby established, the purpose of which shall be to:
- (a) assist in determining which Member State is to be responsible pursuant to [Regulation (EU) XXX/XXX [**Regulation on Asylum and Migration Management**]] for examining an application for international protection [...] **registered** in a Member State by a third-country national or a stateless person, and otherwise to facilitate the application of [Regulation (EU) XXX/XXX [**Regulation on Asylum and Migration Management**]] under the conditions set out in this Regulation;
 - (b) assist with the application of [Regulation (EU) XXX/XXX [**Resettlement Regulation**]] under the conditions set out in this Regulation;
 - (c) assist with the control of [...] **irregular** immigration to the Union and with the detection of secondary movements within the Union and with the identification of illegally staying third-country nationals and stateless persons for determining the appropriate measures to be taken by Member States [...];
 - (d) lay down the conditions under which Member States' designated authorities and the European Police Office (Europol) may request the comparison of [...] biometric or alphanumeric data with those stored in the **Common Identity Repository (CIR)** and the Central System for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences;

- (e) **assist in the correct identification of persons registered in Eurodac under the conditions and for the objectives referred to in Article 20 of Regulation (EU) 2019/818 by storing identity data, travel document data and biometric data in the [...] CIR established by that Regulation;**
- (f) **support the objectives of the European Travel Information and Authorisation System ('ETIAS') established by Regulation (EU) 2018/1240;**
- (g) **support the objectives of the Visa Information System (VIS) referred to in Regulation (EC) No 767/2008.**

2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set up under the latter's national law, [...] biometric data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation, [...] in [Regulation (EU) XXX/XXX *[Regulation on Asylum and Migration Management]*], [...] in [Regulation (EU) XXX/XXX *[Resettlement Regulation]*] [...], **in Regulation (EU) 2019/818, in Regulation (EU) 2018/1240 and in Regulation (EC) No 767/2008.**';

(10) Article 3 is amended as follows:

(a) in point (b) of paragraph 1, the following point (iv) is added:

- '(iv) in relation to a person covered by Article 14a(1), the Member State which transmits the personal data to the Central System and to the Common Identity Repository and receives the results of the comparison;';**

(b) in paragraph 1, the following points (t), (u) and (v) are added:

- ‘(t) **“CIR” means the common identity repository as established by [...] Article 17 (1) of Regulation (EU) 2019/818;**
- (u) **“identity data” means the data referred to in Article 12(1)(c) to (f) and (h), Article 13(2) (c) to (f) and (h), Article 14(2) (c) to (f) and (h) and Article 14a(c) to (f) and (h);**
- (v) **“dataset” means the set of information recorded in Eurodac on the basis of Articles 12, 13, 14 or 14a, corresponding to one set of fingerprints of a data subject and composed of biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document.’;**

(11) Article 4 is replaced by the following:

‘Article 4

System architecture and basic principles

1. Eurodac shall consist of:

- (a) a Central System composed of:
 - (i) a Central Unit,
 - (ii) a Business Continuity Plan and System;

- (b) a communication infrastructure between the Central System and Member States that provides a secure and encrypted communication channel for Eurodac data ("Communication Infrastructure");
- (c) **the [...] CIR as referred to in Article 3(t) [...];**
- (d) **a secure communication infrastructure between the Central System and the central infrastructures of the European search portal, the shared biometric matching service, the CIR and the multiple-identity detector established by Regulation 2019/818.**

2. The CIR shall contain the data referred to in Article 12 (1) (a) to (f) and (h) and (1a) (a), ~~points (a) to (f), (h) and (i),~~ Article 13(2) (a) to (f), ~~and (h),~~ and (2a) (a) [...], Article 14(2) (a) to (f), ~~and (h),~~ and (2a) (a), [...] Article 14a(a) to (f), ~~and (h) and (2a) (a) [...].~~ The remaining Eurodac data shall be stored in the Central System.

3. The Eurodac Communication Infrastructure will be using the existing 'Secure Trans European Services for Telematics between Administrations' (TESTA) network. [...]. In order to ensure confidentiality, personal data transmitted to or from Eurodac shall be encrypted.

4. Each Member State shall have a single National Access Point. Europol shall have a single Europol access point.

5. Data on persons covered by Articles 10(1), 13(1), 14(1) **and 14a(1)** which are processed in the Central System shall be processed on behalf of the Member State of origin under the conditions set out in this Regulation and separated by appropriate technical means.

6. All datasets registered in Eurodac corresponding to the same third country national or stateless person shall be linked in a sequence. Where a search is launched with the fingerprints in the dataset of a third-country national or stateless person and a hit is obtained against at least one other set of fingerprints in another dataset corresponding to that same third country national or stateless person, Eurodac shall automatically link those datasets on the basis of the fingerprints comparison. Where [...] necessary, the comparison of fingerprints shall be checked and confirmed by a fingerprint expert in accordance with Article 26. When the receiving Member State confirms the hit, it shall send a notification to eu-LISA that will confirm the linking.

7. The rules governing Eurodac shall also apply to operations carried out by the Member States as from the transmission of data to the Central System until use is made of the results of the comparison.’;

(12) the following Articles 8a, 8b, 8c and 8d are inserted:

‘Article 8a

Interoperability with ETIAS

1. From [the date of application of this Regulation], the Central System of Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/818 in order to enable the automated processing referred to in Article 11 of Regulation (EU) 2018/1240.

2. The automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20 and the subsequent verifications of Articles 22 and 26 of that Regulation.

For the purpose of carrying out the verifications referred to in Article 20(2)(k) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the European search portal, to compare the data in ETIAS with the data in Eurodac collected on the basis of Articles 12, 13, 14 and 14a of this Regulation using the data categories listed in Annex II of this Regulation corresponding to individuals having left or having been removed from the territory of the Member States in compliance with a return decision or removal order [...].

The verifications shall be without prejudice to the specific rules provided for in Article 24(3) of Regulation (EU) 2018/1240.

Article 8b

Conditions for access to Eurodac for the manual processing by ETIAS National Units

1. Consultation of Eurodac by ETIAS National Units shall be carried out by means of the same alphanumerical data as those used for the automated processing referred to in Article 8a.

2. For the purposes of Article 1(1)(f), the ETIAS National Units, shall have access to and may consult the Eurodac, in a read-only format, for the purpose of examining applications for travel authorisation. In particular, the ETIAS National Units may consult the data referred to in Articles 12, 13, 14 and 14a.

3. Following consultation and access pursuant to paragraphs 1 and 2 of this Article the result of the assessment shall be recorded only in the ETIAS application files.

Article 8c

Access to Eurodac by the competent visa authorities

For the purpose of manually verifying hits triggered by the automated queries carried out by the Visa Information System in accordance with Articles [9a and 9c] of Regulation (EC) No 767/2008 and examining and deciding on visa applications in accordance with Article 21 of Regulation (EC) No 810/2009 of the European Parliament and of the Council¹, the competent visa authorities shall have access to Eurodac to consult data in a read-only format.

¹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1–58

Article 8d

Interoperability with the Visa Information System

From the [date of application of the Regulation (EU) XXX/XXX amending the VIS Regulation], as provided for in Article [9] of that Regulation, Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/817 in order to enable the automated processing referred to in Article [9a] of Regulation (EC) No 767/2008 in order to query Eurodac and compare the relevant data in the Visa Information System with the relevant data in Eurodac. The verifications shall be without prejudice to the specific rules provided for in Article 9(b) of Regulation 767/2008.’;

(13) Article 9 is replaced by the following:

‘Article 9

Statistics

1. eu-LISA shall draw up statistics on the work of the **CIR and** Central System every month indicating in particular:

- (a) **the number of applicants and the number of first-time applicants resulting from the linking process referred to in Article 4(6);**
- (b) **the number of rejected applicants resulting from the linking process referred to in Article 4(6) and pursuant to Article 12(1a)(k) ~~(x)~~;**

- (c) the number of data sets transmitted on persons referred to in Articles 10(1), 13(1), [...] 14(1) **and 14a(1)**;
- (**d**) the number of hits for persons referred to in Article 10(1):
- (i) **for whom an application for international protection was registered [...]** in another Member State,
 - (ii) who were apprehended in connection with the irregular crossing of an external border, [...]
 - (iii) who were [...] illegally staying in a Member State,
 - (iv) **who were disembarked following a search and rescue operation;**
- (e) the number of hits for persons referred to in Article 13(1):
- (i) **for whom an application for international protection was registered [...]**,
 - (ii) who were apprehended in connection with the irregular crossing of an external border, [...]
 - (iii) who were [...] illegally staying in a Member State;
 - (iv) **who were disembarked following a search and rescue operation;**

- (f) the number of hits for persons referred to in Article 14(1):
- (i) **for whom an application for international protection was registered [...]** in another Member State,
 - (ii) who were apprehended in connection with the irregular crossing of an external border, [...]
 - (iii) who were [...] illegally staying in a Member State,
 - (iv) **who were disembarked following a search and rescue operation;**
- (g) the number of hits for persons referred to in Article 14a(1):
- (i) **for whom an application for international protection was registered,**
 - (ii) **who were apprehended in connection with the irregular crossing of an external border,**
 - (iii) **who were illegally staying in a Member State,**
 - (iv) **who were disembarked following a search and rescue operation;**
- (h) the number of [...] biometric data which the Central System had to request more than once from the Member States of origin because the [...] biometric data originally transmitted did not lend themselves to comparison using the computerised fingerprint and facial image recognition systems;
- (i) the number of data sets marked and unmarked [...] in accordance with Article 19(1), [...] (2), (3) and (4);

- (j) the number of hits for persons referred to in Article 19(1) and (4) for whom hits have been recorded under points [...] (d) **to (g)** of this Article;
- (k) the number of requests and hits referred to in Article 21(1);
- (l) the number of requests and hits referred to in Article 22(1);
- (m) the number of requests made for persons referred to in Article 31;
- (n) the number of hits received from the Central System as referred to in Article 26(6).

2. The monthly statistical data for persons referred to in paragraph 1(a) to [...] **(n)** shall be published each month. At the end of each year, the yearly statistical data for persons referred to in paragraph 1(a) to [...] **(n)** shall be published by eu-LISA. The statistical data shall [...] be broken down by Member State. The statistical data for persons referred to in paragraph 1 **(c)** shall, where possible, be broken down by year of birth and sex.

3. For the purpose of supporting the objective referred to in Article 1(c), eu-LISA shall produce monthly cross-system statistics. Those statistics shall not allow for the identification of individuals and will use data from Eurodac, the Visa Information System, ETIAS and the Entry/Exit System.

These statistics shall be made available to the Commission, to the [European Union Agency for Asylum], to the European Border and Coast Guard Agency and to the Member States. The Commission shall, by means of implementing acts, specify the content of the monthly cross-system statistics. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41a(2).

4. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects [...] related to the application of this Regulation as well as the statistics pursuant to paragraph 1 and shall, upon request, make them available to a Member State **and to the [European Union Agency for Asylum]**.

5. eu-LISA shall store the data referred to in paragraphs 1 to 4 of this Article, which shall not allow for the identification of individuals, for research and analysis purposes, thus enabling the authorities referred to in paragraph 3 of this Article to obtain customisable reports and statistics in the central repository for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818.

6. Access to the central repository **for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818** shall be granted to eu-LISA, to the Commission, to the [European Union Agency for Asylum] and to the authorities designated by each Member State in accordance with Article 28(2). Access may also be granted to authorised users of other Justice and Home Affairs Agencies if such access is relevant for the implementation of their tasks.’;

(14) Article 10 is replaced by the following:

Article 10

Collection and transmission of biometric data

1. Each Member State shall [...] take the [...] biometric data of every applicant for international protection of at least six years of age;

(a) [...] upon the registration of the application for international protection referred to in [Article 27 of Regulation (EU) No XXX/XXX [*Asylum Procedure Regulation*]] and shall, as soon as possible and no later than 72 hours from that registration [...], transmit them together with the other data referred to in Article 12 ~~(1) (e) to (h), (k), and (n) to (p)~~ of this Regulation to the Central System and to the CIR as appropriate in accordance with Article 4(2); or

(b) upon the making of the application for international protection, where the application is made ~~By derogation from the first subparagraph, each Member State shall promptly take the biometric data of every person of at least six years of age who applies for international protection at external border crossing points or in transit zones by a person and who does not fulfil the entry conditions as set out in Article 6 of Regulation (EU) 2016/399, and shall, as soon as possible and no later than 72 hours after the biometric data have been taken transmit them together with the data referred to in Article 12 ~~(1) (e) to (h), (k), and (n) to (p)~~ of this Regulation to the Central System and to the CIR as appropriate in accordance with Article 4(2).~~

[...]

Non-compliance with the 72-hour time-limit shall not relieve Member States of the obligation to take and transmit the [...] **biometric data** to the [...] **CIR**. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of the applicant and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

2. By way of derogation from paragraph 1, where it is not possible to take the [...] biometric data of an applicant for international protection on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such [...] biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 1 by a maximum of a further 48 hours in order to carry out their national continuity plans.

3. [...] Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or [...] experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation [...] (EU) 2019/1896 and [Regulation (EU) XXX/XXX [EU Agency for Asylum Regulation]].

4. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).’;

4a. The fact that the application for international protection follows or is made simultaneously with the apprehension of the third-country national or stateless person in connection with the irregular crossing of the external borders does not exempt Member States to register those persons first in accordance with Article 13 of this Regulation.

4b. The fact that the application for international protection follows the apprehension of the third-country national or stateless person illegally staying on the territory of Member States, does not exempt Member States to register those persons first in accordance with Article 14 of this Regulation.

4c. The fact that the application for international protection follows or is made simultaneously with the disembarkation following a search and rescue operation of the third-country national or stateless person does not exempt Member States to register those persons first in accordance with Article 14a of this Regulation.

4d. In the cases foreseen in paragraphs 4a to 4c, the Member State shall reuse the biometric data previously taken in accordance with Articles 13, 14 and 14a of this Regulation for the recording in the Central System and in the CIR made pursuant to paragraph 1.

(15) Article 11 is replaced by the following:

Article 11

Information on the status of the data subject

1. As soon as the Member State responsible has been determined in accordance with [Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]] the Member State that conducts the procedures for determining the Member State responsible shall update its data set recorded pursuant to Article 12 of this Regulation regarding the person concerned by adding the Member State responsible.

[Where a Member State becomes responsible because there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State in accordance with Article 8(4) of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]] it shall update its data set recorded pursuant to Article 12 of this Regulation regarding the person concerned by adding the Member State responsible.]

2. The following information shall be sent to the Central System in order to be stored in accordance with Article 17 (1) for the purpose of transmission under Articles 15 and 16:

- (a) when an applicant for international protection or another person as referred to in [Article [...] **26 (1), points (b), (c) or (d)** [...] of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]] arrives in the Member State responsible following a transfer pursuant to a take back [notification as referred to in Article [...] **31 of that Regulation**], the Member State responsible shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding his or her date of arrival;

- (b) when an applicant for international protection arrives in the Member State responsible following a transfer pursuant to a decision acceding to a take charge request according to [Article [...] **30** of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]], the Member State responsible shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival;

[...]

- (c) as soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 12 of this Regulation has left the territory of the Member States in compliance with a return decision or removal order issued following the withdrawal or rejection of the application for international protection, it shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding the date of his or her removal or when he or she left the territory;

[...]

3. Where responsibility shifts to another Member State, pursuant to [Articles 27(1) and Article 58(3) of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]], the Member State that establishes that responsibility has shifted, or the Member State of relocation, shall indicate the Member State responsible.

4. Where paragraphs 1 or 3 of this Article or Article 19(6) apply, the Central System shall, as soon as possible and no later than within 72 hours, inform all Member States of origin of the transmission of such data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 13(1), 14(1) or 14a(1). Those Member States of origin shall also update the Member State responsible in their corresponding data sets.’;

(16) Article 12 is replaced by the following:

Article 12

Recording of data

1. Only the following data shall be recorded in the Central System **and in the CIR as appropriate in accordance with Article 4(2)**:

- (a) fingerprint data;
- (b) a facial image;
- (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;
- (d) nationality(ies)
- (e) [...] date of birth;
- (f) **place of birth;**

- (g) Member State of origin, place and date of the application for international protection; in the cases referred to in Article 11(2)(b), the date of application shall be the one entered by the Member State who transferred the applicant;
- (h) sex;
- ~~(i) — where available, the type and number of identity or travel document the three-letter code of the issuing country and [...] expiry date;~~
- ~~(j) — where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;~~
- ~~(i k)~~ reference number used by the Member State of origin;
- [...]
- ~~(l) — the Member State responsible in the cases referred to in Article 11(1), (2) or (3);~~
- ~~(m) — the Member State of [...] relocation in accordance with Article 14b(1) [...];~~
- ~~(i n)~~ date on which the [...] biometric data were taken;
- ~~(k ø)~~ date on which the data were transmitted to the Central System **and to the CIR as appropriate;**

(l p) operator user ID;

(q) — where applicable in [...] ~~the cases referred to in Article 11(2)(a)~~, the date of the arrival of the person concerned after a successful transfer;

(r) — where applicable in [...] ~~the cases referred to in Article 11(2)(b)~~, the date of the arrival of the person concerned after a successful transfer;

[...]

(s) — where applicable in [...] ~~the cases referred to in Article 11(2)(c)~~, the date when the person concerned left or was removed from the territory of the Member States;

(t) — ~~where applicable, in accordance with the cases referred to in Article 14b(2), the date of arrival of the person concerned after a successful transfer;~~

[...]

(u) — ~~where there are indications that a visa was issued to the applicant, the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;~~

(v) — ~~[the fact that the person could pose a threat to internal security following the screening referred to in [Regulation (EU) No XXX/XXX [Screening Regulation]] or following an examination pursuant to Article 8(4) of Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management]];~~

~~(x) — where applicable, the fact that the application for international protection has been rejected where the applicant has no right to remain and has not been allowed to remain in a Member State pursuant to [Regulation (EU) XXX/XXX [Asylum Procedure Regulation]];~~

~~(z) — where applicable, the fact that assistance for voluntary return and reintegration (AVRR) has been granted.~~

1a. Additionally, where applicable and available, the following data shall be promptly recorded in the Central System and in the CIR, as appropriate in accordance with Article 4(2):

(a) the type and number of identity or travel document the three letter code of the issuing country and expiry date;

(b) a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

(c) the Member State responsible in the cases referred to in Article 11(1), (2) or (3);

(d) the Member State of relocation in accordance with Article 14b(1)

(e) in the cases referred to in Article 11(2)(a), the date of the arrival of the person concerned after a successful transfer;

(f) in the cases referred to in Article 11(2)(b), the date of the arrival of the person concerned after a successful transfer;

(g) in the cases referred to in Article 11(2)(c), the date when the person concerned left or was removed from the territory of the Member States;

(h) in accordance with the cases referred to in Article 14b(2), the date of arrival of the person concerned after a successful transfer;

- (i) the fact that a visa was issued to the applicant, the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;**
- (j) [the fact that the person could pose a threat to internal security following the screening referred to in [Regulation (EU) No XXX/XXX [Screening Regulation]] or following an examination pursuant to Article 8(4) of Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management]];**
- (k) the fact that the application for international protection has been rejected where the applicant has no right to remain and has not been allowed to remain in a Member State pursuant to [Regulation (EU) XXX/XXX [Asylum Procedure Regulation]];**
- (l) the fact that assistance for voluntary return and reintegration (AVRR) has been granted.**

2. A data set pursuant to paragraph 1 is considered created within the meaning [...] of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;

(17) Article 13 is replaced by the following:

‘Article 13

Collection and transmission of biometric data

1. Each Member State shall promptly take the [...] biometric data of every third-country national or stateless person of at least six years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back or who remains physically on the territory of the Member States and who is not kept in custody, confinement or detention during the entirety of the period between apprehension and removal on the basis of the decision to turn him or her back.

2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to the Central System **and to the CIR as appropriate in accordance with Article 4(2)** the following data in relation to any third-country national or stateless person, as referred to in paragraph 1, who is not turned back:

- (a) fingerprint data;
- (b) a facial image;
- (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;
- (d) nationality(ies);
- (e) [...] date of birth;
- (f) place of birth;**
- (g) Member State of origin, place and date of the apprehension;
- (h) sex;
- [...]
- (i) reference number used by the Member State of origin;
- (j) date on which the [...] biometric data were taken;

- (k) date on which the data were transmitted to the Central System **and to the CIR as appropriate;**
- (l) operator user ID.
- 2a. **Additionally, where applicable and available, the following data shall be promptly transmitted to the Central System and the CIR, as appropriate in accordance with Article 4(2) ~~as soon as available~~:**
- (a) **type and number of identity or travel document; three letter code of the issuing country and expiry date;**
- (b) **a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;**
- (c) [...] in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States;
- (d) **the Member State of relocation in accordance with Article 14b(1);**
- (e) [...] the fact that assistance for voluntary return and reintegration (AVRR) has been granted,
- (f) [the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) XXX/XXX [*Screening Regulation*]].

3. By way of derogation from paragraph 2, the data specified in paragraph 2 relating to persons apprehended as described in paragraph 1 who remain physically on the territory of the Member States but are kept in custody, confinement or detention upon their apprehension for a period exceeding 72 hours shall be transmitted before their release from custody, confinement or detention.

4. Non-compliance with the 72 hour time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the [...] biometric data to the [...] CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

5. By way of derogation from paragraph 1, where it is not possible to take the [...] biometric data of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such [...] biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

6. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 relating to the person concerned by adding the date of his or her removal or when he or she left the territory.

7. [...] Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation [...] (EU) 2019/1896 and [Regulation (EU) XXX/XXX [*EU Agency for Asylum Regulation*]].

8. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).

9. A data set pursuant to paragraph 2 is considered created within the meaning [...] of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;

(18) Article 14 is replaced by the following:

Article 14

Collection and transmission of biometric data

1. Each Member State shall promptly take the [...] biometric data of every third-country national or stateless person of at least six years of age who is [...] illegally staying within its territory.

2. The Member State concerned shall, as soon as possible and no later than 72-hours after [...] **the third-country national or the stateless person has been found to be illegally staying**, transmit to the Central System **and to the CIR as appropriate in accordance with Article 4(2)** the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:

- (a) fingerprint data;
- (b) a facial image;
- (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;
- (d) nationality(ies);
- (e) [...] date of birth;
- (f) **place of birth;**

(g) Member State of origin, place and date of the apprehension;

(h) sex;

[...]

(i) reference number used by the Member State of origin;

(j) date on which the [...] biometric data were taken;

(k) date on which the data were transmitted to the Central System **and to the CIR as appropriate;**

(l) operator user ID;

2a. Additionally, where applicable and available, the following data shall be promptly transmitted to the Central System and the CIR, as appropriate in accordance with Article 4(2) as soon as available:

(a) **type and number of identity or travel document; three letter code of the issuing country and expiry date;**

(b) **a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;**

- (c) [...] in accordance with paragraph [...] 5, the date when the person concerned left or was removed from the territory of the Member States;
- (d) **the Member State of relocation in accordance with Article 14b(1);**
- (e) [...] in accordance with the cases referred to in Article 14b(2), the date of arrival of the person concerned after a successful transfer;
- (f) [...] the fact that assistance for voluntary return and reintegration (AVRR) has been granted;
- (g) [...] the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) XXX/XXX [*Screening Regulation*]].

[...]

3. Non-compliance with the 72 hour time-limit referred to in paragraph [...] 2 of this Article shall not relieve Member States of the obligation to take and transmit the [...] biometric data to the [...] CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

4. By way of derogation from paragraph 1, where it is not possible to take the [...] biometric data of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such [...] biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

5. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with [...] **paragraph 1** has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 [...] relating to the person concerned by adding the date of his or her removal or when he or she left the territory.

6. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).

7. A data set pursuant to paragraph 2 is considered created within the meaning [...] of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;

(19) the following Chapter is inserted after Article 14:

‘CHAPTER IV a

**THIRD-COUNTRY NATIONALS OR STATELESS PERSONS DISEMBARKED FOLLOWING A
SEARCH AND RESCUE OPERATION**

Article 14a

Collection and transmission of biometric data

- 1. Each Member State shall promptly take the biometric data of every third-country national or stateless person of at least six years of age who is disembarked following a search and rescue operation as defined in [Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]].**
- 2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of disembarkation, transmit to the Central System and to the CIR, as appropriate in accordance with Article 4(2), the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:**
 - (a) fingerprint data;**
 - (b) a facial image;**

- (c) **surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;**
- (d) **nationality(ies);**
- (e) **date of birth;**
- (f) **place of birth;**
- (g) **Member State of origin, place and date of disembarkation;**
- (h) **sex;**
- [...]
- (i) **reference number used by the Member State of origin;**
- (j) **date on which the biometric data were taken;**
- (k) **date on which the data were transmitted to the Central System and to the CIR as appropriate;**
- (l) **operator user ID;**

2a. Additionally, where applicable and available, the following data shall be promptly transmitted to the Central System and the CIR, as appropriate in accordance with Article 4(2) as soon as available:

- (a) type and number of identity or travel document; three letter code of the issuing country and expiry date;**
- (b) a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;**
- (c) [...] in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States;**
- (d) the Member State of relocation in accordance with Article 14b(1);**
- (e) [...] the fact that assistance for voluntary return and reintegration (AVRR) has been granted,**
- (f) [the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) XXX/XXX [*Screening Regulation*]].**

4. Non-compliance with the 72 hour time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the biometric data to the CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons disembarked as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

5. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the disembarked person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

6. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 relating to the person concerned by adding the date of his or her removal or when he or she left the territory.

7. Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation (EU) 2019/1896 and [Regulation (EU) XXX/XXX [*EU Agency for Asylum Regulation*]].

8. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).

9. A data set pursuant to paragraph 2 [...] is considered created within the meaning [...] of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;

(20) the following Chapter is inserted after Article 14a:

‘CHAPTER IV b

INFORMATION ON RELOCATION

Article 14b

Information on the status of relocation of the data subject

- 1. As soon as the Member State of relocation has confirmed that it will [...] relocate the person concerned pursuant to [Article 57(7) of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]], the benefiting Member State shall update its data set recorded pursuant to Articles 12, 13, 14 or 14a of this Regulation relating to the person concerned by adding the Member State of relocation.**
- 2. When a person arrives in the Member State of relocation following the confirmation by the Member State of relocation to relocate the person concerned pursuant to [Article 57(7) of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]], that Member State shall transmit [...] a data set recorded in conformity with Articles 12 or 14 of this Regulation relating to the person concerned and shall include his or her date of arrival. The data set shall be stored in accordance with Article 17 (1) for the purpose of transmission under Articles 15 and 16.’;**

(21) Article 17 is amended as follows:

(a) the following paragraph 3a is inserted:

‘3a. For the purposes laid down in Article 14a(1), each set of data relating to a third-country national or stateless person as referred to in Article 14a(2) shall be stored in the Central System and in the CIR as appropriate for five years from the date on which his or her biometric data were taken.’;

(b) paragraph 4 is replaced by the following:

‘(4). Upon expiry of the data storage periods referred to in paragraphs (1) to (3a) of this Article, [...] the data of the data-subjects shall be automatically erased [...] from the Central System and from the CIR [...].’;

(22) Article 19 is replaced by the following:

Article 19

Marking [...] of data

1. For the purposes laid down in Article 1(1)(a), the Member State of origin which granted international protection [...] to a person whose data were previously recorded in the Central System **and in the CIR as appropriate in accordance with Article 4(2)** pursuant to Article 12 shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(1) for the purpose of transmission under Article 15 and 16. The Central System shall, as soon as possible and no later than 72 hours, inform all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 13(1), [...] 14(1), **or 14a(1)**. Those Member States of origin shall also mark the corresponding data sets.

2. The data of beneficiaries of international protection stored in the Central System **and in the CIR as appropriate in accordance with Article 4(2)** and marked pursuant to paragraph 1 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) [...] until such data is automatically erased from the Central System and from the CIR [...] in accordance with Article 17(4).

[...]

3. The Member State of origin shall unmark [...] data concerning a third-country national or stateless person whose data were previously marked [...] in accordance with paragraphs 1 or 2 of this Article if his or her status is [...] withdrawn under Articles 14 or 20 of Regulation No (EU) XXX/XXX [Qualification Regulation].

4. For the purposes laid down in Article 1(1)(a) and (c), the Member State of origin which issued [...] a residence document to an illegally staying third-country national or stateless person whose data were previously recorded in the Central System **and in the CIR as appropriate** pursuant to Article 13 (2) and 14(2) **or to a third-country national or stateless person disembarked following a search and rescue operation whose data were previously recorded in the Central System and in the CIR as appropriate pursuant to Article 14a(2)** shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(2), [...] (3) **and (3a)** for the purpose of transmission under Article 15 and 16. The Central System shall, as soon as possible and no later than 72-hours, inform all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Articles **10(1)**, 13(1), [...] 14(1), **or 14a(1)**. Those Member States of origin shall also mark the corresponding data sets.

5. The data of illegally staying third-country nationals or stateless persons stored in the Central System **and in the CIR** and marked pursuant to paragraph 4 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) until such data is automatically erased from the Central System **and from the CIR** in accordance with Article 17 (4).

6. For the purposes of [Article 58(4) of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*]], the Member State of relocation shall, following the registration of the data pursuant to Article 14b(2), register itself as the Member State responsible and mark that data with the marking introduced by the Member State who granted protection.”;

(23) in Article 21, the following paragraph is inserted:

‘1a. Where the designated authorities consulted the CIR in accordance with Article 22(1) of Regulation 2019/818, they may access Eurodac for consultation under the conditions foreseen in this Article where the reply received pursuant to Article 22(2) of Regulation (EU) 2019/818 indicates that data is stored in Eurodac.’;

(24) in Article 22, the following paragraph 1a is inserted:

‘1a. Where Europol consulted the CIR in accordance with Article 22(1) of Regulation (EU) 2019/818, they may access Eurodac for consultation under the conditions foreseen in this Article where the reply received pursuant to Article 22(2) of Regulation (EU) 2019/818 indicates that data is stored in Eurodac.’;

(25) in Article 28, the following paragraph is inserted:

‘3a. Access for the purposes of consulting the Eurodac data stored in the CIR shall be granted to the duly authorised staff of the national authorities of each Member State and to the duly authorised staff of the Union bodies competent for the purposes laid down in Articles 20 and 21 of Regulation (EU) 2019/818. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.’;

(26) Article 29, is amended as follows:

(a) the following paragraphs 1a and 1b are inserted:

‘1a. For the purposes of Article 8a, eu-LISA shall keep records of each data processing operation carried out within Eurodac. Records of such type of operations shall include the elements provided for in the first paragraph and the hits triggered while carrying out the automated processing laid down in Article 20 of Regulation (EU) 2018/1240.

1b. For the purpose of Article 8c, Member States and eu-LISA shall keep records of each data processing operation carried out within Eurodac and the Visa Information System in accordance with this Article and Article 34 of Regulation (EC) 767/2008.’;

(b) paragraph 3 is replaced by the following:

‘3. For the purposes laid down in Article (1)(1)(a), [...] **(b), (c), (f) and (g)**, each Member State shall take the necessary measures in order to achieve the objectives set out in paragraphs 1, **1a, 1b** and 2 of this Article in relation to its national system. In addition each Member State shall keep record of the staff duly authorised to enter or retrieve the data.’;

(27) in Article 39(2), the following point (i) is inserted:

‘**(i) where applicable [...], a reference to the use of the European search portal to query Eurodac as referred to in Article 7(2) of the Regulation (EU) 2019/818.**’;

(28) the following Chapter VIIIa is inserted after Article 40:

‘CHAPTER VIIIa

AMENDMENTS TO REGULATIONS (EU) 2018/1240 AND (EU) 2019/818

Article 40a

Amendments to Regulation (EU) 2018/1240

Regulation (EU) 2018/1240 is amended as follows:

(1) in Article 11 the following paragraph 6a is inserted:

‘6a. For the purpose of proceeding to the verifications referred to in point (k) of Article 20(2), the automated processing referred to in paragraph 1 of this Article, shall enable the ETIAS Central System to query Eurodac established by [Regulation (EU) XXX/XXX], with the data referred to in Article 17(2), points (a) to (d):

(a) surname (family name), surname at birth, first name(s) (given name(s)), date of birth, place of birth, sex, current nationality;

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

(c) other nationalities (if any);

(d) type, number, the country of issue of the travel document.’;

(2) in Article 25a(1), the following point (e) is inserted:

‘(e) Articles 12, 13, 14 and 14a of Regulation (EU) XXX/XXX [*Eurodac Regulation*].’;

(3) in Article 88, paragraph 6 is replaced by the following:

‘6. ETIAS’ operations shall start irrespective of whether interoperability with Eurodac or ECRIS-TCN is put in place.’;

Article 40b

Amendments to Regulation (EU) 2019/818

Regulation (EU) 2019/818 is amended as follows:

(1) in Article 4, point (20) is replaced by the following:

‘(20). ‘designated authorities’ means the Member State designated authorities as defined in Article 6 of the Regulation (EU) XXX/XXX [*Eurodac Regulation*], in point (26) of Article 3(1) of Regulation (EU) 2017/2226 of the European Parliament and the Council, in point (3a) of Article 4 of Regulation (EC) 767/2008, and point (21) of Article 3(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council;’;

(2) in paragraph 1 of Article 10, the introductory wording is replaced by the following:

‘Without prejudice to Article 39 of Regulation (EU) XXX/XXX [*Eurodac Regulation*], Articles 12 and 18 of Regulation (EU) 2018/1862, Article 29 of Regulation (EU) 2019/816 and Article 40 of Regulation (EU) 2016/794, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, in particular, the following:’;

(3) paragraph 1 of Article 13 is amended as follows:

(a) point (b) is replaced by the following:

‘(b) the data referred to in Article 5(1), point (b), and (2) of Regulation (EU) 2019/816;’;

(b) the following point (c) is added:

‘(c) the data referred to in Articles 12(1), points (a) and (b), 13(2), points (a) and (b), 14(2), points (a) and (b) and 14a(2), points (a) and (b) of Regulation (EU) XXX/XXX [*Eurodac Regulation*].’;

(4). Article 14 is replaced by the following:

Article 14

Searching biometric data with the shared biometric matching service

In order to search the biometric data stored within the CIR and SIS, the CIR and SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in Regulations (EC) No 767/2008, (EU) 2017/2226, Regulation (EU) XXX/XXX [*Eurodac Regulation*], Regulations (EU) 2018/1860, (EU) 2018/1861, (EU) 2018/1862 and (EU) 2019/816.’;

(5) In Article 16, the introductory wording of paragraph 1 is replaced by the following:

‘Without prejudice to Article 39 of Regulation (EU) XXX/XXX [*Eurodac Regulation*], Article 12 and 18 of Regulation (EU) 2018/1862 and to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations within the shared BMS.’;

(6) In Article 18, paragraph 1 is replaced by the following:

‘1. The CIR shall store the following data, logically separated according to the information system from which the data have originated:

a) the data referred to in Article 12(1), points (a) to (f), (h) and (1a) point (a) ~~(i)~~ Article 13(2), points (a) to (f) and (h) and (2a) point (a), Article 14(2), points (a) to (f) and (h) and (2a) point (a) and Article 14a, points (a) to (f) and (h) and (2a) point (a) of Regulation (EU) XXX/XXX [*Eurodac Regulation*];

b) the data referred to in Article 5(1), point (b), and (2) and the following data listed in Article 5(1), point (a) of Regulation (EU) 2019/816: surname (family name), first names (given names), date of birth, place of birth (town and country), nationality or nationalities, gender, previous names, if applicable, where available pseudonyms or aliases, as well as, where available, information on travel documents.’;

(7) In Article 23, paragraph 1 is replaced by the following:

‘1. The data referred to in Article 18(1), (2) and (2a) shall be deleted from the CIR in an automated manner in accordance with the data retention provisions of Regulation (EU) XXX/XXX [*Eurodac Regulation*] and of Regulation (EU) 2019/816.’;

(8) Article 24 (1), is replaced by the following:

‘Article 24

Keeping of logs

Without prejudice to Article 39 of Regulation (EU) XXX/XXX [*Eurodac Regulation*] and Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations within the CIR in accordance with paragraphs 2, 3 and 4 of this Article.’;

(9) In Article 26(1), points (aa), (ab), (ac) and (ad) are inserted:

- ‘(aa) the authorities competent to collect the data provided for in Chapter II of Regulation (EU) XXX/XXX [*Eurodac Regulation*] when transmitting data to Eurodac [...];**
- (ab) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) XXX/XXX [*Eurodac Regulation*] when transmitting data to Eurodac;**
- (ac) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) XXX/XXX [*Eurodac Regulation*] when transmitting data to Eurodac;**
- (ad) the authorities competent to collect the data provided for in Chapter IVA of Regulation (EU) XXX/XXX [*Eurodac Regulation*] when transmitting data to Eurodac;’;**

(10) Article 27 is amended as follows:

(a) the following point (aa) is inserted in paragraph 1:

- ‘(aa) a data set is transmitted to Eurodac in accordance with Articles 12, 13, 14 and 14a of Regulation (EU) XXX/XXX [*Eurodac Regulation*];’;**

(b) the following point (aa) is inserted in paragraph 3:

‘(aa) surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 12 to 14a of Regulation (EU) XXX/XXX [*Eurodac Regulation*];’;

(11) in Article 29(1), the following point (aa) is inserted:

‘(aa) the authorities competent to collect the data provided for in Chapter II of Regulation (EU) XXX/XXX [*Eurodac Regulation*] when transmitting data to Eurodac [...] for matches [...] that occurred when transmitting such data [...];

(ab) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) XXX/XXX [*Eurodac Regulation*] for matches that occurred when transmitting such data;

(ac) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) XXX/XXX [*Eurodac Regulation*] for matches that occurred when transmitting such data;

(ad) the authorities competent to collect the data provided for in Chapter IVA of Regulation (EU) XXX/XXX [*Eurodac Regulation*] for matches that occurred when transmitting such data’;

(12) in Article 39, paragraph 2 is replaced by the following:

‘2. eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Articles 9 and 42(8) of Regulation (EU) XXX/XXX [*Eurodac Regulation*], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. Access to the repository CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Articles 9 and 42(8) of Regulation (EU) XXX/XXX [*Eurodac Regulation*], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816.’;

(13) in Article 47, the following new indent is inserted in paragraph 3:

‘Persons whose data are recorded in the Eurodac shall be informed about the processing of personal data for the purposes of this Regulation in accordance with paragraph 1 when a new data set is transmitted to Eurodac in accordance with Articles 10, 12, 13, 14 and 14a of Regulation (EU) XXX/XXX [*Eurodac Regulation*].’;

(14) Article 50 is replaced by the following:

Article 50

Communication of personal data to third countries, international organisations and private parties

Without prejudice to Article 31 of Regulation (EC) No 767/2008, Articles 25 and 26 of Regulation (EU) 2016/794, Articles 37 and 38 of Regulation (EU) XXX/XXX [*Eurodac Regulation*], Article 41 of Regulation (EU) 2017/2226, Article 65 of Regulation (EU) 2018/1240 and the querying of Interpol databases through the ESP in accordance with Article 9(5) of this Regulation which comply with the provisions of Chapter V of Regulation (EU) 2018/1725 and Chapter V of Regulation (EU) 2016/679, personal data stored in, processed or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.’;

(29) the following Article 41a is inserted:

Article 41a

Committee Procedure

- 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) 182/2011.**
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) 182/2011 shall apply.**

3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) 182/2011 shall apply.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX II

Table of correspondences referred to in Article 8a

<i>Data provided pursuant to Article 17(2) of Regulation (EU) 2018/1240 of the European Parliament and of the Council¹ recorded and stored by ETIAS Central System</i>	<i>The corresponding data in Eurodac pursuant to Articles 12, 13, 14 and 14a of this Regulation against which the ETIAS data should be checked</i>
surname (family name)	surname(s)
surname at birth	name(s) at birth
first name(s) (given name(s))	forename(s)
other names (alias(es), artistic name(s), usual name(s))	previously used names and any aliases
date of birth	date of birth
place of birth	place of birth
Sex	sex
current nationality	nationality(ies)
other nationalities (if any)	nationality(ies)
type of the travel document	type of travel document
number of the travel document	number of travel document
country of issue of the travel document	three letter code of the issuing country

¹ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, OJ L 236, 19.9.2018, p. 1.