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From: Presidency
To: Working Party on JHA Information Exchange / Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)

No. prev. doc.: 5970/22

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol
- four-column table

In view of the meeting of the Working Party on JHA Information Exchange on 24 February 2022, delegations will find in annex the four-column table on the above-mentioned Regulation.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen
Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as
regards the entry of information alerts on third-country nationals in the interest of the Union by ~~Europol~~**

Version 21-02-2022

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
1	2020/0350 (COD)	2020/0350 (COD)	2020/0350 (COD)	2020/0350 (COD) <small>Text Origin: Council Mandate</small>
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol

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3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Council Mandate
4	Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 88(2) thereof, Text Origin: Council Mandate
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Council Mandate
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Council Mandate

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7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, <small>Text Origin: Council Mandate</small>
8	Whereas:	Whereas:	Whereas:	Whereas: <small>Text Origin: Council Mandate</small>
9	(1) The Schengen Information System ('SIS') constitutes an essential tool for maintaining a high level of security within the area of freedom, security and justice of the Union by supporting operational cooperation between national competent authorities, in particular border guards, the police, customs authorities, immigration authorities, and authorities responsible for the prevention, detection, investigation or prosecution of criminal offences or execution of criminal penalties. Regulation (EU) 2018/1862 of the European Parliament and of the Council ¹ constitutes the legal basis for SIS in respect of matters falling	(1) The Schengen Information System ('SIS' <u>SIS</u>) constitutes an essential tool for maintaining a high level of security within the area of freedom, security and justice of the Union by supporting operational cooperation between national competent <u>competent</u> <u>national</u> authorities, in particular border guards, the police, customs authorities, immigration authorities, and authorities responsible for the prevention, detection, investigation or prosecution of criminal offences or execution of criminal penalties. Regulation (EU) 2018/1862 of the European Parliament and of the Council ¹ constitutes the legal basis	(1) The Schengen Information System ('SIS') constitutes an essential tool for maintaining a high level of security within the area of freedom, security and justice of the Union by supporting operational cooperation between national competent authorities, in particular border guards, the police, customs authorities, immigration authorities, and authorities responsible for the prevention, detection, investigation or prosecution of criminal offences or execution of criminal penalties. Regulation (EU) 2018/1862 of the European Parliament and of the Council ¹ constitutes the legal basis for SIS in respect of matters falling	(1) The Schengen Information System ('SIS') constitutes an essential tool for maintaining a high level of security within the area of freedom, security and justice of the Union by supporting operational cooperation between national competent authorities, in particular border guards, the police, customs authorities, immigration authorities, and authorities responsible for the prevention, detection, investigation or prosecution of criminal offences or execution of criminal penalties. Regulation (EU) 2018/1862 of the European Parliament and of the Council ¹ constitutes the legal basis for SIS in respect of matters falling

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	<p>within the scope of Chapters 4 and 5 of Title V of Part Three of the Treaty on Functioning of the European Union (TFEU).</p> <p>1. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).</p>	<p>for SIS in respect of matters falling within the scope of Chapters 4 and 5 of Title V of Part Three of the Treaty on Functioning of the European Union (TFEU).</p> <p>1. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).</p>	<p>within the scope of Chapters 4 and 5 of Title V of Part Three of the Treaty on Functioning of the European Union (TFEU).</p> <p>1. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).</p>	<p>within the scope of Chapters 4 and 5 of Title V of Part Three of the Treaty on Functioning of the European Union (TFEU).</p> <p>1. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).</p> <p><i>Text Origin: Council Mandate</i></p>
10	<p>(2) Alerts on persons and objects entered in SIS are in real time made available directly to all end-users of the competent national authorities of Member States that use SIS pursuant to Regulation (EU) 2018/1862. SIS alerts contain information about a particular person or object as well as instructions for the authorities on what to do when the person or object has been found.</p>	<p>(2) Alerts on persons and objects entered in SIS are in real time made available directly to all end-users of the competent national authorities of Member States that use SIS <u>authorised to search SIS directly</u> pursuant to Regulation (EU) 2018/1862. <u>The European Union Agency for Law Enforcement Cooperation (Europol), established by Regulation (EU) 2016/794 of the</u></p>	<p>(2) Alerts on persons and objects entered in SIS are in real time made available directly to all end-users of the competent national authorities of Member States that use SIS pursuant to Regulation (EU) 2018/1862. SIS alerts contain information about a particular person or object as well as instructions for the authorities on what to do when the person or object has been found.</p>	<p>(2) Alerts on persons and objects entered in SIS are in real time made available directly to all end-users of the competent national authorities of Member States that use <u>authorised to search</u> SIS pursuant to Regulation (EU) 2018/1862.</p> <p><u>The European Union Agency for Law Enforcement Cooperation (Europol), established by</u></p>

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		<p><u>European Parliament and of the Council1a, national members of the European Union Agency for Criminal Justice Cooperation (Eurojust), established by Regulation (EU) 2018/1727 of the European Parliament and of the Council1b, and the teams of the European Border and Coast Guard (EBCG), established by Regulation(EU) 2019/1896 of the European Parliament and of the Council1c are also authorised to access and search data in SIS pursuant to their mandates, in accordance with Regulation (EU) 2018/1862.</u> SIS alerts contain information about<u>allowing the competent national authorities and the relevant Union agencies to identify</u> a particular person or object as well as instructions for the authorities on what to do when the person or object has been found<u>located</u>.</p>	<p><u>Regulation (EU) 2016/794 of the European Parliament and of the Council1a, national members of the European Union Agency for Criminal Justice Cooperation (Eurojust), established by Regulation (EU) 2018/1727 of the European Parliament and of the Council1b, and the teams of the European Border and Coast Guard (EBCG), established by Regulation(EU) 2019/1896 of the European Parliament and of the Council1c are also authorised to access and search data in SIS pursuant to their mandates, in accordance with Regulation (EU) 2018/1862.</u></p> <p>-SIS alerts contain information about a particular person or object as well as instructions for the authorities on what to do when the person or object has been found<u>located</u>.</p> <p>Text Origin: Council Mandate</p>	
11	(3) The European Union Agency for Law Enforcement Cooperation	(3) The European Union Agency for Law Enforcement Cooperation	(3) The European Union Agency for Law Enforcement Cooperation	(3) The European Union Agency for Law Enforcement Cooperation

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	<p>(Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council¹, plays an important role in the use of SIS and in the exchange of supplementary information with Member States on SIS alerts. Nevertheless, according to existing rules, alerts in SIS can only be issued by Member States' competent authorities.</p> <p>1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114).</p>	<p>(Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council¹, plays an important role in the use of <u>Europol plays an important role in the fight against serious crime and terrorism by providing analyses and threat assessments to support the investigations of competent national authorities. Nevertheless, according to the existing rules, Europol is only able to use SIS and in the to exchange of</u> supplementary information with Member States on SIS alerts. Nevertheless, according to existing rules, while alerts in SIS can only be issued by Member States' competent authorities.</p> <p>1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114).</p>	<p>(Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council¹, plays an important role in the use of SIS and in the exchange of supplementary information with Member States on SIS alerts. Nevertheless, according to existing rules, alerts in SIS can only be issued by Member States' competent authorities.</p> <p>1. [1] Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114).</p>	<p>(Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council¹, plays an important role in the use <u>Europol plays an important role in the fight against serious crime and terrorism by providing analyses and threat assessments to support the investigations of competent national authorities including by the means of using</u> of SIS and in the exchange of supplementary information with Member States on SIS alerts.</p> <p><u>The fight against serious crime and terrorism should be subject to continuous coordination amongst the Member States on the processing of data and on the insertion of alerts into the SIS.</u></p> <p>1. [1] Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114).</p>

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11a			(3a) The fight against serious crime and terrorism should be subject to continuous coordination amongst the Member States on the processing of data and on the insertion of alerts into the SIS.	(3a) <i>The fight against serious crime and terrorism should be subject to continuous coordination amongst the Member States on the processing of data and on the insertion of alerts into the SIS.</i> Text Origin: Council Mandate
12	(4) Given the increasingly global nature of serious crime and terrorism brought about by growing mobility, the information that third countries and international organisations, such as the International Criminal Police Organization and the International Criminal Court, obtain about criminals and terrorists is increasingly relevant for the Union's security. Such information should contribute to the comprehensive efforts to ensure internal security in the European Union. Some of this information is only shared with Europol. While Europol holds valuable information	(4) Given the <i>increasingly</i> global nature of serious crime and terrorism <i>brought about by growing mobility</i> , the information that third countries and international organisations, <i>such as the International Criminal Police Organization and the International Criminal Court, obtain about criminals and terrorists</i> <u>obtain about perpetrators of serious crime and terrorism and persons suspected of serious crime and terrorism</u> is increasingly relevant for the Union's <i>internal</i> security. <i>Such information should contribute to the comprehensive efforts to ensure internal security in the</i>	(4) Given the increasingly global nature of serious crime and terrorism brought about by growing mobility, the information that third countries and international organisations, such as the International Criminal Police Organization and the International Criminal Court, obtain about criminals and terrorists is increasingly relevant for the Union's security. Such information should contribute to the comprehensive efforts to ensure internal security in the European Union. Some of this information is only shared with Europol. While Europol holds valuable information	(4) Given the <i>increasingly</i> global nature of serious crime and terrorism <i>brought about by growing mobility</i> , the information that third countries and international organisations, <i>such as the International Criminal Police Organization and the International Criminal Court, obtain about criminals and terrorists</i> <u>obtain about perpetrators of serious crime and terrorism and persons suspected of serious crime and terrorism</u> is increasingly relevant for the Union's <i>internal</i> security. <i>Such information should contribute to the comprehensive efforts to ensure internal security in the</i>

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	<p>received from external partners on serious criminals and terrorists, it cannot issue alerts in SIS. Member States are also not always able to issue alerts in SIS on the basis of such information.</p>	<p>European Union. Some of this information<u>Some of this information, in particular where the person concerned is a third-country national,</u> is only shared with Europol. While Europol holds valuable, which processes the information received from external partners on serious criminals and terrorists, it cannot issue alerts in SIS and shares the result of its analyses with all Member States are also not always able to issue alerts in SIS on the basis of such information<u>through the Europol information system and the ETIAS watch-list.</u></p>	<p>received from external partners on serious criminals and terrorists, it cannot issue alerts in SIS. Member States are also not always able to issue alerts in SIS on the basis of such information.</p>	<p>European Union. Some of this information<u>Some of this information in particular where the person concerned is a third-country national,</u> is only shared with Europol. While Europol holds valuable which processes the information received from external partners on serious criminals and terrorists, it cannot issue alerts in SIS and shares the result of its analyses with Member States are also not always able to issue alerts in SIS on the basis of such information.</p> <p>Text Origin: Council Mandate</p>
12a		<p><u>(4a) The operational need to make verified information provided by a third-country available to frontline officers, in particular to border guards and police officers, has been widely acknowledged by the Member States. However, the relevant end-users in the Member States do not always have access to this valuable information because, inter alia, Member States do not</u></p>		<p><u>(4a) The operational need to make verified information provided by a third-country available to frontline officers, in particular to border guards and police officers, has been widely acknowledged. However, the relevant end-users in the Member States do not always have access to this valuable information because, inter alia, Member States are not always able to issue alerts</u></p>

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		<p><u>have the capacity to verify the information or they are not able to issue alerts in SIS on the basis of such information due to national law.</u></p>	<p>ST 12800/21</p>	<p><u>in SIS on the basis of such information due to national law.</u></p>
13	<p>(5) In order to bridge the gap in information sharing on serious crime and terrorism, in particular on foreign terrorist fighters – where the monitoring of their movement is crucial – it is necessary to ensure Europol is able to make this information available directly and in real-time to front-line officers in Member States.</p>	<p>(5) In order <u>Member States have sought</u> to bridge the gap in information sharing on serious crime and terrorism, in particular on foreign terrorist fighters within the Union by defining a process for evaluating and possibly entering information from third countries on suspected foreign terrorist fighters —where the monitoring of their movement is crucial— it is necessary to ensure <u>SIS. However, this process is of a temporary nature and relies on the voluntary action of the Member States. This Regulation provides a permanent solution which is effective and sustainable in the long term while making the best possible use of the Europol’s resources and role as an information hub. Subject to strict conditions, Europol is</u> should be able to make this</p>	<p>(5) In order to bridge the gap in information sharing on serious crime and terrorism, in particular on foreign terrorist fighters – where the monitoring of their movement is crucial – it is necessary to ensure that upon the proposal of Europol, Member States are able to enter an alert in the interest of the Union, is able to make this information available directly and in real-time to front-line officers in Member States.</p>	<p>(5) In order to bridge the gap in information sharing on serious crime and terrorism, in particular on foreign terrorist fighters – where the monitoring of their movement is crucial – it is necessary to ensure that upon the proposal of Europol, Member States are able to enter an alert in the interest of the Union, to make <u>available</u> this information available <u>sourced from third countries and international organisations</u> directly and in real-time to front-line officers in Member States.</p> <p>Text Origin: Council Mandate</p>

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		information <u>leverage SIS to combat serious crime and terrorism by making</u> available <u>verified information sourced from third countries</u> directly and in real-time to front-line officers in <u>the</u> Member States.		
14	(6) Europol should therefore be authorised to enter alerts in SIS pursuant to Regulation (EU) 2018/1862, in full respect of fundamental rights and data protection rules.	(6) Europol should therefore be authorised to enter alerts in SIS pursuant to Regulation (EU) 2018/1862, in <u>the general interest of the Union and in</u> full respect of fundamental rights and <u>the Union</u> data protection rules <u>acquis and the competence of the Member States to ensure internal security</u> .	(6) Europol should therefore be authorised to enter alerts in SIS pursuant to Regulation (EU) 2018/1862, in full respect of fundamental rights and data protection rules.	Text Origin: Council Mandate
15	(7) To that end, a specific category of alert should be created in SIS, to be issued exclusively by Europol, in order to inform end-users carrying out a search in SIS that the person concerned is suspected of being involved in a criminal offence in respect of which Europol is competent, and in order for Europol to obtain confirmation	(7) To that end, a specific category of alert should be created in SIS, to be issued exclusively by Europol, in order to inform end-users carrying <u>authorised in the Member States to carry</u> out a search in SIS that <u>Europol holds information indicating that</u> the person concerned is suspected of being <u>involved in or has been convicted</u>	(7) To that end, a specific category of alert should be created in SIS, to be issued exclusively by by the Member States at their discretion and subject to their verification and analysis upon the proposal of Europol in the interest of the Union on third-country nationals , in order to inform end-users carrying out a	(7) To that end, a specific category of alert should be created in SIS, to be issued by the Member States at their discretion and subject to their verification and analysis upon the proposal of Europol in the interest of the Union on third-country nationals, in order to inform end-users carrying out a search in SIS that the person concerned is

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	that the person who is subject to the alert has been located.	<i>of a criminal offence in respect of which Europol is competent. <u>In the event of a hit on an alert, the frontline officer should immediately report the hit to the national SIRENE Bureau, which should confirm to Europol.</u> and in order for Europol to obtain confirmation that the person who is subject to the alert has been located. <u>The relevant national authorities of the Member State concerned are to determine, on a case-by-case basis, including based on the background information provided by Europol, whether further measures need to be taken with regard to the person concerned. Such further measures would take place under the full discretion of the Member State where the hit occurred in accordance with its national law.</u></i>	search in SIS that the person concerned is suspected of being involved in a criminal offence in respect of which Europol is competent, and in order for Member States and Europol to obtain confirmation that the person who is subject to the alert has been located.	suspected of being involved in a criminal offence in respect of which Europol is competent, and in order for Member States and Europol to obtain confirmation that the person who is subject to the alert has been located <u>and to obtain further information in accordance with this Regulation.</u> Text Origin: Council Mandate
16	(8) In order to assess whether a concrete case is adequate, relevant and important enough to warrant the entry of an alert in SIS, and in order to confirm the reliability of the source of information and the	(8) In order to assess, <u>based on objective criteria and in line with the principles of necessity and proportionality,</u> whether a concrete case is adequate, relevant and important enough to warrant the	(8) In order for the requested Member State to assess whether a concrete case is adequate, relevant and important enough to warrant the entry of an alert in SIS, and in order to confirm the reliability of	(8) In order for the requested Member State to assess whether a concrete case is adequate, relevant and important enough to warrant the entry of an alert in SIS, and in order to confirm the reliability of

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	<p>accuracy of the information on the person concerned, Europol should carry out a detailed individual assessment of each case including further consultations with the third country or international organisation that shared the data on the person concerned, as well as further analysis of the case, in particular by cross checking it against information it already holds in its databases, to confirm the accuracy of the information and complement it with other data on the basis of its own databases. The detailed individual assessment should include the analysis of whether there are sufficient grounds for considering that the person has committed or taken part in, or will commit a criminal offence in respect of which Europol is competent.</p>	<p>entry of an alert in SIS, and in order to confirm the reliability of the source of information and the accuracy of the information on the person concerned, <u>that the information was not obtained in breach of fundamental rights of the person and that it was not communicated to Europol for unlawful purposes in violation of human rights.</u> Europol should carry out a detailed individual assessment of each case including, <u>where necessary,</u> further consultations with the third country or international organisation that shared the data on the person concerned, <u>consultations with Member States</u> as well as further analysis of the case, in particular by cross checking it against information it already holds in its databases, to confirm the accuracy of the information and complement it with other data on the basis of its own databases. The detailed individual assessment should include the analysis of whether there are sufficient grounds for considering that the person has committed or taken part in, or <u>there are reasonable grounds to</u></p>	<p>the source of information and the accuracy of the information on the person concerned, Europol should carry out a detailed individual assessment of each case including further consultations with the third country or international organisation that shared the data share all of the information it holds on the person concerned, as well as further analysis of the case, in particular by cross checking it against information it already holds in the outcome of cross-checking the data against its databases, to confirm the accuracy of the information and complement it with other data on the basis of its own databases. The detailed individual assessment should include information relating to the accuracy and reliability of the data and the analysis of whether there are sufficient grounds for considering that the person has committed or taken part in, or will commit a criminal offence in respect of which Europol is competent.</p>	<p>the source of information and the accuracy of the information on the person concerned, Europol should share all of the information it holds on the case, <u>except information which has clearly been obtained in obvious violation of human rights,</u> in particular the outcome of cross-checking the data against its databases, information relating to the accuracy and reliability of the data and the analysis of whether there are sufficient grounds for considering that the person has committed or taken part in, or will commit a criminal offence in respect of which Europol is competent.</p> <p><u>[Europol Regulation, Art. 23(9): "Any information which has clearly been obtained in obvious violation of human rights shall not be processed."]</u></p> <p>Text Origin: Council Mandate</p>

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		<u>believe that such a person</u> will commit a criminal offence in respect of which Europol is competent.		
16a			<p>(8a) In order to ensure the lawfulness, completeness and accuracy of SIS data, Europol should transmit additional or modified data in relation to an alert that was entered upon its proposal to the issuing Member State without delay, in order to allow the issuing Member State to complete or modify the alert, in particular, if Europol becomes aware that the information received from the authorities of a third country or international organisation was incorrect or was communicated to Europol for unlawful purposes, for example if sharing the information on the person was motivated by political reasons.</p>	<p>(8a) In order to ensure the lawfulness, completeness and accuracy of SIS data, Europol should <u>inform Member States without delay where Europol has relevant additional or modified data in relation to its proposal to enter an alert in the SIS or evidence suggesting that data included in its proposal are factually incorrect or have been unlawfully stored. Europol should also</u> transmit additional or modified data in relation to an alert that was entered upon its proposal to the issuing Member State without delay, in order to allow the issuing Member State to complete or modify the alert. <u>Europol should act</u> in particular, if Europol becomes aware that the information received from the authorities of a third country or international organisation was incorrect or was communicated to</p>

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				<p>Europol for unlawful purposes, for example if sharing the information on the person was motivated by political reasons.</p> <p><small>Text Origin: Council Mandate</small></p>
17	<p>(9) Europol should only be able to enter an alert in SIS if the person concerned is not already subject to a SIS alert issued by a Member State. A further precondition for the creation of such an alert should be that Member States do not object to the alert being issued in SIS. Therefore, it is necessary to establish rules on the obligations of Europol prior to entering data in SIS, in particular the obligation to consult the Member States in line with Regulation (EU) 2016/794. It should also be possible for Member States to request the deletion of an alert by Europol, in particular if they obtain new information about the person who is the subject of the alert, if their national security requires so or when it is likely that the alert would represent a risk for official</p>	<p>(9) Europol should only be able to enter an alert in SIS if the person concerned is not already subject to a SIS alert issued by a Member State. A further precondition for the creation of such an alert should be that no Member States do not object <u>State expressed a reasoned objection</u> to the alert being issued in SIS <u>by Europol or notified its intention to enter an alert on its own behalf</u>. Therefore, it is necessary to establish rules on the obligations of Europol prior to entering data in SIS, in particular the obligation to consult the Member States <u>and to obtain the approval of the Executive Director of Europol</u> in line with Regulation (EU) 2016/794. <u>Europol should provide reasons for each proposal made to Member States for the entry of an alert in SIS and</u></p>	<p>(9) Europol should only be able to enter an alert in SIS if the person concerned is not already subject to a SIS alert issued by a Member State. A further precondition for the creation of such an alert should be that Member States do not object to the alert being issued in SIS. Therefore, it is necessary to establish rules on the obligations of Europol prior to entering data in SIS, in particular the obligation to consult the Member States in line with Regulation (EU) 2016/794. It should also be possible for Member States to request the deletion of an alert by Europol, in particular if they obtain new information about the person who is the subject of the alert, if their national security requires so or when it is likely that the alert would represent a risk for official</p>	<p><small>Text Origin: Council Mandate</small></p>

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	or legal inquiries, investigations or procedures.	<u><i>inform the Fundamental Rights Officer and the Data Protection Officer whenever it enters an alert in SIS.</i></u> It should also be possible for Member States to request the deletion of an alert by Europol, in particular <u><i>if where they intend to issue an alert themselves, where</i></u> they obtain new information about the person who is the subject of the alert <u><i>or have reasonable grounds to believe that the data included in the alert is not accurate,</i></u> if their national security requires so, where <u><i>or when</i></u> it is likely that the alert would represent a risk for official or legal inquiries, investigations or procedures, <u><i>or where the alert would lead to a disproportionate interference with the fundamental rights of the person concerned.</i></u>	or legal inquiries, investigations or procedures.	
18	(10) Europol should keep records of the individual assessment of each case, which should include the grounds for entering the alert, for the purposes of verifying the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security.	(10) Europol should keep <u><i>detailed</i></u> records of the individual assessment of each case <u><i>each alert,</i></u> which should include the grounds for entering the alert, for the purposes of verifying the lawfulness of the data processing, self-monitoring and ensuring	(10) Europol should keep records of the individual assessment of each case, which should include the grounds for entering the alert, for the purposes of verifying the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security.	Text Origin: Council Mandate

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	In accordance with Regulation (EU) 2016/794, Europol should cooperate with the European Data Protection Supervisor and make these records available upon request, so that they can be used for monitoring processing operations.	proper data integrity and security, <u>while ensuring full respect for fundamental rights enshrined in the Charter of Fundamental Rights of the European Union (Charter) and applicable data protection rules</u> . In accordance with Regulation (EU) 2016/794, Europol should co-operate with the European Data Protection Supervisor and make these records available <u>make those records available to the EDPS</u> upon request, so that they can be used for monitoring processing operations.	In accordance with Regulation (EU) 2016/794, Europol should cooperate with the European Data Protection Supervisor and make these records available upon request, so that they can be used for monitoring processing operations.	
19	(11) It is necessary to establish rules concerning the deletion of alerts entered in SIS by Europol. An alert should be kept only for the time required to achieve the purpose for which it was entered. It is therefore appropriate to set out detailed criteria to determine when the alert should be deleted. An alert entered by Europol in SIS should be deleted in particular if a Member State objects, another alert is entered in SIS by a Member	(11) It is necessary to establish rules concerning the deletion of alerts entered in SIS by Europol. An alert should be kept only for the time required to achieve the purpose for which it was entered. It is therefore appropriate to set out detailed criteria to determine when the alert should be deleted. An alert entered by Europol in SIS should be deleted in particular if <u>after expiry of the alert, or where</u> a Member State objects, <u>notifies its</u>	(11) It is necessary to establish rules concerning the deletion of alerts entered in SIS by Europol. An alert should be kept only for the time required to achieve the purpose for which it was entered. It is therefore appropriate to set out detailed criteria to determine when the alert should be deleted. An alert entered by Europol in SIS should be deleted in particular if a Member State objects, another alert is entered in SIS by a Member	Text Origin: Council Mandate

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	<p>State, or if Europol becomes aware that the information received from the third country or international organisation was incorrect or was communicated to Europol for unlawful purposes, for example if sharing the information on the person was motivated by political reasons.</p>	<p><u>reasoned objection thereto, or where</u> another alert is entered <u>or about to be entered in</u> in-SIS by a Member State <u>with regard to the same person, where the person subject to the alert is no longer suspected of having committed or taken part in a crime or where</u>, or if Europol <u>or a Member State</u> becomes aware, <u>based on new information</u>, that the information received from the third country or international organisation was incorrect or was communicated to Europol for unlawful purposes, for example if sharing the information on the person was motivated by political reasons <u>in violation of human rights</u>.</p>	<p>State, or if Europol becomes aware that the information received from the third country or international organisation was incorrect or was communicated to Europol for unlawful purposes, for example if sharing the information on the person was motivated by political reasons.</p>	
20	<p>(12) When entering alerts in SIS, Europol should be bound by the same requirements and obligations applicable to the Member States pursuant to Regulation (EU) 2018/1862 when they enter alerts in SIS. In particular, Europol should comply with common standards, protocols and technical procedures established to ensure</p>	<p>(12) When entering alerts in SIS, Europol should be bound by the same requirements and obligations <u>equivalent to those that are</u> applicable to the Member States pursuant to Regulation (EU) 2018/1862 when they enter alerts in SIS. In particular, Europol should comply with common standards, protocols and technical</p>	<p>(12) When entering alerts in SIS, Europol should be bound by the same requirements and obligations applicable to the Member States pursuant to Regulation (EU) 2018/1862 when they enter alerts in SIS. In particular, Europol should comply with common standards, protocols and technical procedures established to ensure</p>	<p>Text Origin: Council Mandate</p>

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	<p>the compatibility of its technical interface with Central SIS for the prompt and effective transmission of data. Requirements concerning general data processing rules, proportionality, data quality, data security, reporting and obligations related to collecting statistics applicable to Member States when entering alerts in SIS should apply to Europol as well.</p>	<p>procedures established to ensure the compatibility of its technical interface with Central SIS for the prompt and effective transmission of data. Requirements concerning general data processing rules, proportionality, data quality, data security, reporting and obligations related to collecting statistics applicable to Member States when entering alerts in SIS should <u>also</u> apply to Europol. <u>Furthermore, personal data processed by Europol should be subject to an equivalent level of protection as that applicable to personal data processed by Member States</u> as well.</p>	<p>the compatibility of its technical interface with Central SIS for the prompt and effective transmission of data. Requirements concerning general data processing rules, proportionality, data quality, data security, reporting and obligations related to collecting statistics applicable to Member States when entering alerts in SIS should apply to Europol as well.</p>	
21	<p>(13) Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and Regulation (EU) 2016/794 should apply to the processing of personal data by Europol when carrying out its responsibilities under this Regulation. The European Data Protection Supervisor should carry out periodic audits on the data processing of Europol concerning</p>		<p>(13) Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and Regulation (EU) 2016/794 should apply to the processing of personal data by Europol when carrying out its responsibilities under this Regulation. The European Data Protection Supervisor should carry out periodic audits on the data processing of Europol concerning</p>	<p>(13) Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and Regulation (EU) 2016/794 should apply to the processing of personal data by Europol when carrying out its responsibilities under this Regulation.</p> <p>¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of</p>

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	<p>SIS and the exchange of supplementary information.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>		<p>SIS and the exchange of supplementary information.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>	<p>23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p> <p>Text Origin: Council Mandate</p>
21a		<p><u>(13a) It is intended that the preparations, subject to specific time-limits, for Europol entering, updating and deleting alerts in SIS pursuant to this Regulation do not have an impact on the use of SIS for alerts issued by Member States defined in Regulation 2018/1862.</u></p>		<p><u>(13a) It is intended that the preparations for the implementation on information alerts in the interest of the Union do not have an impact on the use of SIS.</u></p>
22	<p>(14) Since the objectives of this Regulation, namely the establishment and regulation of a specific alert category issued by Europol in SIS in order to exchange information on persons</p>	<p>(14) Since the objectives of this Regulation, namely the establishment and regulation of a specific alert category<u>category of alerts</u> issued by Europol in SIS in order to exchange information on</p>	<p>(14) Since the objectives of this Regulation, namely the establishment and regulation of a specific alert category issued by Member States upon a proposal by Europol in the interest of the</p>	<p>(14) Since the objectives of this Regulation, namely the establishment and regulation of a specific alert category issued by Member States upon a proposal by Europol in the interest of the Union</p>

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	<p>who represent a threat to the internal security of the European Union, cannot be sufficiently achieved by the Member States, but can rather, by reason of their nature be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p>persons who represent a threat to the internal security of the European Union <u>third-country nationals suspected of having committed or taken part in a criminal offence, on whom there are factual indications or reasonable grounds to believe that they will commit a criminal offence in respect of which Europol is competent, or who have been convicted of a criminal offence</u>, cannot be sufficiently achieved by the Member States, but can rather, by reason of their nature be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p>Union in SIS in order to exchange information on persons who represent a threat to the internal security of the European Union, cannot be sufficiently achieved by the Member States, but can rather, by reason of their nature be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p>in SIS in order to exchange information on persons who represent a threat to the internal security of the European Union <u>involved in terrorism or in serious and organised crime</u>, cannot be sufficiently achieved by the Member States, but can rather, by reason of their nature be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p> <p>Text Origin: Council Mandate</p>
23	<p>(15) This Regulation respects fundamental rights and observes the principles recognised in</p>	<p>(15) This Regulation <u>fully</u> respects fundamental rights and observes the principles recognised in</p>	<p>(15) This Regulation respects fundamental rights and observes the principles recognised in</p>	<p>(15) This Regulation <u>fully</u> respects fundamental rights and observes the principles recognised in</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation fully respects the protection of personal data in accordance with Article 8 of the Charter of Fundamental Rights of the European Union while seeking to ensure a safe environment for all persons residing on the territory of the Union.</p>	<p>particular by the Charter of Fundamental Rights of the European Union <u>Treaty of the European Union (TEU) and the Charter</u>. In particular, this Regulation fully respects the protection of personal data in accordance with Article <u>16 TEU, Article 8</u> of the Charter of Fundamental Rights of the European Union while seeking <u>and the applicable data protection rules set out in Regulation (EU) 2018/1725 and Regulation (EU) 2016/794 as amended by Regulation (EU) [XXX]. This Regulation also seeks</u> to ensure a safe environment for all persons residing on the territory of the Union.</p>	<p>particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation fully respects the protection of personal data in accordance with Article 8 of the Charter of Fundamental Rights of the European Union while seeking to ensure a safe environment for all persons residing on the territory of the Union.</p>	<p>particular by the Charter of Fundamental Rights of the European Union <u>and in the TEU</u>. In particular, this Regulation fully respects the protection of personal data in accordance with Article <u>16 TFEU, Article 8</u> of the Charter of Fundamental Rights of the European Union while seeking <u>and the applicable data protection rules. This regulation also seeks</u> to ensure a safe environment for all persons residing on the territory of the Union.</p> <p><small>Text Origin: Council Mandate</small></p>
24	<p>(16) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the</p>		<p>(16) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the</p>	<p>(16) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the</p>

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	<p>Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.</p>		<p>Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.</p>	<p>Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.</p> <p><small>Text Origin: Council Mandate</small></p>
25	<p>(17) Ireland is taking part in this Regulation in accordance with Article 5(1) of Protocol No 19 annexed to the TEU and to the TFEU and Article 6(2) of Council Decision 2002/192/EC¹ and Council Implementing Decision (EU) 2020/1745².</p> <p><small>1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).</small></p> <p><small>2. Council Implementing Decision (EU) 2020/1745 of 18 November 2020 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of certain provisions of the Schengen acquis in Ireland (OJ L 393, 23.11.2020, p. 3).</small></p>		<p>(17) Ireland is taking part in this Regulation in accordance with Article 5(1) of Protocol No 19 annexed to the TEU and to the TFEU and Article 6(2) of Council Decision 2002/192/EC¹ and Council Implementing Decision (EU) 2020/1745².</p> <p><small>1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).</small></p> <p><small>2. Council Implementing Decision (EU) 2020/1745 of 18 November 2020 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of certain provisions of the Schengen acquis in Ireland (OJ L 393, 23.11.2020, p. 3).</small></p>	<p>(17) Ireland is taking part in this Regulation in accordance with Article 5(1) of Protocol No 19 annexed to the TEU and to the TFEU and Article 6(2) of Council Decision 2002/192/EC¹ and Council Implementing Decision (EU) 2020/1745².</p> <p><small>1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).</small></p> <p><small>2. Council Implementing Decision (EU) 2020/1745 of 18 November 2020 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of certain provisions of the Schengen acquis in Ireland (OJ L 393, 23.11.2020, p. 3).</small></p> <p><small>Text Origin: Council Mandate</small></p>

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26	<p>(18) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G) of Council Decision 1999/437/EC².</p> <p>1. OJ L 176, 10.7.1999, p. 36. 2. Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).</p>		<p>(18) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G) of Council Decision 1999/437/EC².</p> <p>1. OJ L 176, 10.7.1999, p. 36. 2. Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).</p>	<p>(18) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G) of Council Decision 1999/437/EC².</p> <p>1. OJ L 176, 10.7.1999, p. 36. 2. Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).</p> <p>Text Origin: Council Mandate</p>

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27	<p>(19) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G), of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA².</p> <p>1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 50).</p>		<p>(19) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G), of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA².</p> <p>1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 50).</p> <p>Text Origin: Council Mandate</p>	<p>(19) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G), of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA².</p> <p>1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 50).</p>
28	<p>(20) As regards Liechtenstein, this</p>		<p>(20) As regards Liechtenstein, this</p>	<p>(20) As regards Liechtenstein, this</p>

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	<p>Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G), of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/349/EU².</p> <p>1. OJ L 160, 18.6.2011, p. 21. 2. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association</p>		<p>Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G), of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/349/EU².</p> <p>1. OJ L 160, 18.6.2011, p. 21. 2. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association</p>	<p>Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in Article 1, point (G), of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/349/EU².</p> <p>1. OJ L 160, 18.6.2011, p. 21. 2. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association</p>

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	with the implementation, application and development of the Schengen acquis, relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).		with the implementation, application and development of the Schengen acquis, relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).	with the implementation, application and development of the Schengen acquis, relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1). Text Origin: Council Mandate
29	<p>(21) As regards Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession and should be read in conjunction with Council Decisions 2010/365/EU¹ and (EU) 2018/934².</p> <p>1. Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 166, 1.7.2010, p. 17).</p> <p>2. Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 165, 2.7.2018, p. 37).</p>		<p>(21) As regards Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession and should be read in conjunction with Council Decisions 2010/365/EU¹ and (EU) 2018/934².</p> <p>1. Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 166, 1.7.2010, p. 17).</p> <p>2. Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 165, 2.7.2018, p. 37).</p>	<p>(21) As regards Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession and should be read in conjunction with Council Decisions 2010/365/EU¹ and (EU) 2018/934².</p> <p>1. Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 166, 1.7.2010, p. 17).</p> <p>2. Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 165, 2.7.2018, p. 37).</p> <p>Text Origin: Council Mandate</p>

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30	<p>(22) As regards Croatia, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession and should be read in conjunction with Council Decision (EU) 2017/733¹.</p> <p>¹ Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Croatia (OJ L 108, 26.4.2017, p. 31).</p>		<p>(22) As regards Croatia, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession and should be read in conjunction with Council Decision (EU) 2017/733¹.</p> <p>¹ Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Croatia (OJ L 108, 26.4.2017, p. 31).</p>	<p>(22) As regards Croatia, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession and should be read in conjunction with Council Decision (EU) 2017/733¹.</p> <p>¹ Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Croatia (OJ L 108, 26.4.2017, p. 31).</p> <p><small>Text Origin: Council Mandate</small></p>
31	<p>(23) Concerning Cyprus, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession [to add eventual Council Decision].</p>		<p>(23) Concerning Cyprus, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession [to add eventual Council Decision].</p>	<p>(23) Concerning Cyprus, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession [to add eventual Council Decision].</p> <p><small>Text Origin: Council Mandate</small></p>

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32	<p>(24) The European Data Protection Supervisor was consulted, in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council¹.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>		<p>(24) The European Data Protection Supervisor was consulted, in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council¹.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>	<p>(24) The European Data Protection Supervisor was consulted, in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council¹.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p> <p>Text Origin: Council Mandate</p>
33	<p>(25) Regulation (EU) No 2018/1862 should therefore be amended accordingly,</p>	<p>(25) Regulation (EU) No 2018/1862 should therefore be amended accordingly,</p>	<p>(25) Regulation (EU) No 2018/1862 should therefore be amended accordingly,</p>	<p>(25) Regulation (EU) No 2018/1862 should therefore be amended accordingly,</p> <p>Text Origin: Council Mandate</p>
34	<p>HAVE ADOPTED THIS REGULATION:</p>	<p>HAVE ADOPTED THIS REGULATION:</p>	<p>HAVE ADOPTED THIS REGULATION:</p>	<p>HAVE ADOPTED THIS REGULATION:</p> <p>Text Origin: Council Mandate</p>

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35	Article 1 Amendments to Regulation (EU) 2018/1862		Article 1 Amendments to Regulation (EU) 2018/1862	Article 1 Amendments to Regulation (EU) 2018/1862 Text Origin: Council Mandate
36	(1) In Article 2, paragraph 2 is replaced by the following:		(1) In Article 2, paragraph 2 is replaced by the following:	 Text Origin: Council Mandate
37	2. This Regulation also lays down provisions on the technical architecture of SIS, on the responsibilities of the Member States, the European Union Agency for Law Enforcement Cooperation ('Europol') and of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), on data processing, on the rights of the persons concerned and on liability.	2. — This Regulation also lays down provisions on the technical architecture of SIS, on the responsibilities of the Member States, the European Union Agency for Law Enforcement Cooperation ('Europol') and of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), on data processing, on the rights of the persons concerned and , on liability <u>and</u> <u>accountability</u> .	2. — This Regulation also lays down provisions on the technical architecture of SIS, on the responsibilities of the Member States, the European Union Agency for Law Enforcement Cooperation ('Europol') and of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), on data processing, on the rights of the persons concerned and on liability.	 Text Origin: Council Mandate

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37a			(1a) In Article 3, point 8 is replaced by the following:	(1a) In Article 3, point 8 is replaced by the following: <small>Text Origin: Council Mandate</small>
37b			" (8) 'flag' means a suspension of the validity of an alert at the national level that may be added to alerts for arrest, alerts on missing and vulnerable persons, alerts for discreet, inquiry and specific checks and information alerts on third-country nationals in the interest of the Union;" "	" (8) 'flag' means a suspension of the validity of an alert at the national level that may be added to alerts for arrest, alerts on missing and vulnerable persons, alerts for discreet, inquiry and specific checks and information alerts on third-country nationals in the interest of the Union;" <i><u>[Check the use of the terms "information alerts on third-country nationals in the interest of the Union" / "information alerts in the interest of the Union" / "information alerts" in the proposal.]</u></i> " <small>Text Origin: Council Mandate</small>

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38	(2) In Article 3, the following point is added:		(2) In Article 3, the following point is added:	(2) In Article 3, the following point is added: <small>Text Origin: Council Mandate</small>
39	(22) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU, with the exception of persons who are beneficiaries of the right of free movement within the Union in accordance with Directive 2004/38/EC or with an agreement between the Union or the Union and its Members States on the one hand, and a third country on the other hand;	(22) –‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU, <u>or who is a stateless person or a person whose nationality is unknown</u> , with the exception of persons who are beneficiaries of the right of free movement within the Union in accordance with Directive 2004/38/EC or with an agreement between the Union or the Union and its Members States on the one hand, and a third country on the other hand;	(22) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU, with the exception of persons who are beneficiaries of the right of free movement within the Union in accordance with Directive 2004/38/EC or with an agreement between the Union or the Union and its Members States on the one hand, and a third country on the other hand;	(22) –‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU, with the exception of persons who are beneficiaries of the right of free movement within the Union in accordance with Directive 2004/38/EC or with an agreement between the Union or the Union and its Members States on the one hand, and a third country on the other hand; <small>Text Origin: EP Mandate</small>
39a			(2a) Article 20 is amended as follows:	(2a) Article 20 is amended as follows: <small>Text Origin: Council Mandate</small>

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39b			Paragraphs 1 and 2 are replaced by the following:	Paragraphs 1 and 2 are replaced by the following: <small>Text Origin: Council Mandate</small>
39c			" 1. Without prejudice to Article 8(1) or to the provisions of this Regulation providing for the storage of additional data, SIS shall contain only those categories of data which are supplied by each Member State, as required for the purposes laid down in Articles 26, 32, 34, 36, 37a, 38 and 40.	" 1. Without prejudice to Article 8(1) or to the provisions of this Regulation providing for the storage of additional data, SIS shall contain only those categories of data which are supplied by each Member State, as required for the purposes laid down in Articles 26, 32, 34, 36, 37a, 38 and 40. <small>Text Origin: Council Mandate</small>
39d			2. The categories of data shall be as follows:	2. The categories of data shall be as follows: <small>Text Origin: Council Mandate</small>
39e			(a) information on persons in relation to whom an alert has been entered;	(a) information on persons in relation to whom an alert has been entered;

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39f			(b) information on objects referred to in Articles 26, 32, 34, 36, 37a, and 38.' "	(b) information on objects referred to in Articles 26, 32, 34, 36, 37a, and 38.' "
				Text Origin: Council Mandate
40	(3) Article 24 is amended as follows:		(3) Article 24 is amended as follows:	(3) Article 24 is amended as follows: Text Origin: Council Mandate
41	(a) paragraph 1 is replaced by the following:		(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following: Text Origin: Council Mandate
42	1. Where a Member State considers that to give effect to an alert entered in accordance with Article 26, 32, 36 or 37a is incompatible with its national law, its international obligations or	1. —Where a Member State considers that to give effect to an alert entered in accordance with Article 26, 32, 36 or 37a is incompatible with its national law, its international obligations or	1. —Where a Member State considers that to give effect to an alert entered in accordance with Article 26, 32, 36 or 37a is incompatible with its national law, its international obligations or	1. Where a Member State considers that to give effect to an alert entered in accordance with Article 26, 32, 36 or 37a is incompatible with its national law, its international obligations or

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	essential national interests, it may require that a flag be added to the alert to the effect that the action to be taken on the basis of the alert will not be taken in its territory. Flags on alerts entered in accordance with Article 26, 32 or 36 shall be added by the SIRENE Bureau of the issuing Member State, flags on alerts entered in accordance with Article 37a shall be added by Europol.	essential national interests, it may require, <u>after providing reasons,</u> that a flag be added to the alert, to the effect that the action to be taken on the basis of the alert will not be taken in its territory. Flags on alerts entered in accordance with Article 26, 32 or 36 shall be added by the SIRENE Bureau of the issuing Member State, flags on alerts entered in accordance with Article 37a shall be added by Europol.	essential national interests, it may require that a flag be added to the alert to the effect that the action to be taken on the basis of the alert will not be taken in its territory. Flags on alerts entered in accordance with Article 26, 32 or 36 The flag shall be added by the SIRENE Bureau of the issuing Member State, flags on alerts entered in accordance with Article 37a shall be added by Europol.	essential national interests, it may require that a flag be added to the alert to the effect that the action to be taken on the basis of the alert will not be taken in its territory. The flag shall be added by the SIRENE Bureau of the issuing Member State. Text Origin: Council Mandate
43	(b) paragraph 3 is replaced by the following:		(b) paragraph 3 is replaced by the following:	Text Origin: Council Mandate
44	3. If in particularly urgent and serious cases, an issuing Member State or Europol requests the execution of the action, the executing Member State shall examine whether it is able to allow the flag added at its behest to be withdrawn. If the executing Member State is able to do so, it		3. — If in particularly urgent and serious cases, an issuing Member State or Europol requests the execution of the action, the executing Member State shall examine whether it is able to allow the flag added at its behest to be withdrawn. If the executing Member State is able to do so, it shall take the necessary steps to	Text Origin: Council Mandate

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	shall take the necessary steps to ensure that the action to be taken can be carried out immediately.		ensure that the action to be taken can be carried out immediately.	
45	(4) The following Chapter IXa is inserted:		(4) The following Chapter IXa is inserted:	(4) The following Chapter IXa is inserted: <small>Text Origin: Council Mandate</small>
46	CHAPTER IXa		CHAPTER IXa	CHAPTER IXa <small>Text Origin: Council Mandate</small>
47	Alerts entered by Europol on persons of interest		Information alerts entered by Europol on persons of interest on third-country nationals in the interest of the Union	Information alerts on third-country nationals in the interest of the Union <small>Text Origin: Council Mandate</small>
48	Article 37a Objectives and conditions for entering alerts		Article 37a Objectives and conditions for entering alerts	Article 37a Objectives and conditions for entering alerts <small>Text Origin: Council Mandate</small>

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49	<p>1. Europol may enter alerts on persons in SIS for the purpose of informing end-users carrying out a search in SIS of the suspected involvement of those persons in a criminal offence in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794, as well as for the purpose of obtaining information in accordance with Article 37b of this Regulation that the person concerned has been located.</p>	<p>1. Europol may enter alerts on persons <u>third-country nationals</u> in SIS for the purpose of informing end-users carrying out a search in SIS of the <u>that those persons are suspected involvement of those persons in</u> of being involved in or <u>have been convicted of</u> a criminal offence in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794, as well as for the purpose of obtaining information in accordance with Article 37b of this Regulation that the person concerned has been located. <u>The Fundamental Rights Officer and the Data Protection Officer shall be informed whenever Europol enters an alert in SIS.</u></p>	<p>1. Europol Member States may enter information alerts on persons in SIS for the purpose of informing end-users carrying out a search third-country nationals in SIS of the suspected involvement of those persons in a criminal offence in respect of which Europol is competent in accordance with, in accordance with point r) of Article 34(1) of Regulation (EU) 2016/794, as well as for the purpose of obtaining information in accordance with Article 37b of this Regulation that the person concerned has been located upon a proposal by Europol to enter an alert on the basis of information from the authorities of third countries or international organisations.</p>	<p>1. Member States may enter information alerts on third-country nationals in SIS, in accordance with <u>as referred to in</u> point r) of Article 4(1) of Regulation (EU) 2016/794, upon a proposal by Europol to enter an alert on the basis of information from the authorities of third countries or international organisations.</p> <p><u>[EP requests a role for FRO and DPO in the process; To be checked if at least the DPO can be included]</u></p> <p><small>Text Origin: Council Mandate</small></p>
50	<p>2. Europol may only enter an alert in SIS on persons who are third-country nationals on the basis of information received from a third</p>	<p>2. Europol may only shall enter an alert in SIS on persons who are <u>third-country nationals in accordance with paragraph 1 of</u></p>	<p>2. Europol may only enter an alert in SIS on persons who are third-country nationals on the basis of information received from a third</p>	<p>2. Such information alerts shall be issued in the interest of the Union for the purpose of informing end-users carrying out a search in SIS</p>

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	reasonable grounds to believe that they will commit criminal offences in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794.	reasonable grounds to believe that they will commit criminal offences in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794. <u>he or she will commit a criminal offence, or</u>	reasonable grounds to believe that they will commit criminal offences in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794.	
52a		<u>(ba) who has been convicted of a criminal offence.</u> <u>Without prejudice to the first subparagraph of this paragraph, Europol may enter an alert in SIS in accordance with paragraph 1 of this Article on the basis of information received from a third country which does not fulfil one of the conditions listed in Article 25(1) of Regulation (EU) 2016/794, provided that the information has been confirmed by a third country which fulfils one of those conditions or provided that the information relates to a terrorist offence or organised crime.</u>		Text Origin: Council Mandate
53				

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	3. Europol may only enter an alert in SIS after it has ensured all of the following:	3. Europol may only enter an alert in SIS after it has ensured <u>established that this is necessary and justified, by ensuring</u> all of the following:	3. Europol may only enter an alert in SIS after it has ensured propose the entry of information alerts on persons in one or more of the following circumstances:	3. Europol may only <u>shall</u> propose the entry of that information alerts on persons <u>be entered in SIS only in in one or more of</u> the following circumstances <u>cases and after it has verified that the conditions set out in paragraph 4 are fulfilled:</u> Text Origin: Council Mandate
54	(a) an analysis of the data provided in accordance with paragraph 2 confirmed the reliability of the source of information and the accuracy of the information on the person concerned, permitting Europol to determine that that person falls within the scope of paragraph 2, where necessary, after having carried out further exchanges of information with the data provider in accordance with Article 25 of Regulation (EU) 2016/794;	(a) an <u>detailed individual</u> analysis of the data provided in accordance with paragraph 2 confirmed the reliability of the source of information and the accuracy of the information on the person concerned, permitting Europol to determine that that person falls within the scope of paragraph 2, where necessary, after having carried out further exchanges of information with the data provider <u>third country or the international organisation that provided the data</u> in accordance with Article 25 of Regulation (EU) 2016/794;	(a) an analysis of the data provided in accordance with paragraph 2 confirmed the reliability of the source of information and the accuracy of the information on the where there is a factual indication that a person concerned, permitting Europol to determine that that person falls within the scope of intends to commit or is committing an offence referred to in paragraph 2; where necessary, after having carried out further exchanges of information with the data provider in accordance with Article 25 of Regulation (EU) 2016/794;	(a) where there is a factual indication that a person intends to commit or is committing an offence <u>any of the offences</u> referred to in paragraph 2; Text Origin: Council Mandate
55				

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	(b) a verification confirmed that entering the alert is necessary for achieving Europol's objectives as laid down in Article 3 of Regulation (EU) 2016/794;	(b) a verification confirmed that entering the alert is <u>strictly</u> necessary for achieving Europol's objectives as laid down in Article 3 of Regulation (EU) 2016/794;	(b) where an overall assessment of a person, in particular on the basis of past criminal offences, gives reason to believe that that person may commit an offence referred to in paragraph 2.a verification confirmed that entering the alert is necessary for achieving Europol's objectives as laid down in Article 3 of Regulation (EU) 2016/794;	(b) where an overall assessment of a person, in particular on the basis of past criminal offences, gives reason to believe that that person may commit an offence referred to in paragraph 2. Text Origin: Council Mandate
56	(c) a search in SIS, carried out in accordance with Article 48 of this Regulation, did not disclose the existence of an alert on the person concerned;		(c) a search in SIS, carried out in accordance with Article 48 of this Regulation, did not disclose the existence of an alert on the person concerned;	Text Origin: Council Mandate
57	(d) a consultation, involving the sharing of information on the person concerned with Member States participating in Regulation (EU) 2016/794 in accordance with Article 7 of that Regulation, confirmed that:		(d) a consultation, involving the sharing of information on the person concerned with Member States participating in Regulation (EU) 2016/794 in accordance with Article 7 of that Regulation, confirmed that:	Text Origin: Council Mandate
58				

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	(i) no intention was expressed by a Member State to enter an alert in SIS on the person concerned;		(i) no intention was expressed by a Member State to enter an alert in SIS on the person concerned;	Text Origin: Council Mandate
59	(ii) no reasoned objection was expressed by a Member State regarding the proposed entry of an alert in SIS on the person concerned by Europol.		(ii) no reasoned objection was expressed by a Member State regarding the proposed entry of an alert in SIS on the person concerned by Europol.	Text Origin: Council Mandate
60	4. Europol shall keep detailed records relating to the entry of the alert in SIS and the grounds for such entry to permit verification of compliance with the substantive and procedural requirements laid down in paragraphs 1, 2 and 3. Such records shall be available for the European Data Protection Supervisor on request.	4. Europol shall keep detailed records relating to the entry of the alert in SIS and <u>all</u> the grounds for such entry to permit verification of compliance with the substantive and procedural requirements laid down in paragraphs 1, 2 and 3. Such records shall be <u>made</u> available <u>for to</u> the European Data Protection Supervisor on <u>upon</u> request.	4. Europol shall keep detailed records relating to may only propose the entry of the alert in SIS and the grounds for such entry to permit verification of compliance with the substantive and procedural requirements laid down in paragraphs 1, 2 and 3. Such records shall be available for the European Data Protection Supervisor on request. information alerts on persons after it has ensured all of the following:	4. Europol may <u>shall</u> only propose the entry of information alerts on persons after it has ensured <u>established that this is necessary and justified, by ensuring</u> all of the following: Text Origin: Council Mandate
60a			(a) an analysis of the data provided in accordance with	(a) an analysis of the data provided in accordance with

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			Article 17(1)(b) of Regulation (EU) 2016/794 confirmed the reliability of the source of information as well as the accuracy of the information on the person concerned, permitting Europol to determine that the conditions of paragraph 3 are met, where necessary, after having carried out further exchanges of information with the data provider in accordance with Article 25 of Regulation (EU) 2016/794;	Article 17(1)(b) of Regulation (EU) 2016/794 confirmed the reliability of the source of information as well as the accuracy of the information on the person concerned, permitting Europol to determine that the conditions of paragraph 3 are met, where necessary, after having carried out further exchanges of information with the data provider in accordance with Article 25 of Regulation (EU) 2016/794; Text Origin: Council Mandate
60b			(b) a search in SIS, carried out in accordance with Article 48 of this Regulation, did not disclose the existence of an alert on the person concerned.	(b) a search in SIS, carried out in accordance with Article 48 of this Regulation, did not disclose the existence of an alert on the person concerned. Text Origin: Council Mandate
61	5. Europol shall inform all Member States of the entry of the alert in SIS through the exchange of supplementary information in accordance with Article 8 of this		5. Europol shall inform all Member States of the entry make available the information it holds on the case and the results of the alert in SIS through the exchange	5. Europol shall make available the information it holds on the case and the results of the assessment referred to in paragraphs 3 and 4 to the Member States and propose

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	Regulation.		of supplementary information in accordance with Article 8 of this Regulation assessment referred to in paragraphs 3 and 4 to the Member States and propose that one or more Member States enter the alert.	that one or more Member States enter the alert. <i><u>Where Europol has relevant additional or modified data in relation to its proposal to enter an alert, or where Europol has evidence suggesting that data included in its proposal to enter an alert are factually incorrect or have been unlawfully stored, it shall inform without delay the Member States.</u></i> Text Origin: Council Mandate
62	6. The requirements and obligations applicable to the issuing Member State in Articles 20, 21, 22, 42, 56, 59, 61, 62 and 63 shall apply to Europol when processing data in SIS.	6. The requirements and obligations applicable to the issuing Member State in Articles 20, 21, 22, 42, 56, 59, 61, 62 and 63 shall apply <i>mutatis mutandis</i> to Europol when processing data in SIS.	6.	Text Origin: Council Mandate
62a			6. Information alerts shall be entered in SIS at the discretion of the Member State requested to enter an alert and shall be	6. Information alerts shall be entered in SIS at the discretion of the Member State requested to enter an alert and shall be subject

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			subject to its verification and analysis of Europol's proposal. The issuing Member State shall communicate the entry of alerts under this Article to the other Member States and Europol through the exchange of supplementary information.	to its verification and analysis of Europol's proposal. The issuing Member State shall communicate the entry of alerts under this Article to the other Member States and Europol through the exchange of supplementary information. Text Origin: Council Mandate
62b			7. Member States may refuse entering the alert upon the proposal by Europol or may also, if the respective conditions are met, decide to enter another type of alert on the same person.	7. <u>When</u> Member States may refuse entering <u>decide not to enter</u> the alert upon the proposal by of Europol or may also, and if the respective conditions are met, <u>they may</u> decide to enter another type of alert on the same person. Text Origin: Council Mandate
62c			8. Member States shall put in place a periodic reporting mechanism in order to inform other Member States and Europol on the outcome of the verification and analysis and on whether or not the data has been inserted in the SIS, within a period of 12 months from the	8. Member States shall put in place a periodic reporting mechanism in order to inform other Member States and Europol on the outcome of the verification and analysis and on whether or not the data has been inserted in the SIS, within a period of 12 months from the communication by Europol of

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			communication by Europol of its information to the Member States.	its information to the Member States. <small>Text Origin: Council Mandate</small>
62d			9. Where Europol has relevant additional or modified data in relation to an alert that was entered upon its proposal, it shall transmit them without delay, through the exchange of supplementary information, to the issuing Member State to enable the latter to complete or modify the alert.	9. Where Europol has relevant additional or modified data in relation to an alert that was entered upon its proposal <u>its proposal or in relation to its proposed alert</u> , it shall transmit them without delay, through the exchange of supplementary information, to the issuing Member State to enable the latter to complete, <u>modify or delete</u> or modify the alert. <small>Text Origin: Council Mandate</small>
62e			10. Where Europol has evidence suggesting that data entered in SIS according to paragraph 1 of this Article are factually incorrect or have been unlawfully stored, it shall, through the exchange of supplementary information, inform the issuing Member State	10. Where Europol has evidence suggesting that data entered in SIS according to paragraph 1 of this Article are factually incorrect or have been unlawfully stored, it shall, through the exchange of supplementary information, inform the issuing Member State as soon as possible and not later than two

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			as soon as possible and not later than two working days after that evidence has come to its attention. The issuing Member State shall check the information and, if necessary, correct or delete the data in question without delay.	working days after that evidence has come to its attention. The issuing Member State shall check the information and, if necessary, correct or delete the data in question without delay. Text Origin: Council Mandate
62f			11. Where there is a clear indication that the objects referred to in points (a), (b), (c), (e), (g), (h), (j) and (k) of Article 38(2) or non-cash means of payment are connected with a person who is the subject of an alert pursuant to paragraph 1 of this Article, alerts on those objects may be entered in order to locate the person. In such cases, the alert on the person and the alert on the object shall be linked in accordance with Article 63.	11. Where there is a clear indication that the objects referred to in points (a), (b), (c), (e), (g), (h), (j) and (k) of Article 38(2) or non-cash means of payment are connected with a person who is the subject of an alert pursuant to paragraph 1 of this Article, alerts on those objects may be entered in order to locate the person. In such cases, the alert on the person and the alert on the object shall be linked in accordance with Article 63. Text Origin: Council Mandate
62g			12. Member States shall put in place the necessary procedures	12. Member States shall put in place the necessary procedures for

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			for entering, updating and deleting information alerts in SIS in accordance with this Regulation.	entering, updating and deleting information alerts in SIS in accordance with this Regulation. <small>Text Origin: Council Mandate</small>
62h			13. Europol shall keep records relating to its requests for entering alerts in SIS under this Article and provide reports to Member States every six months on the alerts inserted in the SIS and the cases where Member States did not enter the alerts.	13. Europol shall keep records relating to its requests for entering alerts in SIS under this Article and provide reports to Member States every six months on the alerts inserted in the SIS and the cases where Member States did not enter the alerts. <small>Text Origin: Council Mandate</small>
62i			14. The Commission shall adopt implementing acts to lay down and develop rules necessary for entering, updating, deleting and searching the data referred to in paragraph 11 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).	14. The Commission shall adopt implementing acts to lay down and develop rules necessary for entering, updating, deleting and searching the data referred to in paragraph 11 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2). <small>Text Origin: Council Mandate</small>

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63	Article 37b Execution of the action based on an alert		Article 37b Execution of the action based on an alert	Article 37b Execution of the action based on an alert Text Origin: Council Mandate
64	1. In the event of a hit on an alert entered by Europol, the executing Member State shall:		1. In the event of a hit on an alert entered by Europol information alert , the executing Member State shall collect and communicate to the issuing Member State all or some of the following information :	1. In the event of a hit on an information alert, the executing Member State shall collect and communicate to the issuing Member State all or some of the following information: Text Origin: Council Mandate
65	(a) collect and communicate the following information:		(a) collect and communicate the following information:	 Text Origin: Council Mandate
66	(i) the fact that the person who is the subject of an alert has been located;	(i) the fact that the person who is the subject of an the alert has been located;	(i)(a) the fact that the person who is the subject of an alert has been located;	(a) the fact that the person who is the subject of an alert has been located; Text Origin: Council Mandate

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67	(ii) the place, time and reason for the check;		(ii) (b) the place, time and reason for the check;	(b) the place, time and reason for the check; <small>Text Origin: Council Mandate</small>
67a			(c) the route of the journey and destination;	(c) the route of the journey and destination; <small>Text Origin: Council Mandate</small>
67b			(d) the persons accompanying the subject of the alert who can reasonably be expected to be associated with the subject of the alert;	(d) the persons accompanying the subject of the alert who can reasonably be expected to be associated with the subject of the alert; <small>Text Origin: Council Mandate</small>
67c			(e) objects used or carried, including travel documents;	(e) objects used or carried, including travel documents; <u>[COM : Alignment with Art. 37(1)(g) of the SIS Police Regulation. No need to have objects used.]</u> <small>Text Origin: Council Mandate</small>

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67d			(f) the circumstances in which the person was located.	(f) the circumstances in which the person was located. Text Origin: Council Mandate
68	(b) in accordance with national law, decide whether it is necessary to take any further measures.		(b) in accordance with national law, decide whether it is necessary to take any further measures.	 Text Origin: Council Mandate
69	2. The executing Member State shall communicate the information referred to in paragraph 1(a) to Europol through the exchange of supplementary information.	2. The executing Member State shall <u>immediately</u> communicate the information referred to in paragraph 1(a) to Europol through the exchange of supplementary information. <u>The executing Member State may, in exceptional circumstances, decide not to communicate the information to Europol if doing so would jeopardise ongoing investigations or the safety of an individual, or would be contrary to the essential interests of the executing Member State.</u>	2. The executing Member State shall communicate the information referred to in paragraph 1(a) to Europol through the exchange of supplementary information.	2. The executing Member State shall communicate the information referred to in paragraph 1 through the exchange of supplementary information <u>to the issuing Member State.</u> <u>2a. Paragraph 1 shall be applicable also in cases when the person who is subject of an information alert is located in the territory of the Member State that issued the alert for the purposes of informing Europol in accordance with Article 48(8)(b).</u> Text Origin: Council Mandate

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69a			<p>3. The executing Member State shall ensure the discreet collection of as much information described in paragraph 1 as possible during routine activities carried out by its national competent authorities. The collection of this information shall not jeopardise the discreet nature of the checks and the subject of the alert shall in no way be made aware of the existence of the alert.'</p>	<p>3. The executing Member State shall ensure the discreet collection of as much information described in paragraph 1 as possible during routine activities carried out by its national competent authorities. The collection of this information shall not jeopardise the discreet nature of the checks and the subject of the alert shall in no way be made aware of the existence of the alert.'</p> <p><small>Text Origin: Council Mandate</small></p>
69b			<p>4a. Article 43 is amended as follows:</p>	<p>4a. Article 43 is amended as follows:</p> <p><small>Text Origin: Council Mandate</small></p>
69c			<p>Paragraph 3 is replaced by the following:</p>	<p>Paragraph 3 is replaced by the following:</p> <p><small>Text Origin: Council Mandate</small></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
69d			<p>"</p> <p>3. Dactyloscopic data in SIS in relation to alerts entered in accordance with Articles 26, 32, 36, 37a, and 40 may also be searched using complete or incomplete sets of fingerprints or palm prints discovered at the scenes of serious crimes or terrorist offences under investigation, where it can be established to a high degree of probability that those sets of prints belong to a perpetrator of the offence and provided that the search is carried out simultaneously in the Member State's relevant national fingerprints databases.'</p> <p>"</p>	<p>"</p> <p>3. Dactyloscopic data in SIS in relation to alerts entered in accordance with Articles 26, 32, 36, 37a, and 40 may also be searched using complete or incomplete sets of fingerprints or palm prints discovered at the scenes of serious crimes or terrorist offences under investigation, where it can be established to a high degree of probability that those sets of prints belong to a perpetrator of the offence and provided that the search is carried out simultaneously in the Member State's relevant national fingerprints databases.'</p> <p>"</p> <p><small>Text Origin: Council Mandate</small></p>
70	(5) Article 48 is amended as follows:		(5) Article 48 is amended as follows:	(5) Article 48 is amended as follows: <small>Text Origin: Council Mandate</small>
71	(a) the title is replaced with the		(a) the title is replaced with the	(a) <i>the title is replaced with the</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following:		following:	following: Text Origin: Council Mandate
72	Entry and processing of data in SIS by Europol		Entry and processing of data in SIS by Europol' Access to and search of data in SIS by Europol'	'Access to and search of data in SIS by Europol' Text Origin: Council Mandate
73	(b) paragraph 1 is replaced by the following:		(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following: Text Origin: Council Mandate
74	1. Europol shall, where necessary to fulfil its mandate, have the right to access and search data in SIS and to enter, update and delete alerts pursuant to Article 37a of this Regulation. Europol shall enter, update, delete and search SIS data through a dedicated technical interface. The technical interface shall be set up and maintained by	1. Europol shall, where necessary to fulfil its mandate, have the right to access and search data in SIS and to enter, update and delete alerts pursuant to Article 37a of this Regulation. Europol shall <u>access</u> , enter, update, delete and search SIS data through a dedicated technical interface. The technical interface shall be set up	1. Europol shall, where necessary to fulfil its mandate, have the right to access and search data in SIS and to enter, update and delete alerts pursuant to Article 37a of this Regulation. Europol shall enter, update, delete and search SIS data through a dedicated technical interface. The technical interface shall be set up and maintained by	1. Europol shall, where necessary to fulfil its mandate, have the right to access and search data in SIS. Text Origin: Council Mandate

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	Europol in compliance with the common standards, protocols and technical procedures defined in Article 9 of this Regulation and shall allow direct connection to Central SIS.	and maintained by Europol in compliance with the common standards, protocols and technical procedures defined in Article 9 of this Regulation and shall allow direct connection to Central SIS.	Europol in compliance with the common standards, protocols and technical procedures defined in Article 9 of this Regulation and shall allow direct connection to Central SIS.	
75	Europol shall exchange supplementary information in accordance with the provisions of the SIRENE Manual. To that end, Europol shall ensure availability to supplementary information related to its own alerts 24 hours a day, 7 days a week.	Europol shall exchange <u>and request any further</u> supplementary information in accordance with the provisions of the SIRENE Manual. To that end, Europol shall ensure <u>the availability and exchange of such</u> supplementary information related to its own alerts 24 hours a day, 7 days a week.	Europol may also shall exchange and further request supplementary information in accordance with the provisions of the SIRENE Manual. To that end, Europol shall ensure availability to supplementary information related to its own alerts 24 hours a day, 7 days a week.	Europol may also exchange and further request supplementary information in accordance with the provisions of the SIRENE Manual. Text Origin: Council Mandate
76	(c) paragraph 4 is replaced by the following:		(c) paragraph 4 is replaced by the following:	(c) paragraph 4 is replaced by the following: Text Origin: Council Mandate
77	4. Europol's use of information obtained from a search in SIS or from the processing of		4. Europol's use of information obtained from a search in SIS or from the processing of	4. Europol's use of information obtained from a search in SIS or from the processing of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>supplementary information shall be subject to the consent of the Member State that provided the information either as issuing Member State or as executing Member State. If the Member State allows the use of such information, its handling by Europol shall be governed by Regulation (EU) 2016/794. Europol shall only communicate such information to third countries and third bodies with the consent of the Member State that provided the information and in full compliance with Union law on data protection.</p>		<p>supplementary information shall be subject to the consent of the Member State that provided the information either as issuing Member State or as executing Member State. If the Member State allows the use of such information, its handling by Europol shall be governed by Regulation (EU) 2016/794. Europol shall only communicate such information to third countries and third bodies with the consent of the Member State that provided the information and in full compliance with Union law on data protection.'</p>	<p><i>supplementary information shall be subject to the consent of the Member State that provided the information. If the Member State allows the use of such information, its handling by Europol shall be governed by Regulation (EU) 2016/794. Europol shall only communicate such information to third countries and third bodies with the consent of the Member State that provided the information and in full compliance with Union law on data protection.'</i></p> <p>Text Origin: Commission Proposal</p>
78	<p>(d) the following paragraph 7a is inserted:</p>		<p>(d) the following paragraph 7a is inserted:</p>	<p>(d)</p> <p>Text Origin: Council Mandate</p>
79	<p>7a. The European Data Protection Supervisor shall carry out an audit of the data processing operations of Europol under this Regulation in accordance with international</p>	<p>7a. The European Data Protection Supervisor shall carry out an audit of the data processing operations of Europol under this Regulation in accordance with international</p>	<p>7a. The European Data Protection Supervisor shall carry out an audit of the data processing operations of Europol under this Regulation in accordance with international auditing standards at least every</p>	<p>Text Origin: Council Mandate</p>

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	auditing standards at least every four years.	auditing standards at least every four <u>three</u> years.	four years.	
79a			(d) paragraph 8 is replaced by the following:	(d) paragraph 8 is replaced by the following: Text Origin: Council Mandate
79b			8. Member States shall inform Europol through the exchange of supplementary information of any hit on:	8. Member States shall inform Europol through the exchange of supplementary information of any hit on: Text Origin: Council Mandate
79c			(a) alerts issued under Article 37a also when hits occur in the territory of the issuing Member State; and	(a) <u>any hit on</u> alerts issued under Article 37a also when hits occur; <u>(b) when the person has been located</u> in the territory of the issuing Member State <u>in accordance with Article 37b(2a)</u> ; and Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
79d			(b) alerts related to terrorist offences which are not issued under Article 37a.	(b) (c) <u>any hit on</u> alerts related to terrorist offences which are not issued under Article 37a. Text Origin: Council Mandate
79e			Member States may exceptionally not inform Europol of hits on alerts under point b) of this paragraph if doing so would jeopardise current investigations, the safety of an individual or be contrary to essential interests of the security of the issuing Member State.'	Member States may exceptionally not inform Europol of hits on alerts under point b) c) of this paragraph if doing so would jeopardise current investigations, the safety of an individual or be contrary to essential interests of the security of the issuing Member State.'
79f			(e) paragraph 9 is deleted.	(e) paragraph 9 is deleted. Text Origin: Council Mandate
80	(6) Article 53 is amended as follows:		(6) Article 53 is amended as follows:	(6) Article 53 is amended as follows:

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				Text Origin: Council Mandate
81	(a) the following paragraph 5a is inserted:		(a) the following paragraph 5a is inserted:	Text Origin: Council Mandate
82	‘ 5a. Europol may enter an alert on a person for the purposes of Article 37a (1) for a period of one year. Europol shall review the need to retain the alert within that period. Europol shall, where appropriate, set shorter review periods.’	‘ 5a. Europol may enter an alert on a person <u>third-country national</u> for the purposes of Article 37a (1) for a period of one year <u>three years</u> . Europol shall review the need to retain the alert within that period. Europol shall, where appropriate, set shorter review periods.’	‘ 5a. Europol may enter an alert on a person for the purposes of Article 37a (1) for a period of one year. Europol shall review the need to retain the alert within that period. Europol shall, where appropriate, set shorter review periods.	Text Origin: Council Mandate
83	(b) paragraphs 6, 7 and 8 are replaced by the following:		(b) paragraphs 4, 6, 7 and 8 are replaced by the following:	(b) paragraphs 4, 6, 7 and 8 are replaced by the following: Text Origin: Council Mandate
83a			‘ 4. A Member State may enter an alert on a person for the purposes of points (c), (d) and (e)	‘ 4. A Member State may enter an alert on a person for the purposes of points (c), (d) and (e) of Article

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			<p>of Article 32 (1), of Article 36, and of Article 37a for a period of one year. The issuing Member State shall review the need to retain the alert within the one year period.</p>	<p>32 (1), of Article 36, and of Article 37a for a period of one year. The issuing Member State shall review the need to retain the alert within the one year period.</p> <p><small>Text Origin: Council Mandate</small></p>
84	<p>6. Within the review period referred to in paragraphs 2, 3, 4, 5 and 5a, the issuing Member State, and in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, may, following a comprehensive individual assessment, which shall be recorded, decide to retain the alert on a person for longer than the review period, where this proves necessary and proportionate for the purposes for which the alert was entered. In such cases paragraph 2, 3, 4, 5 or 5a of this Article shall also apply to the extension. Any such extension shall be communicated to CS-SIS.</p>	<p>6. Within the review period referred to in paragraphs 2, 3, 4, 5 and 5a, the issuing Member State, and in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol <u>or Europol, as appropriate</u>, may, following a comprehensive individual assessment, which shall be recorded, decide to retain the alert on a person for longer than the review period, where this proves necessary and proportionate for the purposes for which the alert was entered. In such cases paragraph 2, 3, 4, 5 or <u>and</u> 5a of this Article shall also apply to the extension. Any such extension shall be communicated to CS-SIS.</p>	<p>6. Within the review period referred to in paragraphs 2, 3, 4, 5 and 5a and 5, the issuing Member State, and in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, may, following a comprehensive individual assessment, which shall be recorded, decide to retain the alert on a person for longer than the review period, where this proves necessary and proportionate for the purposes for which the alert was entered. In such cases paragraph 2, 3, 4, 5 or 5a and 5 of this Article shall also apply to the extension. Any such extension shall be communicated to CS-SIS.’</p> <p><small>Text Origin: Council Mandate</small></p>	<p>6. Within the review period referred to in paragraphs 2, 3, 4 and 5, the issuing Member State may, following a comprehensive individual assessment, which shall be recorded, decide to retain the alert on a person for longer than the review period, where this proves necessary and proportionate for the purposes for which the alert was entered. In such cases paragraph 2, 3, 4 and 5 of this Article shall also apply to the extension. Any such extension shall be communicated to CS-SIS.’</p> <p><small>Text Origin: Council Mandate</small></p>

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85	<p>7. Alerts on persons shall be deleted automatically after the review period referred to in paragraphs 2, 3, 4, 5 and 5a has expired, except where the issuing Member State or in the case of alerts entered in SIS pursuant to Article 37a of this Regulation Europol, has informed CS-SIS of an extension pursuant to paragraph 6 of this Article. CS-SIS shall automatically inform the issuing Member State or Europol of the scheduled deletion of data four months in advance.</p>	<p>7. Alerts on persons shall be deleted automatically after the review period referred to in paragraphs 2, 3, 4, 5 and 5a has expired, except where the issuing Member State or in the case of alerts entered in SIS pursuant to Article 37a of this Regulation Europol <u>Europol, as appropriate,</u> has informed CS-SIS of an extension pursuant to paragraph 6 of this Article. CS-SIS shall automatically inform the issuing Member State or Europol of the scheduled deletion of data four months in advance.</p>	<p>7. Alerts on persons shall be deleted automatically after the review period referred to in paragraphs 2, 3, 4, 5 and 5a and 5 has expired, except where the issuing Member State or in the case of alerts entered in SIS pursuant to Article 37a of this Regulation Europol, has informed CS-SIS of an extension pursuant to paragraph 6 of this Article. CS-SIS shall automatically inform the issuing Member State or of the scheduled deletion of data four months in advance. CS-SIS shall also inform Europol of the scheduled deletion of data entered under Article 37a four months in advance. Europol shall assist the issuing Member State without delay with its comprehensive individual assessment mentioned in paragraph 6.'</p>	<p>7. Alerts on persons shall be deleted automatically after the review period referred to in paragraphs 2, 3, 4 and 5 has expired, except where the issuing Member State has informed CS-SIS of an extension pursuant to paragraph 6 of this Article. CS-SIS shall automatically inform the issuing Member State <i>of the scheduled deletion of data four months in advance. CS-SIS shall also inform</i> <u>and, for alerts issued in accordance with Article 37a, also</u> Europol, of the scheduled deletion of data entered under Article 37a four months in advance. <u>For alerts issued in accordance with Article 37a,</u> Europol shall assist the issuing Member State without delay with its comprehensive individual assessment mentioned in paragraph 6.</p> <p><u>[COM is checking with eu-LISA the feasibility of the implementation of these provisions.]</u></p> <p>Text Origin: Council Mandate</p>

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86	8. Member States and Europol shall keep statistics on the number of alerts on persons the retention periods of which have been extended in accordance with paragraph 6 of this Article and transmit them, upon request, to the supervisory authorities referred to in Article 69.	8. Member States and Europol shall keep statistics on the number of alerts on persons the retention periods of which have been extended in accordance with paragraph 6 of this Article. <u>Upon request, Member States shall provide those statistics</u> and transmit them, upon request, to the supervisory authorities referred to in Article 69 <u>and Europol shall provide them to the European Data Protection Supervisor.</u>	8. Member States and Europol shall keep statistics on the number of alerts on persons the retention periods of which have been extended in accordance with paragraph 6 of this Article and transmit them, upon request, to the supervisory authorities referred to in Article 69.'	8. Member States shall keep statistics on the number of alerts on persons the retention periods of which have been extended in accordance with paragraph 6 of this Article and transmit them, upon request, to the supervisory authorities referred to in Article 69.' Text Origin: Council Mandate
86a			6a. Article 54 is amended as follows:	6a. Article 54 is amended as follows: Text Origin: Council Mandate
86b			Paragraph 3 is replaced by the following:	" Paragraph 3 is replaced by the following: Text Origin: Council Mandate

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86c			<p>3. Alerts on objects entered in accordance with Articles 26, 32, 34, 36 and 37a shall be reviewed pursuant to Article 53 where they are linked to an alert on a person. Such alerts shall only be kept for as long as the alert on the person is kept.'</p>	<p>3. Alerts on objects entered in accordance with Articles 26, 32, 34, 36 and 37a shall be reviewed pursuant to Article 53 where they are linked to an alert on a person. Such alerts shall only be kept for as long as the alert on the person is kept.'</p> <p>Text Origin: Council Mandate</p>
87	(7) In Article 55, the following paragraph 6a is inserted:		(7) In Article 55, the following paragraph 6a is inserted is amended as follows:	(7) Article 55 is amended as follows: Text Origin: Council Mandate
87a			(a) The following paragraph 4a is inserted:	(a) The following paragraph 4a is inserted: Text Origin: Council Mandate
88	6a. Alerts on persons entered by Europol pursuant to Article 37a		6a 4a. Information alerts on persons entered by Europol in the interest of the Union pursuant to	4a. Information alerts in the interest of the Union pursuant to Article 37a, shall be deleted upon:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be deleted upon:		Article 37a, shall be deleted upon:	Text Origin: Council Mandate
89	(a) the expiry of the alert in accordance with Article 53;		(a) the expiry of the alert in accordance with Article 53; or	(a) the expiry of the alert in accordance with Article 53; or Text Origin: Council Mandate
90	(b) a decision to delete them by Europol, in particular when after entering the alert Europol becomes aware that the information received under Article 37a (2) was incorrect or was communicated to Europol for unlawful purposes, or when Europol becomes aware or is informed by a Member State, that the person who is the subject of the alert no longer falls under the scope of Article 37a(2);		(b) a decision to delete them by Europol, in particular when after entering the alert Europol becomes aware that the information received under Article 37a (2) was incorrect or was communicated to Europol for unlawful purposes, or when Europol becomes aware or is informed by the competent authority of the issuing Member State, that the person who is the subject of the alert no longer falls under the scope of Article 37a(2) where appropriate upon a proposal by Europol. ;	(b) a decision to delete them by the competent authority of the issuing Member State, including where appropriate upon a proposal by Europol.; Text Origin: Council Mandate
91	(c) a notification, through the exchange of supplementary information, of Europol by a		(c) a notification, through the exchange of supplementary information, of Europol by a	Text Origin: Council Mandate

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	Member State, that it is about to enter, or has entered an alert on the person who is the subject of the alert issued by Europol;		Member State, that it is about to enter, or has entered an alert on the person who is the subject of the alert issued by Europol;	
92	(d) a notification of Europol by a Member State participating in Regulation (EU) 2016/794 in accordance with Article 7 of that Regulation, of its reasoned objection to the alert.		(d) a notification of Europol by a Member State participating in Regulation (EU) 2016/794 in accordance with Article 7 of that Regulation, of its reasoned objection to the alert.	Text Origin: Council Mandate
92a			" (b) Paragraph 7 is replaced by the following:	" (b) Paragraph 7 is replaced by the following: Text Origin: Council Mandate
92b			7. Where it is linked to an alert on a person, an alert on an object entered in accordance with Articles 26, 32, 34, 36 and 37a shall be deleted when the alert on the person is deleted in accordance with this Article.' "	7. Where it is linked to an alert on a person, an alert on an object entered in accordance with Articles 26, 32, 34, 36 and 37a shall be deleted when the alert on the person is deleted in accordance with this Article.' "

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
				Text Origin: Council Mandate
93	(8) Article 56 is amended as follows:		(8) Article 56 is amended as follows:	(8) Article 56 is amended as follows: Text Origin: Council Mandate
94	(a) paragraph 1 is replaced by the following:		(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following: Text Origin: Council Mandate
95	1. The Member States shall only process the data referred to in Article 20 for the purposes laid down for each category of alert referred to in Articles 26, 32, 34, 36, 37a, 38 and 40.		1. The Member States shall only process the data referred to in Article 20 for the purposes laid down for each category of alert referred to in Articles 26, 32, 34, 36, 37a, 38 and 40.	1. The Member States shall only process the data referred to in Article 20 for the purposes laid down for each category of alert referred to in Articles 26, 32, 34, 36, 37a, 38 and 40. Text Origin: Council Mandate
96	(b) paragraph 5 is replaced by the following:		(b) paragraph 5 is replaced by the following:	(b) paragraph 5 is replaced by the following:

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				Text Origin: Council Mandate
97	<p>5. With regard to the alerts laid down in Articles 26, 32, 34, 36, 37a, 38 and 40 of this Regulation, any processing of information in SIS for purposes other than those for which it was entered into SIS has to be linked with a specific case and justified by the need to prevent an imminent and serious threat to public policy and to public security, on serious grounds of national security or for the purposes of preventing a serious crime. Prior authorisation from the issuing Member State or from Europol if the data was entered pursuant to Article 37a of this Regulation, shall be obtained for this purpose.</p>		<p>5. —With regard to the alerts laid down in Articles 26, 32, 34, 36, 37a, 38 and 40 of this Regulation, any processing of information in SIS for purposes other than those for which it was entered into SIS has to be linked with a specific case and justified by the need to prevent an imminent and serious threat to public policy and to public security, on serious grounds of national security or for the purposes of preventing a serious crime. Prior authorisation from the issuing Member State or from Europol if the data was entered pursuant to Article 37a of this Regulation, shall be obtained for this purpose.’</p>	<p>5. With regard to the alerts laid down in Articles 26, 32, 34, 36, 37a, 38 and 40 of this Regulation, any processing of information in SIS for purposes other than those for which it was entered into SIS has to be linked with a specific case and justified by the need to prevent an imminent and serious threat to public policy and to public security, on serious grounds of national security or for the purposes of preventing a serious crime. Prior authorisation from the issuing Member State shall be obtained for this purpose.’</p> <p>Text Origin: Council Mandate</p>
98	<p>(9) In Article 61, paragraphs 1 and 2 are replaced by the following:</p>		<p>(9) In Article 61, paragraphs 1 and 2 are replaced by the following:</p>	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
99	<p>1. Where upon a new alert being entered it becomes apparent that there is already an alert in SIS on a person with the same description of identity, the SIRENE Bureau shall contact the issuing Member State or if the alert was entered pursuant to Article 37a of this Regulation Europol, through the exchange of supplementary information within 12 hours to cross-check whether the subjects of the two alerts are the same person.</p>		<p>1. Where upon a new alert being entered it becomes apparent that there is already an alert in SIS on a person with the same description of identity, the SIRENE Bureau shall contact the issuing Member State or if the alert was entered pursuant to Article 37a of this Regulation Europol, through the exchange of supplementary information within 12 hours to cross-check whether the subjects of the two alerts are the same person.</p>	Text Origin: Council Mandate
100	<p>2. Where the cross-check reveals that the subject of the new alert and the person subject to the alert already entered in SIS are indeed one and the same person, the SIRENE Bureau of the issuing Member State shall apply the procedure for entering multiple alerts referred to in Article 23. By way of derogation, Europol shall delete the alert it has entered as referred to in point (c) of Article 55(6a).</p>		<p>2. Where the cross-check reveals that the subject of the new alert and the person subject to the alert already entered in SIS are indeed one and the same person, the SIRENE Bureau of the issuing Member State shall apply the procedure for entering multiple alerts referred to in Article 23. By way of derogation, Europol shall delete the alert it has entered as referred to in point (c) of Article 55(6a).</p>	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
101	(10) Article 67 is replaced by the following:		(10) Article 67 is replaced by the following:	Text Origin: Council Mandate
102	Article 67 Right of access, rectification of inaccurate data and erasure of unlawfully stored data		Article 67 Right of access, rectification of inaccurate data and erasure of unlawfully stored data	Text Origin: Council Mandate
103	(1) Data subjects shall be able to exercise the rights laid down in Articles 15, 16 and 17 of Regulation (EU) 2016/679, in the national provisions transposing Article 14 and Article 16 (1) and (2) of Directive (EU) 2016/680 and in Chapter IX of Regulation (EU) 2018/1725.	(1) Data subjects shall be able to exercise the rights laid down in Articles 15, 16 and 17 of Regulation (EU) 2016/679, in the national provisions transposing Article 14 and Article 16 (1) and (2) of Directive (EU) 2016/680 and in Chapter IX Articles 80 and 82 of Regulation (EU) 2018/1725.	(1) Data subjects shall be able to exercise the rights laid down in Articles 15, 16 and 17 of Regulation (EU) 2016/679, in the national provisions transposing Article 14 and Article 16 (1) and (2) of Directive (EU) 2016/680 and in Chapter IX of Regulation (EU) 2018/1725.	Text Origin: Council Mandate
104	(2) A Member State other than the issuing Member State may provide to the data subject information		(2) A Member State other than the issuing Member State may provide to the data subject information	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
	<p>concerning any of the data subject's personal data that are being processed only if it first gives the issuing Member State an opportunity to state its position. If the personal data was entered in SIS by Europol, the Member State that received the request shall refer the request to Europol without delay, and in any case within 5 days of receipt, and Europol shall process the request in accordance with Regulation (EU) 2016/794 and Regulation (EU) 2018/1725. If Europol receives a request concerning personal data entered in SIS by a Member State, Europol shall refer the request to the alert issuing Member State without delay, and in any case within 5 days of receipt. The communication between those Member States and between the Member States and Europol shall be carried out through the exchange of supplementary information.</p>		<p>concerning any of the data subject's personal data that are being processed only if it first gives the issuing Member State an opportunity to state its position. If the personal data was entered in SIS by Europol, the Member State that received the request shall refer the request to Europol without delay, and in any case within 5 days of receipt, and Europol shall process the request in accordance with Regulation (EU) 2016/794 and Regulation (EU) 2018/1725. If Europol receives a request concerning personal data entered in SIS by a Member State, Europol shall refer the request to the alert issuing Member State without delay, and in any case within 5 days of receipt. The communication between those Member States and between the Member States and Europol shall be carried out through the exchange of supplementary information.</p>	
105	(3) A Member State in accordance with its national law, including law	(3) A Member State in accordance with its national law, including law	(3) A Member State in accordance with its national law, including law	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
	transposing Directive (EU) 2016/680 and, in the case of personal data entered in SIS under Article 37a of this Regulation, Europol in accordance with Chapter IX of Regulation (EU) 2018/1725, shall take a decision not to provide information to the data subject, in whole or in part, to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the data subject concerned, in order to:	transposing Directive (EU) 2016/680 and, in the case of personal data entered in SIS under Article 37a of this Regulation, Europol in accordance with Chapter IX Article 82(4) of Regulation (EU)-2018/1725, shall take a decision not to provide information to the data subject, in whole or in part, to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the data subject concerned, in order to:	transposing Directive (EU) 2016/680 and, in the case of personal data entered in SIS under Article 37a of this Regulation, Europol in accordance with Chapter IX of Regulation (EU) 2018/1725, shall take a decision not to provide information to the data subject, in whole or in part, to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the data subject concerned, in order to:	
106	(a) avoid obstructing official or legal inquiries, investigations or procedures;		(a) avoid obstructing official or legal inquiries, investigations or procedures;	Text Origin: Council Mandate
107	(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;		(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
108	(c) protect public security;		(e) protect public security;	Text Origin: Council Mandate
109	(d) protect national security; or		(d) protect national security; or	Text Origin: Council Mandate
110	(e) protect the rights and freedoms of others.		(e) protect the rights and freedoms of others.	Text Origin: Council Mandate
111	In cases referred to in the first subparagraph, the Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject in writing, without undue delay, of any refusal or restriction of access and of the reasons for the refusal or restriction. Such information may be omitted where its provision would undermine any of the reasons set out in points (a) to (e) of the first subparagraph of this paragraph. The Member State or,	In cases referred to in the first subparagraph, the Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject in writing, without undue delay, of any refusal or restriction of access and of the reasons for the refusal or restriction. Such information may be omitted where its provision would undermine any of the reasons set out in points (a) to (e) of the first subparagraph of this paragraph. The Member State or ;	In cases referred to in the first subparagraph, the Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject in writing, without undue delay, of any refusal or restriction of access and of the reasons for the refusal or restriction. Such information may be omitted where its provision would undermine any of the reasons set out in points (a) to (e) of the first subparagraph of this paragraph. The Member State or,	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject of the possibility of lodging a complaint with a supervisory authority or of seeking a judicial remedy.	in the case of <u>shall inform the data subject of the possibility of lodging a complaint with a supervisory authority or of seeking a judicial remedy. Where</u> personal data <u>is</u> entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject of the possibility of lodging a complaint with a supervisory authority or of the <u>European Data Protection Supervisor and</u> seeking a judicial remedy <u>from the Court of Justice of the European Union.</u>	in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject of the possibility of lodging a complaint with a supervisory authority or of seeking a judicial remedy.	
112	The Member State, or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall document the factual or legal reasons on which the decision not to provide information to the data subject is based. That information shall be made available to the competent supervisory authorities. For such cases, the data subject shall also be able to exercise his or her rights through the competent		The Member State, or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall document the factual or legal reasons on which the decision not to provide information to the data subject is based. That information shall be made available to the competent supervisory authorities. For such cases, the data subject shall also be able to exercise his or her rights through the competent	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
	supervisory authorities.		supervisory authorities.	
113	<p>(4) Following an application for access, rectification or erasure, the Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject about the follow-up given to the exercise of the rights under this Article without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic means, the information shall, where possible, be provided by electronic means</p>		<p>(4) Following an application for access, rectification or erasure, the Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject about the follow-up given to the exercise of the rights under this Article without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic means, the information shall, where possible, be provided by electronic means</p>	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
	unless otherwise requested by the data subject.		unless otherwise requested by the data subject.	
114	(11) Article 68 is replaced by the following:		(11) Article 68 is replaced by the following:	Text Origin: Council Mandate
115	Article 68 Remedies		Article 68 Remedies	Text Origin: Council Mandate
116	(1) Without prejudice to the provisions on remedies of Regulation (EU) 2016/679 and of Directive (EU) 2016/680, any person may bring an action before any competent supervisory authority or a court, under the law of any Member State to access, rectify, erase, obtain information or obtain compensation in connection with an alert relating to him or her.		(1) Without prejudice to the provisions on remedies of Regulation (EU) 2016/679 and of Directive (EU) 2016/680, any person may bring an action before any competent supervisory authority or a court, under the law of any Member State to access, rectify, erase, obtain information or obtain compensation in connection with an alert relating to him or her.	Text Origin: Council Mandate
117	(2) Without prejudice to the		(2) Without prejudice to the	Text Origin: Council Mandate

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	provisions on remedies of Regulation (EU) 2018/1725, any person may lodge a complaint with the European Data Protection Supervisor in order to access, rectify, erase, obtain information or obtain compensation in connection with an alert relating to him or her entered by Europol.		provisions on remedies of Regulation (EU) 2018/1725, any person may lodge a complaint with the European Data Protection Supervisor in order to access, rectify, erase, obtain information or obtain compensation in connection with an alert relating to him or her entered by Europol.	
118	(3) The Member States and Europol undertake mutually to enforce final decisions handed down by the courts, authorities or bodies referred to in paragraphs 1 and 2 of this Article, without prejudice to Article 72.		(3) The Member States and Europol undertake mutually to enforce final decisions handed down by the courts, authorities or bodies referred to in paragraphs 1 and 2 of this Article, without prejudice to Article 72.	Text Origin: Council Mandate
119	(4) Member States and Europol shall report annually to the European Data Protection Board on:	(4) Member States <u>shall report annually to the European Data Protection Board and to the European Parliament</u> and Europol shall report annually to the <u>EDPS, the European Data Protection Board</u> Parliament and the JPSG on:	(4) Member States and Europol shall report annually to the European Data Protection Board on:	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
120	(a) the number of access requests submitted to the data controller and the number of cases where access to the data was granted;		(a) the number of access requests submitted to the data controller and the number of cases where access to the data was granted;	Text Origin: Council Mandate
121	(b) the number of access requests submitted to the supervisory authority and the number of cases where access to the data was granted;		(b) the number of access requests submitted to the supervisory authority and the number of cases where access to the data was granted;	Text Origin: Council Mandate
122	(c) the number of requests for the rectification of inaccurate data and for the erasure of unlawfully stored data to the data controller and the number of cases where the data were rectified or erased;		(c) the number of requests for the rectification of inaccurate data and for the erasure of unlawfully stored data to the data controller and the number of cases where the data were rectified or erased;	Text Origin: Council Mandate
123	(d) the number of requests for the rectification of inaccurate data and the erasure of unlawfully stored data submitted to the supervisory authority;		(d) the number of requests for the rectification of inaccurate data and the erasure of unlawfully stored data submitted to the supervisory authority;	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
G	124	(e) the number of court proceedings initiated;	(e) the number of court proceedings initiated;	Text Origin: Council Mandate
G	125	(f) the number of cases where the court ruled in favour of the applicant;	(f) the number of cases where the court ruled in favour of the applicant;	Text Origin: Council Mandate
G	126	(g) any observations on cases of mutual recognition of final decisions handed down by the courts or authorities of other Member States on alerts entered by the issuing Member State or Europol.	(g) any observations on cases of mutual recognition of final decisions handed down by the courts or authorities of other Member States on alerts entered by the issuing Member State or Europol.	Text Origin: Council Mandate
	126a	<u>(ga) the number of alerts on persons with regard to which the retention periods have been extended in accordance with Article 53(8).</u>		Text Origin: Council Mandate
G	127	A template for the reporting referred to in this paragraph shall	A template for the reporting referred to in this paragraph shall	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
	be included in the SIRENE Manual.		be included in the SIRENE Manual.	
128	(5) The reports from the Member States and Europol shall be included in the joint report referred to in Article 71(4).	(5) The reports from the Member States and Europol shall be included in full in the joint report referred to in Article 71(4).	(5) The reports from the Member States and Europol shall be included in the joint report referred to in Article 71(4).	Text Origin: Council Mandate
129	(12) Article 72 is replaced by the following:		(12) Article 72 is replaced by the following:	Text Origin: Council Mandate
130	Article 72 Liability		Article 72 Liability	Text Origin: Council Mandate
131	(1) Without prejudice to the right to compensation and to any liability under Regulation (EU) 2016/679, Directive (EU) 2016/680, Regulation (EU) 2018/1725 and Regulation (EU) 2016/794:		(1) Without prejudice to the right to compensation and to any liability under Regulation (EU) 2016/679, Directive (EU) 2016/680, Regulation (EU) 2018/1725 and Regulation (EU) 2016/794:	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
132	(a) any person or Member State that has suffered material or non-material damage, as a result of an unlawful personal data processing operation through the use of N.SIS or any other act incompatible with this Regulation by a Member State, shall be entitled to receive compensation from that Member State;		(a) any person or Member State that has suffered material or non-material damage, as a result of an unlawful personal data processing operation through the use of N.SIS or any other act incompatible with this Regulation by a Member State, shall be entitled to receive compensation from that Member State;	Text Origin: Council Mandate
133	(b) any person or Member State that has suffered material or non-material damage as a result of any act by Europol incompatible with this Regulation shall be entitled to receive compensation from Europol;		(b) any person or Member State that has suffered material or non-material damage as a result of any act by Europol incompatible with this Regulation shall be entitled to receive compensation from Europol;	Text Origin: Council Mandate
134	(c) any person or Member State that has suffered material or non-material damage as a result of any act by eu-LISA incompatible with this Regulation shall be entitled to receive compensation from eu-LISA.		(c) any person or Member State that has suffered material or non-material damage as a result of any act by eu-LISA incompatible with this Regulation shall be entitled to receive compensation from eu-LISA.	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
135	A Member State, Europol or eu-LISA shall be exempted from their liability, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.		A Member State, Europol or eu-LISA shall be exempted from their liability, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.	Text Origin: Council Mandate
136	(2) If any failure of a Member State or Europol to comply with its obligations under this Regulation causes damage to SIS, that Member State or Europol shall be held liable for such damage, unless and insofar as eu-LISA or another Member State participating in SIS failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.		(2) If any failure of a Member State or Europol to comply with its obligations under this Regulation causes damage to SIS, that Member State or Europol shall be held liable for such damage, unless and insofar as eu-LISA or another Member State participating in SIS failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.	Text Origin: Council Mandate
137	(3) Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of that Member State. Claims for compensation against Europol for the damage referred to		(3) Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of that Member State. Claims for compensation against Europol for the damage referred to	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in paragraphs 1 and 2 shall be governed by Regulation (EU) 2016/794 and subject to the conditions provided for in the Treaties. Claims for compensation against eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.		in paragraphs 1 and 2 shall be governed by Regulation (EU) 2016/794 and subject to the conditions provided for in the Treaties. Claims for compensation against eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.	
138	(13) In Article 74, paragraph 3 is replaced by the following:		(13) In Article 74, paragraph 3 is replaced by the following:	(13) In Article 74, paragraph 3 is replaced by the following: <u>paragraph 3 is replaced by the following the following paragraph 5a is inserted:</u> Text Origin: Commission Proposal
138a				<u>COM (compromise proposal):</u> <u>"5a. Member States, Europol, and eu-LISA shall provide annually the Commission with the information necessary to contribute to the evaluation and report referred to in Article 68 of Regulation (EU) 2016/794."</u>

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
139	<p>3. eu-LISA shall produce daily, monthly and annual statistics showing the number of records per category of alerts, both for each Member State, Europol and in aggregate. eu-LISA shall also provide annual reports on the number of hits per category of alert, how many times SIS was searched and how many times SIS was accessed for the purpose of entering, updating or deleting an alert, both for each Member State, Europol and in aggregate. The statistics produced shall not contain any personal data. The annual statistical report shall be published.</p>	<p>3. eu-LISA shall produce daily, monthly and annual statistics showing the number of records per category of alerts, both for each Member State, Europol and in aggregate. eu-LISA shall also provide annual reports on the number of hits per category of alert, how many times SIS was searched and how many times SIS was accessed for the purpose of entering, updating or deleting an alert, both for each Member State, Europol and in aggregate. <u>eu-LISA shall also produce daily, monthly and annual statistics showing the number of entries of alerts proposed by Europol, against which a reasoned objection was expressed by a Member State, categorised by Member State and by objection provided.</u> The statistics produced shall not contain any personal data. The annual statistical report shall be published.</p>	<p>3. eu-LISA shall produce daily, monthly and annual statistics showing the number of records per category of alerts, both for each Member State, Europol and in aggregate. eu-LISA shall also provide annual reports on the number of hits per category of alert, how many times SIS was searched and how many times SIS was accessed for the purpose of entering, updating or deleting an alert, both for each Member State, Europol and in aggregate. The statistics produced shall not contain any personal data. The annual statistical report shall be published.</p>	Text Origin: Council Mandate
139a				

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
		<u>(13a) In Article 79, paragraph 3 is replaced by the following:</u>		<u>(13a) In Article 79, paragraph 3 is replaced by the following:</u> Text Origin: EP Mandate
139b		<u>3. The Commission shall closely monitor the process of gradual fulfilment of the conditions set out in paragraphs 2 and 7 and shall inform the European Parliament and the Council about the outcome of the verification referred to in those paragraphs.</u>		<u>3. COM (compromise proposal):</u> <u>"3. The Commission shall closely monitor fulfilment of the conditions set out in paragraphs 2 and 7 and shall inform the European Parliament and the Council about the fulfilment of the conditions referred to in those paragraphs and the date on which operations start in accordance with this Regulation."</u> <u>[EP: To consider if amendment could be dropped.]</u>
140	(14) In Article 79, the following paragraph 7 is inserted:	(14) In Article 79, the following paragraph 7 is inserted <u>paragraphs are added:</u>	(14) In Article 79, the following paragraph 7 is inserted:	(14) In Article 79, the following paragraph 7 is inserted: Text Origin: Council Mandate
141	7. The Commission shall adopt	7. — <u>No later than ... [one year</u>	7. —The Commission shall adopt	7. The Commission shall adopt a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a decision setting the date on which Europol shall start entering, updating and deleting data in SIS pursuant to this Regulation as amended by Regulation [XXX], after verification that the following conditions have been met:	<u>after the entry into force of this amending Regulation</u> , the Commission shall adopt a decision setting the date on <u>from</u> which Europol shall <u>may</u> start entering, updating and deleting data <u>alerts</u> in SIS, pursuant to this Regulation, as amended by Regulation [XXX], after verification that the following conditions have been met:	a decision setting the date on which Europol Member States shall start entering, updating and deleting data in SIS pursuant to to according to Article 37a of this Regulation as amended by Regulation [XXX], after verification that the following conditions have been met:	decision setting the date on which Member States shall start entering, updating and deleting data in SIS according to Article 37a of this Regulation as amended by Regulation [XXX], after verification that the following conditions have been met: <u>[EP wants to set a deadline for the adoption of a decision by COM setting the date on which MS can start using the new type of alert.</u> <u>EP also suggests to take the changes of the rest of its amendment.]</u> Text Origin: Council Mandate
142	(a) the implementing acts adopted pursuant to this Regulation have been amended to the extent necessary for the application of this Regulation as amended by Regulation [XXX];		(a) the implementing acts adopted pursuant to this Regulation have been amended to the extent necessary for the application of this Regulation as amended by Regulation [XXX];	(a) the implementing acts adopted pursuant to this Regulation have been amended to the extent necessary for the application of this Regulation as amended by Regulation [XXX]; Text Origin: Council Mandate
143				

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
	(b) Europol has notified the Commission that it has made the necessary technical and procedural arrangements to process SIS data and exchange supplementary information pursuant to this Regulation as amended by Regulation [XXX];		(b) Member States and Europol has have notified the Commission that it has they have made the necessary technical and procedural arrangements to process SIS data and exchange supplementary information pursuant to this Regulation as amended by Regulation [XXX];	(b) Member States and Europol have notified the Commission that they have made the necessary technical and procedural arrangements to process SIS data and exchange supplementary information pursuant to this Regulation as amended by Regulation [XXX]; Text Origin: Council Mandate
144	(c) eu-LISA has notified the Commission of the successful completion of all testing activities with regard to CS-SIS and to the interaction between CS-SIS and the technical interface of Europol referred to in Article 48(1) of this Regulation as amended by Regulation [XXX].		(c) eu-LISA has notified the Commission of the successful completion of all testing activities with regard to CS-SIS and to the interaction between CS-SIS and the technical interface of Europol referred to in Article 48(1) of this Regulation as amended by Regulation [XXX] N.SIS.	(c) eu-LISA has notified the Commission of the successful completion of all testing activities with regard to CS-SIS and to the interaction between CS-SIS and N.SIS. Text Origin: Council Mandate
145	This decision shall be published in the Official Journal of the European Union.		This decision shall be published in the Official Journal of the European Union.	This decision shall be published in the Official Journal of the European Union. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
145a		<u><i>7a. Europol shall, by ... [six months after the entry into force of this amending Regulation], notify the Commission that it has made the necessary technical and procedural arrangements to process SIS data and exchange supplementary information pursuant to this Regulation [XXX].</i></u>		Text Origin: Council Mandate
146	Article 2 Entry into force		Article 2 Entry into force	Article 2 Entry into force <u><i>and application</i></u> <u><i>[Suggestion by Council's lawyer-linguist]</i></u> Text Origin: Council Mandate
147	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Council Mandate

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148	It shall apply from the date determined in accordance with Article 79 (7) of Regulation (EU) 2018/1862.		It shall apply from the date determined in accordance with Article 79 (7) of Regulation (EU) 2018/1862.	It shall apply from the date determined in accordance with Article 79 (7) of Regulation (EU) 2018/1862 <u>with exception of Article 1, point 14 which shall apply from ... [the date of entry into force of this Regulation].</u> <u>[Suggestion by Council's lawyer-linguist]</u> Text Origin: Council Mandate
149	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.		This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties. Text Origin: Council Mandate
150	Done at Brussels,		Done at Brussels,	Done at Brussels, Text Origin: Council Mandate
151	For the European Parliament		For the European Parliament	For the European Parliament Text Origin: Council Mandate

	Commission Proposal	EP Mandate	ST 12800/21 Council Mandate	Draft Agreement
152	The President		The President	The President <small>Text Origin: Council Mandate</small>
153	For the Council		For the Council	For the Council <small>Text Origin: Council Mandate</small>
154	The President		The President	The President <small>Text Origin: Council Mandate</small>