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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7170/21
Subject:	<p>Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for accessing other EU information systems for ETIAS purposes and amending Regulation (EU) 2018/1240, Regulation (EC) No 767/2008, Regulation (EU) 2017/2226 and Regulation (EU) 2018/1861</p> <p>Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for accessing the other EU information systems and amending Regulation (EU) 2018/1862 and Regulation (EU) yyyy/xxx [ECRIS-TCN]</p> <p>- Letter to the Chair of the European Parliament LIBE Committee</p>

Following the Permanent Representatives Committee meeting of 31 March 2021 which endorsed the final compromise text with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annexes, to the Chair of the European Parliament LIBE Committee.



Council of the European Union
General Secretariat

S&S 21 / 001665

Mr Juan Fernando López Aguilar
Chairman, European Parliament Committee on LIBE
BRUSSELS

Brussels, 31 March 2021

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for accessing other EU information systems for ETIAS purposes and amending Regulation (EU) 2018/1240, Regulation (EC) No 767/2008, Regulation (EU) 2017/2226 and Regulation (EU) 2018/1861

Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for accessing the other EU information systems and amending Regulation (EU) 2018/1862 and Regulation (EU) yyyy/xxx [ECRIS-TCN]

Dear Mr López Aguilar,

Following the informal meeting between the representatives of the three institutions, a draft overall compromise package was agreed today by the Permanent Representatives' Committee.

I am therefore now in a position to confirm that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the compromise package contained in the Annexes to this letter (subject to revision by the legal linguists of both institutions), the Council would, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.

On behalf of the Council I also wish to thank you for your close cooperation, which should enable us to reach agreement on this dossier at first reading.

Yours sincerely,

Nuno BRITO
Chairman of the Permanent Representatives' Committee (Part 2)

Copy to: Ylva Johansson, Commissioner
Jeroen Lenaers, EP Rapporteur

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REGULATION (EU) 2021/...

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

amending Regulations (EU) 2018/1240, (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1860, (EU) 2018/1861 and (EU) 2019/817 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

¹ Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of

- (1) Regulation (EU) 2018/1240 of the European Parliament and of the Council² established the European Travel Information and Authorisation System (‘ETIAS’) for third-country nationals exempt from the requirement to be in possession of a visa when crossing the external borders. It laid down the conditions and procedures to issue or refuse a travel authorisation under that system.
- (2) ETIAS enables consideration of whether the presence of those third-country nationals in the territory of the Member States would pose a security, illegal immigration or high epidemic risk.
- (3) In order to enable the processing of the application files by the ETIAS Central System referred to in Regulation (EU) 2018/1240, it is necessary to establish the interoperability between the ETIAS Information System, other EU information systems and Europol data referred to in that Regulation.

² Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

- (4) This Regulation lays down how this interoperability and the conditions for the consultation of data stored in other EU information systems and Europol data by the ETIAS automated process for the purposes of identifying hits are to be implemented. As a result, it is necessary to amend Regulations (EU) 2018/1240, (EC) No 767/2008³, (EU) 2017/2226⁴, (EU) 2018/1860⁵, (EU) 2018/1861⁶ and (EU) 2019/817⁷ of the European Parliament and of the Council, in order to connect the ETIAS Central System to the other EU information systems and to Europol data and to specify the data that will be sent to and from those EU information systems and Europol data.
- (5) The European Search Portal (ESP), established by Regulation (EU) 2019/817, will enable the data stored in ETIAS to be compared to the data stored in the other EU information systems concerned by means of a query.
- (6) Technical modalities should be defined to enable ETIAS to regularly and automatically verify in other systems whether the conditions for the retention of application files, as laid down in Regulation (EU) 2018/1240, are still fulfilled.

³ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁴ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

⁵ Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

⁶ Regulation (EU) 2018/1861 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 border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

⁷ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).

- (7) It is necessary, for the purposes of ensuring the full attainment of ETIAS objectives, as well as to further the Schengen Information System ('SIS') objectives, to include in the scope of the automated verifications new alert categories introduced by the recent revision of SIS, namely the alert on persons subject to inquiry checks and the alert on third-country nationals subject to a return decision.
- (8) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council⁸, is an essential component of the comprehensive efforts to tackle irregular migration and represents an important reason of substantial public interest.
- (9) In order to ensure a high level of accuracy and reliability of data, it is important to report on false hits generated at the level of the ETIAS Central Unit.
- (10) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of the specification of the conditions for the correspondence between the data present in a record, alert or file of the other EU information systems consulted and an application file.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member State' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁸ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

⁹ OJ L 123, 12.5.2016, p. 1.

- (11) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to define the technical modalities for the implementation of certain provisions related to data retention and to detail further the rules relating to the support to be provided by the ETIAS Central Unit. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁰.
- (12) ETIAS travel authorisation may be revoked following the registration in SIS of new alerts on refusal of entry and stay, or concerning a travel document reported as lost, stolen, misappropriated or invalidated. In order for ETIAS Central System to be automatically informed by SIS of such new alerts, an automated process should be established between SIS and ETIAS.
- (13) With a view to rationalise and simplify the work of border guards through the implementation of a more uniform border control process for all third-country nationals entering for a short stay, following the adoption of Regulation (EU) 2017/2226 and Regulation (EU) 2018/1240, it is now desirable to align the way EES and ETIAS are working together on the way EES and VIS are integrated for the purpose of border control process and registration of border crossings in EES.

¹⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (14) The conditions, including access rights, under which the ETIAS Central Unit and ETIAS National Units may consult data stored in other EU information systems for the purposes of ETIAS should be safeguarded by clear and precise rules regarding the access by the ETIAS Central Unit and ETIAS National Units to the data stored in other EU information systems, the type of queries and categories of data, all of which should be limited to what is strictly necessary for the performance of their duties. Member States' access by the ETIAS National Units to the other EU Information Systems should be in accordance with the participation in the respective legal instruments. In the same vein, the data stored in the ETIAS application file should only be visible to those Member States that are operating the underlying information systems in accordance with the modalities of their participation. As an example, the provisions of this Regulation relating to the Schengen Information System and the Visa Information System constitute provisions building upon all the provisions of the Schengen acquis, for which the Council Decisions¹¹ on the application of the provisions of the Schengen acquis relating to the Schengen Information System and the Visa Information System are relevant.
- (15) In the case of technical difficulties making it impossible for carriers to access the ETIAS Information System through the carrier gateway, the ETIAS Central Unit should provide operational support to carriers in order to limit the impact on passenger travel and carriers to the extent possible. For this reason, it is necessary to align the procedure provided for the VIS to the ETIAS and the EES.

¹¹ 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); 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); Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and Romania (OJ L 269, 19.10.2017, p. 39–43); 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).

- (16) According to Regulation (EU) 2018/1240, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA'), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council¹², should be responsible for the design and development phase of the ETIAS Information System.
- (17) This Regulation is without prejudice to Directive 2004/38/EC of the European Parliament and of the Council¹³.
- (18) 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 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.
- (19) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC¹⁴; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

¹² Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

¹³ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

¹⁴ 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).

- (20) As regards Iceland and Norway, this Regulation constitutes a development of the 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 latter's association with the implementation, application and development of the Schengen *acquis*¹⁵ which fall within the area referred to in Article 1, points A, B, C and G of Council Decision 1999/437/EC¹⁶.
- (21) 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 *acquis*¹⁷ which fall within the area referred to in Article 1, points A, B, C and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC¹⁸.
- (22) As regards Liechtenstein, this 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 *acquis*¹⁹ which fall within the area referred to in Article 1, points A, B, C and G of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU²⁰.

¹⁵ OJ L 176, 10.7.1999, p. 36.

¹⁶ 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).

¹⁷ OJ L 53, 27.2.2008, p. 52.

¹⁸ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, 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. 1).

¹⁹ OJ L 160, 18.6.2011, p. 21.

²⁰ Council Decision 2011/350/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

- (23) As regards Cyprus, Bulgaria, Romania and Croatia, the provisions of this Regulation relating to the VIS, the SIS and the EES constitute provisions building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession read in conjunction with Council Decisions 2010/365/EU, (EU) 2017/733, (EU) 2017/1908 and (EU) 2018/934.
- (24) Regulations (EU) 2018/1240, (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1860, (EU) 2018/1861 and (EU) 2019/817 should therefore be amended accordingly.
- (25) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 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.
- (26) The European Data Protection Supervisor was consulted, in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council²¹,

HAVE ADOPTED THIS REGULATION:

Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

²¹ 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).

CHAPTER I
AMENDMENTS TO REGULATION (EU) 2018/1240

Article 1

Amendments to Regulation (EU) 2018/1240

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

(1) in Article 3, paragraph 1, the following point is added:

"(28) 'other EU information systems' means the Entry/Exit System ('EES'), the Visa Information System ('VIS'), the Schengen Information System ('SIS'), Eurodac and the European Criminal Record Information System – Third Country Nationals ('ECRIS-TCN').";

(2) Article 4 is amended as follows:

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

"(e) support the objectives of SIS related to alerts on third-country nationals subject to a refusal of entry and stay, alerts on persons wanted for arrest for surrender purposes or extradition purposes, alerts on missing persons, alerts on persons sought to assist with a judicial procedure, alerts on persons for discreet checks or specific checks and alerts on third-country nationals subject to a return decision;"

(b) the following point is added:

"(h) support the objectives of the EES.";

(3) in Article 6, paragraph 2, the following point is inserted:

“(da) a secure communication channel between the ETIAS Central System and the EES Central System;”;

(4) Article 7 is amended as follows:

(a) in paragraph 2, point (a) is replaced by the following:

"(a) in cases where the automated application process has reported a hit, verifying in accordance with Article 22 whether the applicant's personal data correspond to the personal data of the person having triggered that hit in the ETIAS Central System, any of the EU information systems that are consulted, Europol data, any of the Interpol databases referred to in Article 12, or the specific risk indicators referred to in Article 33, and where a correspondence is confirmed or where doubts remain, launching the manual processing of the application as referred to in Article 26;"

(b) the following paragraph is added:

“4. The ETIAS Central Unit shall provide periodical reports to the Commission and eu-LISA concerning false hits referred to in Article 22(4) which are generated during the automated processing referred to in Article 20(2).”;

- (5) Article 11 is replaced by the following:

“Article 11

Interoperability with other EU information systems and Europol data”;

1. Interoperability between the ETIAS Information System, other EU information systems and Europol data shall be established to enable the automated processing referred to in Articles 20 and 23, point (ii) of Article 24(6)(c), Article 41 and point (b) of Article 54(1) and shall rely on the European Search Portal (‘ESP’), established by Article 6 of Regulation (EU) 2019/817 of the European Parliament and of the Council* and Article 6 of Regulation 2019/818 of the European Parliament and of the Council**, from the date referred to in Article 72(1a) of Regulation (EU) 2019/817 and Article 68(1a) of Regulation (EU) 2019/818.
2. For the purpose of proceeding to the verifications referred to in Article 20(2)(i), the automated processing referred to in Article 11(1), shall enable the ETIAS Central System to query the VIS, established by Regulation (EC) 767/2008 of the European Parliament and of the Council***, with the following data of points (a), (aa), (c) and (d) of Article 17(2) of this Regulation:
 - (a) surname (family name) ;
 - (b) surname at birth;
 - (c) first name(s) (given name(s)) ;
 - (d) date of birth;
 - (e) place of birth;
 - (f) country of birth;
 - (g) sex;
 - (h) current nationality;
 - (i) other nationalities (if any);
 - (j) type, number, the country of issue of the travel document.

3. For the purpose of proceeding to the verifications referred to in Article 20(2)(g) and (h), the automated processing referred to in Article 11(1), shall enable the ETIAS Central System to query the EES, established by Regulation (EU) 2017/2226, with the following data of points (a) to (d) of Article 17(2):

- (a) surname (family name) ;
- (b) surname at birth;
- (c) first name(s) (given name(s)) ;
- (d) date of birth;
- (e) sex;
- (f) current nationality;
- (g) other names (alias(es));
- (h) artistic name(s);
- (i) usual name(s));
- (j) other nationalities (if any);
- (k) type, number, the country of issue of the travel document.

4. For the purpose of proceeding to the verifications referred to in points (c), (m)(ii) and (o) of Article 20(2), and Article 23, the automated processing referred to in Article 11(1), shall enable the ETIAS Central System to query the SIS established by Regulations (EU) 2018/1860 of the European Parliament and of the Council**** and (EU) 2018/1861 of the European Parliament and of the Council***** with the following data of points (a) to (d) of Article 17(2) and point (k) of Article 17(2):
- (a) surname (family name) ;
 - (b) surname at birth;
 - (c) first name(s) (given name(s)) ;
 - (d) date of birth;
 - (e) place of birth;
 - (f) sex;
 - (g) current nationality;
 - (h) other names (alias(es));
 - (i) artistic name(s);
 - (j) usual name(s));
 - (k) other nationalities (if any);
 - (l) type, number, the country of issue of the travel document;
 - (m) for minors, surname and first name(s) of applicant's parental authority or legal guardian.

5. For the purpose of proceeding to the verifications referred to in points (a), (d) and (m)(i) of Article 20(2) and Article 23(1), the automated processing referred to in Article 11(1), shall enable the ETIAS Central System to query the SIS established by Regulation (EU) 2018/1862 of the European Parliament and of the Council*****, with the following data of points (a) to (d) and point (k) of Article 17(2):

- (a) surname (family name) ;
- (b) surname at birth;
- (c) first name(s) (given name(s)) ;
- (d) date of birth;
- (e) place of birth;
- (f) sex;
- (g) current nationality;
- (h) other names (alias(es));
- (i) artistic name(s);
- (j) usual name(s));
- (k) other nationalities (if any);
- (l) type, number, the country of issue of the travel document;
- (m) for minors, surname and first name(s) of applicant's parental authority or legal guardian.

6. For the purpose of proceeding to the verifications referred to in point (n) of Article 20(2), the automated processing referred to in Article 11(1), shall enable the ETIAS Central System to query the ECRIS-TCN data in the CIR established by Regulation (EU) 2019/818, with the following data of points (a) to (d) of Article 17(2):
- (a) surname (family name) ;
 - (b) surname at birth;
 - (c) first name(s) (given name(s)) ;
 - (d) date of birth;
 - (e) place of birth;
 - (f) country of birth;
 - (g) sex;
 - (h) current nationality;
 - (i) other names (alias(es));
 - (j) artistic name(s);
 - (k) usual name(s));
 - (l) other nationalities (if any);
 - (m) type, number, the country of issue of the travel document.
7. For the purpose of proceeding to the verifications referred to in point (j) of Article 20(2), the automated processing referred to in Article 11(1) shall enable the ETIAS Central System to query the Europol data, with the information of Article 17(2) as listed in Article 20(2) of this Regulation.

8. Where hits are identified, the ESP, shall provide temporary read-only access to the results of the automated processing in the application file to the ETIAS Central Unit, until the end of the manual process pursuant to Article 22(2) and Article 23(2). Where the data made available correspond to those of the applicant or where doubts remain, the unique reference number of the record in the queried EU information systems of the data having triggered a hit shall be kept in the application file.

Where hits are identified, pursuant to this paragraph, the automated processing shall receive the appropriate notification in accordance with Article 21(1a) of Regulation (EU) 2016/794.

9. A hit shall be triggered where all or some of the data from the ETIAS application file used for the query correspond fully or partially to the data present in a record, alert or file of the other EU information systems consulted. The Commission shall adopt delegated acts in accordance with Article 89 in order to specify the conditions for the correspondence between the data present in a record, alert or file of the other EU information systems consulted and an application file.
10. For the purpose of paragraph 1, the Commission, shall, by means of an implementing act, define the technical modalities for the implementation of point (c)(ii) of Article 24(6) and point (b) of Article 54(1) related to data retention.
11. For the purpose of Article 25(2), Article 28(8) and Article 29(9) when registering the data related to hits into the ETIAS application file, the origin of the data shall be indicated. This shall include the type of the alert, except for alerts referred to in Article 23(1), the source of the data (which other EU information systems or Europol data), the reference number in the queried EU information system of the record having triggered the hit and the Member State that entered or supplied the data having triggered the hit and, where available, the date and time when the data was entered in the other EU information systems or Europol data. Those data shall only be accessible and visible by the ETIAS Central Unit where the ETIAS Central System is not able to identify the Member State responsible.";

* Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008,

(EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).

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

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

**** Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

***** Regulation (EU) 2018/1861 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 border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

***** 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).";

- (6) the following articles are inserted:

“Article 11a

Support of the objectives of the EES

For the purpose of Articles 6, 14, 17 and 18 of Regulation (EU) 2017/2226, an automated process, using the secure communication channel of point (da) of Article 6(2) of this Regulation, shall query and import from the ETIAS Central System, the information referred to in Article 47(2) of this Regulation, as well as the application number and the date on which the validity period of an ETIAS travel authorisation ends, and create or update the entry/exit record or the refusal of entry record in the EES accordingly.

Article 11ab

Interoperability between ETIAS and EES for the purpose of self-revocation of an ETIAS travel authorisation

1. For the purpose of implementing Article 41(8), an automated process, using the secure communication channel of point (da) of Article 6(2) of this Regulation, shall query the EES Central System to verify that the applicants requesting the revocation of their travel authorisations are not present on the territory.
2. Where the outcome of the verification in the EES Central System indicates that the person is not present on the territory of a Member State, the self-revocation shall be effective immediately.
3. Where the outcome of the verification in the EES Central System indicates that the person is present on the territory of a Member State, the revocation shall be suspended in accordance with Article 41(8). The EES Central System shall record that a notification has to be sent to the ETIAS Central System as soon as an entry/exit record indicating that the applicant having requested revocation of the travel authorisation has left the territory of the Member States has been recorded.";

(7) Article 12 is replaced by the following:

- "1. The ETIAS Central System shall query the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (TDAWN).
2. Any queries and verification shall be performed in such a way that no information shall be revealed to the owner of the Interpol alert.
3. If the implementation of paragraph 2 is not ensured, ETIAS shall not query Interpol's databases.";

(8) in Article 17, paragraph 4, point (a) is replaced by the following:

"whether he or she has been convicted of any criminal offence listed in the Annex over the previous 15 years and in the case of terrorist offences, over the previous 25 years, and if so when and in which country;"

(9) Article 20, paragraph 2 is amended as follows:

(a) the first subparagraph is replaced by the following:

"2. The ETIAS Central System shall launch a query by using the ESP to compare the relevant data referred to in points (a), (aa), (b), (c), (d), (f), (g), (j), (k) and (m) of Article 17(2) and in Article 17(8) to the data present in a record, file or alert registered in an application file stored in the ETIAS Central System, SIS, the EES, VIS, Eurodac, ECRIS-TCN, Europol data and in the Interpol SLTD and TDAWN databases.";

(b) in the second subparagraph, the following points are added:

"(n) whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN and flagged in accordance with point (c) of Article 5(1) of Regulation (EU) 2019/816 of the European Parliament and of the Council*. The data may only be used for the purpose of verification by the ETIAS Central Unit pursuant to Article 22 of this Regulation and for the purpose of consultation of the national criminal records by the ETIAS National Units pursuant to Article 25a(2) of this Regulation. National criminal records shall be consulted prior to the assessment and decision pursuant to Article 26 of this Regulation and, if applicable, prior to the assessment and opinion pursuant to Article 28 of this Regulation;

- (o) whether the applicant is subject to an alert on return entered in SIS”;

* Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).’;

(10) Article 22 is amended as follows:

- (a) paragraph 2 is replaced by the following:

"2. When consulted, the ETIAS Central Unit shall have access to the application file and any linked application files, as well as to all the hits triggered during automated processing pursuant to Article 20(2), (3) and (5) and to the information identified by the ETIAS Central System under Article 20(7) and (8).";

- (b) in paragraph 3, point (b) is replaced by the following:

"(b) the data present in the ETIAS Central System;";

- (c) paragraph 5 is replaced by the following:

"5. Where the data correspond to those of the applicant, where doubts remain concerning the identity of the applicant, or where the automated processing pursuant to Article 20(4) reported a hit, the application shall be processed manually in accordance with the procedure laid down in Article 26.";

(d) the following paragraph is added:

“7. The ETIAS Information System shall keep records of all data processing operations carried out for assessments under paragraphs 2 to 6 by the ETIAS Central Unit. Those records shall be created and entered automatically in the application file. They shall show the date and time of each operation, the data linked to the hit received, the staff member having performed the manual processing under paragraphs 2 to 6 and the outcome of the verification and the corresponding justification.”;

(11) Article 23 is amended as follows:

(a) in paragraph 1, point (c) is replaced by the following:

“(c) an alert on persons for discreet checks, inquiry checks or specific checks.”;

(b) in paragraph 2, the first subparagraph is replaced by the following:

“2. Where the comparison referred to in paragraph 1 reports one or several hits, the ETIAS Central System shall send an automated notification to the ETIAS Central Unit. When notified, the ETIAS Central Unit shall have access in accordance with Article 11(8) to the application file and any linked application files, in order to verify whether the applicant’s personal data correspond to the personal data contained in the alert having triggered that hit and if a correspondence is confirmed, the ETIAS Central System shall send an automated notification to the SIRENE Bureau of the Member State that entered the alert. The SIRENE Bureau concerned shall further verify whether the applicant’s personal data correspond to the personal data contained in the alert having triggered the hit and take any appropriate follow-up action.”;

- (c) in paragraph 2, the following third subparagraph is added:

"When the hit concerns an alert on return, the SIRENE Bureau of the issuing Member State shall verify, in cooperation with its ETIAS National Unit, whether the deletion of the alert on return in accordance with Article 14(1) of Regulation (EU) 2018/1860 and the entry of a refusal of entry and stay alert in accordance with Article 24(3) of Regulation (EU) 2018/1861 is required.";

- (d) paragraph 4 is replaced by the following:

"4. The ETIAS Central System shall add a reference to any hit obtained pursuant to paragraph 1 to the application file. That reference shall only be visible to and accessible by the ETIAS Central Unit and the SIRENE Bureau notified in accordance with paragraph 3, unless other limitations are provided for in this Regulation.";

(12) the following article is inserted:

“Article 25a

*Use of other EU information systems for the manual processing of application by the ETIAS
National Units*

1. Without prejudice to Article 13(1) of this Regulation, the duly authorised staff of the ETIAS National Units shall have a direct access to and may consult, in a read-only format, the other EU information systems for examining applications for travel authorisation and adopting decisions relating to those applications in accordance with Article 26 of this Regulation. The ETIAS National Units may consult the data referred to in the following provisions:
 - (a) Articles 16 to 18 of Regulation (EU) 2017/2226;
 - (b) Articles 9 to 14 of the Regulation (EC) No 767/2008;
 - (c) the data referred to in Article 20 of Regulation (EU) 2018/1861 processed for the purposes of Articles 24, 25 and 26 of that Regulation;
 - (d) the data referred to in Article 20 of Regulation (EU) 2018/1862 processed for the purposes of Article 26 and points (k) and (l) of Article 38(2), of that Regulation;
 - (e) the data referred to in Article 4 of Regulation (EU) 2018/1860 processed for the purposes of Article 3 of that Regulation.
2. Insofar as the hit results from the verification pursuant to point (n) of Article 20(2), the duly authorised staff of the ETIAS National Units shall also have access directly or indirectly, in accordance with national law, to the relevant data from the national criminal records of their own Member State in order to obtain the information on third-country nationals and stateless persons convicted for a terrorist offence or any other criminal offence listed in the annex to this Regulation, for the purposes referred to in paragraph 1.”;

(13) Article 26 is amended as follows:

(a) in paragraph 3, point (b) is replaced by the following:

“(b) assess the security or illegal immigration risk and decide whether to issue or refuse a travel authorisation where the hit corresponds to any of the verifications referred to in point (b) and points (d) to (o) of Article 20(2).”;

(b) the following paragraph is inserted:

“3a. Where automated processing under point (o) of Article 20(2) has reported a hit, the ETIAS National Unit of the Member State responsible shall:

(a) refuse a travel authorisation where the verification pursuant to the third subparagraph of Article 23(2) led to the update of the return alert into a refusal of entry and stay alert;

(b) assess the security or illegal immigration risk and decide whether to issue or refuse a travel authorisation in all other cases.

The ETIAS National Unit of the Member State having entered the data shall consult its SIRENE Bureau to verify whether the deletion of the alert on return in accordance with Article 14(1) of Regulation (EU) 2018/1860 and, where applicable, the entry of a refusal of entry and stay alert in accordance with Article 24(3) of Regulation (EU) 2018/1861 is required.

(c) in paragraph 4, the following subparagraph is added:

"Where automated processing under point (n) of Article 20(2) has reported a hit but no hit was reported pursuant to point (c) of that Article, the ETIAS National Unit of the Member State responsible shall pay particular consideration to the absence of such hit in its assessment of the security risk in order to decide whether to issue or refuse a travel authorisation."

(14) in Article 28, paragraph 3, the following third subparagraph is added:

"For the purpose of the manual processing pursuant to Article 26 of this Regulation, such opinion shall only be visible by the ETIAS National Unit of the Member State consulted and by the ETIAS National Unit of the Member State responsible.";

(15) Article 37, paragraph 3 is replaced by the following:

"3. Applicants who have been refused a travel authorisation shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. During the appeal procedure, the appellant shall be given access to the information in the application file in accordance with the rules referred to in Article 56 of this Regulation. The ETIAS National Unit of the Member State responsible shall provide applicants with information regarding the appeal procedure. The information shall be provided in one of the official languages of the countries listed in Annex II to Regulation (EC) No 539/2001 of which the applicant is a national.";

(16) in Article 41, paragraph 3 is replaced by the following:

"3. Without prejudice to paragraph 2, where a new alert is issued in SIS concerning a refusal of entry and stay, or concerning a travel document reported as lost, stolen, misappropriated or invalidated, SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having entered the alert. Where a new alert for refusal of entry and stay has been issued, the ETIAS National Unit shall revoke the travel authorisation. Where the travel authorisation is linked to a travel document reported as lost, stolen, misappropriated or invalidated in SIS or SLTD, the ETIAS National Unit shall manually process the application file.";

(17) Article 46 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Where it is technically impossible to proceed with the query referred to in Article 45(1) because of a failure of any part of the ETIAS Information System, the carriers shall be exempted of the obligation to verify the possession of a valid travel authorisation. Where such a failure is detected by eu-LISA, the ETIAS Central Unit shall notify the carriers and the Member State. It shall also notify the carriers and the Member State once the failure is remedied. Where such a failure is detected by the carriers, they may notify the ETIAS Central Unit. The ETIAS Central Unit shall inform the Member States without delay about the notification of the carriers.";

(b) paragraph 3 is replaced by the following:

"3. Where for other reasons than a failure of any part of the ETIAS Information System it is technically impossible for a carrier to proceed with the consultation query referred to in Article 45(1) for a prolonged period of time, that carrier shall inform the ETIAS Central Unit. The ETIAS Central Unit shall inform the Member States without delay about the notification of the carriers.";

(c) the following paragraph is added:

5. The ETIAS Central Unit shall provide operational support to carriers in relation to paragraphs 1 and 3 of this Article. The ETIAS Central Unit shall establish procedures to provide such support in Standard Operational Procedures. The Commission is empowered to adopt, by means of implementing acts, further detailed rules relating to the support to be provided and to the means to provide such support.";

(18) in Article 47, paragraph 2, point (a) is replaced by the following:

“(a) whether or not the person has a valid travel authorisation, including whether the person’s status corresponds to the status referred to under Article 2(1)(c), and in the case of a travel authorisation with limited territorial validity issued under Article 44, the Member State(s) for which it is valid;”;

(19) in Article 64, the following paragraph is added:

"7. The right of access is without prejudice to Article 53 of Regulation (EU) 2018/1861 and Article 67 of Regulation (EU) 2018/1862.”;

(20) in Article 73, paragraph 3, the third subparagraph is replaced by the following:

“eu-LISA shall develop and implement the ETIAS Central System, including the ETIAS watchlist, the NUIs, the communication infrastructure and the secure communication channel between the ETIAS Central System and the EES Central System as soon as possible after the entry into force of this Regulation and the adoption by the Commission of:

- (a) the measures provided for in Articles 6(4), 16(10), 17(9), Article 31, Articles 35(7), 45(2), 54(2), 74(5), 84(2), 92(8); and
- (b) the measures adopted in accordance with the examination procedure referred to in Article 90(2) necessary for the development and technical implementation of the ETIAS Central System, the NUIs, the communication infrastructure, the secure communication channel between the ETIAS Central System and the EES Central System and the carrier gateway, in particular implementing acts for:
 - (i) accessing the data in accordance with Articles 22 to 29 and Articles 33 to 53;
 - (ii) amending, erasing and advance erasure of data in accordance with Article 55;
 - (iii) keeping and accessing the logs in accordance with Article 45 and Article 69;
 - (iv) performance requirements;
 - (v) specifications for technical solutions to connect central access points in accordance with Articles 51 to 53.”;

(21) Article 88 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

“(a) the necessary amendments to the legal acts establishing the EU information systems referred to in Article 11 with which interoperability, in the meaning of Article 11 of this Regulation, shall be established with the ETIAS Information System have entered into force, with the exception of the recast of Regulation (EU) No 603/2013 (Eurodac);”

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

“(d) the measures referred to in Article 11(9) and (10), Article 15(5), Article 17(3), (5) and (6), Article 18(4), Article 27(3) and (5), Article 33(2) and (3), Article 36(3), Article 38(3), Article 39(2), Article 45(3), Article 46(4), Article 48(4), Article 59(4), Article 73(3)(b), Article 83(1), (3), and (4) and Article 85(3) have been adopted;”;

(c) the following paragraphs are added:

“6. The interoperability, referred to in Article 11, with ECRIS-TCN shall start when the CIR enters into operations. ETIAS’ operations shall start irrespective of whether that interoperability with ECRIS-TCN is put in place.

7. ETIAS shall start its operations irrespective of whether it is possible to query the Interpol databases as referred to in Article 12.”;

(22) Article 89 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The power to adopt delegated acts referred to in Article 6(4), Article 11(9), Article 17(3), (5) and (6), Articles 18(4), 27(3), Article 31, Articles 33(2), 36(4), 39(2), 54(2), Article 83(1) and (3) and Article 85(3) shall be conferred on the Commission for a period of five years from 9 October 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.’;

(b) paragraph 3 is replaced by the following:

“3. The delegation of power referred to in Article 6(4), Article 11(9), Article 17(3), (5) and (6), Articles 18(4), 27(3), Article 31, Articles 33(2), 36(4), 39(2), 54(2), Article 83(1) and (3) and Article 85(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.”

(c) paragraph 6 is replaced by the following:

“6. A delegated act adopted pursuant to Article 6(4), Article 11(9), Article 17(3), (5) or (6), Article 18(4), 27(3), Article 31, Article 33(2), 36(4), 39(2), 54(2), Article 83(1) or (3) or Article 85(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.”;

(23) in Article 90, paragraph 1 is replaced by the following:

"1. The Commission shall be assisted by the committee established by Article 68 of Regulation (EU) 2017/2226. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.";

(24) in Article 92, the following paragraph is inserted:

"5a. One year after the end of the transition period referred to in Article 83(1), and every four years thereafter, the Commission shall evaluate the querying of ECRIS-TCN through the ETIAS Central System. The Commission shall transmit the evaluation, together with the opinion of the ETIAS Fundamental Rights Guidance Board and any necessary recommendations, to the European Parliament and the Council.

The evaluation referred to in the first subparagraph shall include the following points in order to assess the extent to which the querying of the ECRIS-TCN through the ETIAS Central System has contributed to the achievement of its objective:

- a comparison of the number of simultaneous hits, for the same application, in ECRIS-TCN relating to convictions for terrorism offences listed in the annex to this Regulation and in SIS on refusal on entry and stay alerts;
- a comparison of the number of simultaneous hits, for the same application, in ECRIS-TCN relating to any other serious criminal offences listed in the annex to this Regulation and in SIS on refusal on entry and stay alerts;
- for applications where the only hit was in ECRIS-TCN, a comparison of the number of refusals of travel authorisations with the total number of hits generated by the query of ECRIS-TCN".

The ETIAS Fundamental Rights Guidance Board referred to in Article 10 of this Regulation shall provide an opinion as regards the evaluation referred to in this paragraph.

The evaluation may be accompanied, if necessary, by legislative proposals.";

(25) in Article 96, the following third subparagraph is inserted:

"Article 11a shall apply from ... [the date of entry into force of this amending Regulation]".

CHAPTER II

AMENDMENTS TO OTHER UNION INSTRUMENTS

Article 2

Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is amended as follows:

(1) in Article 6, paragraph 2 is replaced by the following:

- "2. Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of:
- (a) the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in Articles 15 to 22, Articles 22g to 22m, and Article 45e;
 - (b) the ETIAS Central Unit and the ETIAS National Units, designated pursuant to Articles 7 and 8 of Regulation (EU) 2018/1240 of the European Parliament and of the Council*, for the purposes laid down in Articles 18c and 18d of this Regulation and in Regulation (EU) 2018/1240; and
 - (c) the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in Articles 20 and 21 of Regulation (EU) 2019/817.

That access shall be limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued."

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

(2) the following articles are inserted:

“Article 18b

Interoperability with ETIAS in the meaning of Article 11 of Regulation (EU) 2018/1240

1. From the start of operations of ETIAS, as provided for in Article 88(1) of Regulation (EU) 2018/1240, the VIS shall be connected to the ESP to enable the automated processing referred to in that Article.
2. The automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20 of that Regulation and the subsequent verifications of Articles 22 and 26 of that Regulation.

For the purpose of proceeding to the verifications point (i) of Article 20(2) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the ESP to compare the data in ETIAS with the data in the VIS, in accordance with Article 11(8) of that Regulation, using the correspondences listed in the table in annex II.

Article 18c

Access to data in VIS by the ETIAS Central Unit

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search relevant data in VIS in accordance with Article 11(8) of that Regulation.
2. Where a verification by the ETIAS Central Unit in accordance with Article 22 of Regulation (EU) 2018/1240 confirms the correspondence between data recorded in the ETIAS application file and data in the VIS or where doubts remain, the procedure set out in Article 26 of Regulation (EU) 2018/1240 applies.

Article 18d

Use of VIS for the manual processing by ETIAS National Units

1. Consultation of VIS by ETIAS National Units as referred to in Article 8(1) of Regulation (EU) 2018/1240 shall be done using the same alphanumerical data as those used for the automated processing referred to in Article 18b(2) of this Regulation.
2. The ETIAS National Units shall have temporary access to consult VIS, in a read-only format, for the purpose of examining applications for travel authorisation pursuant to Article 8(2) of that Regulation. The ETIAS National Units may consult the data referred to in Articles 9 to 14 of this Regulation.
3. Following an access pursuant to paragraph 1, duly authorised staff of the ETIAS National Units shall record the result of the assessment only in the ETIAS application files.”;

(3) the following article is inserted:

“Article 34a

Keeping of logs for the purpose of interoperability with ETIAS

For the consultations listed in Article 18b of this Regulation, a log of each data processing operation carried out within VIS and ETIAS shall be kept in accordance with Article 34 of this Regulation and Article 69 of Regulation (EU) 2018/1240.”;

(4) the annex is numbered as Annex I and the following annex is added:

“Annex II

Table of correspondences referred to in Article 18b

Data of Article 17(2) of Regulation 2018/1240 sent by ETIAS Central System	The corresponding VIS data of Article 9(4) of this Regulation against which data in ETIAS are to be checked
surname (family name)	surnames
surname at birth	surnames at birth (former family name(s))
first name(s) (given name(s))	first name(s)
date of birth	date of birth
place of birth	place of birth
country of birth	country of birth
sex	sex
current nationality	current nationality or nationalities and nationality at birth
other nationalities (if any)	current nationality or nationalities and nationality at birth
type of the travel document	type of the travel document
number of the travel document	number of the travel document
country of issue of the travel document	the country which issued the travel document

“

Article 3

Amendments to Regulation (EU) 2017/2226

Regulation (EU) 2017/2226 is amended as follows:

(1) in Article 6, paragraph 1, the following point is added:

“(k) support the objectives of ETIAS established by Regulation (EU) 2018/1240 of the European Parliament and of the Council. ^{*}

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

(2) the following articles are inserted:

“Article 8a

Automated process with ETIAS

1. An automated process, using the secure communication channel of point (da) of Article 6(2) of Regulation (EU) 2018/1240, shall enable the EES to create or update the entry/exit record or the refusal of entry record of a visa exempt third country national in the EES in accordance with Articles 14, 17 and 18 of this Regulation.

Where an entry/exit record or a refusal of entry record of a visa exempt third country national is created, the automated process shall enable the Central System of the EES the following:

- (a) to query and import from the ETIAS Central System the information referred to in Article 47(2) of Regulation (EU) 2018/1240, the application number and the date on which the validity period of an ETIAS travel authorisation ends;

- (b) to update the entry/exit record in the EES in accordance with Article 17(2) of this Regulation;
 - (c) to update the refusal of entry record in the EES in accordance with point (b) of Article 18(1) of this Regulation.
2. An automated process, using the secure communication channel of Article 6(2)(da) of Regulation (EU) 2018/1240, shall enable the EES to process queries received from the ETIAS Central System and to send the corresponding answers in accordance with Articles 11ab and 41(8) of Regulation (EU) 2018/1240. Where necessary, the EES Central System shall record that a notification has to be sent to the ETIAS Central System as soon as an entry/exit record indicating that the applicant having requested revocation of the travel authorisation has left the territory of the Member States.

Article 8b

Interoperability with ETIAS in the meaning of Article 11 of Regulation (EU) 2018/1240

1. From the start of operations of ETIAS, as provided for in Article 88(1) of Regulation (EU) 2018/1240, the Central System of the EES shall be connected to the ESP to enable the automated processing referred to in that Article.
2. Without prejudice to Article 24 of Regulation (EU) 2018/1240, the automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20 of that Regulation and the subsequent verifications of Articles 22 and 26 of that Regulation.

For the purpose of proceeding to the verifications referred to in points (g) and (h) of Article 20(2) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the ESP to compare the data in ETIAS with the data in the EES, in accordance with Article 11(8) of that Regulation, using the correspondences listed in the table in Annex III.

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

(3) in Article 9, the following paragraph is inserted:

“2a. The duly authorised staff of the ETIAS National Units, designated pursuant to Article 8 of Regulation (EU) 2018/1240, shall have access to the EES to consult data in a read-only format.”;

(4) the following article is inserted:

"Article 13a

Fall-back procedures in case of technical impossibility to access data by carriers

1. Where it is technically impossible to proceed with the query referred to in Article 13(3) because of a failure of any part of the EES, the carriers shall be exempted from the obligation to verify whether the third country national holding a short-stay visa issued for one or two entries have already used the number of entries authorised by their visa. Where such failure is detected by eu-LISA, the ETIAS Central Unit shall notify the carriers and the Member State. It shall also notify the carriers and the Member States when the failure is remedied. Where such failure is detected by the carriers, they may notify the ETIAS Central Unit. The ETIAS Central Unit shall inform the Member States without delay about the notification of the carriers.
2. Where for other reasons than a failure of any part of the EES it is technically impossible for a carrier to proceed with the query referred to in Article 13(3) for a prolonged period of time, that carrier shall inform the ETIAS Central Unit. The ETIAS Central Unit shall inform the Member States without delay about the notification of the carriers.
3. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 68(2).
4. The ETIAS Central Unit shall provide operational support to carriers in relation to paragraphs 1 and 2 of this Article. The ETIAS Central Unit shall establish procedures to provide such support in Standard Operational Procedures. The Commission is empowered to adopt, by means of implementing acts, further detailed rules relating to of the support to be provided and to the means to provide such support.”;

(5) in Article 17, paragraph 2, the following second subparagraph is added:

“The following data shall also be entered in the entry/exit record:

- (a) the ETIAS application number;
- (b) the end of validity period of an ETIAS travel authorisation;
- (c) in case of an ETIAS travel authorisation with limited territorial validity, the Member State(s) for which it is valid.”;

(6) in Article 18, paragraph 1, point (b) is replaced by the following:

"(b) for visa-exempt third-country nationals, the alphanumeric data required pursuant to Article 17(1) and (2) of this Regulation";

(7) the following articles are inserted:

“Article 25a

Access to data from the EES by the ETIAS Central Unit

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search data in the EES in accordance with Article 11(8) of that Regulation.
2. Where a verification by the ETIAS Central Unit pursuant to Article 22 of Regulation (EU) 2018/1240 confirms the correspondence between data recorded in the ETIAS application file and data in the EES or where doubts remain, the procedure set out in Article 26 of Regulation (EU) 2018/1240 applies.

Article 25b

Use of the EES for the manual processing by ETIAS National Units

1. Consultation of EES by ETIAS National Units referred to in Article 8(1) of Regulation (EU) 2018/1240 shall be done using the same alphanumeric data as those used for the automated processing referred to in Article 8b(2) of this Regulation.
2. The ETIAS National Units shall have access to and may consult the EES, in a read-only format, for the purpose of examining applications for travel authorisation, pursuant to Article 8(2) of that Regulation. The ETIAS National Units may consult the data referred to in Articles 16 to 18 of this Regulation, without prejudice to Article 24 of Regulation (EU) 2018/1240.
3. Following an access pursuant to paragraph 1, duly authorised staff of the ETIAS National Units shall record only the result of the assessment and shall record this result in the ETIAS application files.”;

(8) Article 28 is replaced by the following:

“Article 28

Keeping of data retrieved from the EES

Data retrieved from the EES pursuant to Articles 24, 25, 26 and 27 may be kept in national files and data retrieved from the EES pursuant to Articles 25a and 25b may be kept in the ETIAS application files, only where necessary in an individual case, in accordance with the purpose for which they were retrieved and in accordance with relevant Union law, in particular on data protection, and for no longer than strictly necessary in that individual case.”;

(9) in Article 46, paragraph 2, the following second subparagraph is added:

“For the consultations listed in Articles 8a, 8b and 25a of this Regulation, a log of each data processing operation carried out within the EES and ETIAS shall be kept in accordance with this Article and Article 69 of Regulation (EU) 2018/1240.”;

(10) the following annex is added:

“Annex III

Table of correspondences referred to in Article 8b

Data of Article 17(2) of Regulation 2018/1240 sent by ETIAS Central System	The corresponding EES data of point (a) of Article 17(1) of this Regulation against which the data in ETIAS are to be checked
surname (family name)	surnames
surname at birth	surnames
first name(s) (given name(s))	first name or names (given names)
other names (alias(es), artistic name(s), usual name(s))	first name or names (given names)
date of birth	date of birth
sex	Sex
current nationality	nationality or nationalities
other nationalities (if any)	nationality or nationalities
type of the travel document	type of the travel document
number of the travel document	number of the travel document
country of issue of the travel document	the three letter code of the issuing country of the travel document

"

Article 4

Amendments to Regulation (EU) 2018/1860

In Regulation (EU) 2018/1860, Article 19 is replaced by the following:

"Article 19

Applicability of the provisions of Regulation (EU) 2018/1861

Insofar as not established in this Regulation, the entry, processing and updating of alerts, the provisions on responsibilities of the Member States and eu-LISA, the conditions concerning access and the review period for alerts, data processing, data protection, liability and monitoring and statistics, as laid down in Articles 6 to 19, Article 20(3) and (4), Articles 21, 23, 32, 33, 34(5), 36a, 36b, 36c and 38 to 60 of Regulation (EU) 2018/1861, shall apply to data entered and processed in SIS in accordance with this Regulation."

Article 5

Amendments to Regulation (EU) 2018/1861

Regulation (EU) 2018/1861 is amended as follows:

- (1) in Chapter III, the following article is added:

“Article 18b

Keeping of logs for the purpose of the interoperability with ETIAS

Logs of each data processing operation carried out within SIS and ETIAS pursuant to Article 36a and 36b shall be kept in accordance with Article 18 of this Regulation and Article 69 of Regulation (EU) 2018/1240 of the European Parliament and of the Council*.

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

- (2) in Article 34, paragraph 1, the following point is added:

“(h) manual processing of ETIAS applications by the ETIAS National Unit, pursuant to Article 8 of Regulation (EU) 2018/1240.”;

(3) the following articles are inserted:

“Article 36a

Access to SIS data by the ETIAS Central Unit

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search relevant data entered in SIS in accordance with Article 11(8) of that Regulation. The provisions of Article 36(4) to (8) apply to this access and search.
2. Without prejudice to Article 24 of Regulation (EU) 2018/1240, where a verification by the ETIAS Central Unit pursuant to Article 22 of Regulation (EU) 2018/1240 confirms the correspondence of the data recorded in the ETIAS application file to an alert in SIS or where doubts remain, the procedure set out in Article 26 of Regulation (EU) 2018/1240 applies.

Article 36b
Interoperability with ETIAS

1. From the start of operations of ETIAS, as provided for in Article 88(1) of Regulation (EU) 2018/1240, the Central System of SIS shall be connected to the ESP to enable the automated processing referred to in that Article.
2. The automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20, point (c)(ii) of Article 24(6), Article 41 and point (b) of Article 54(1) and the subsequent verifications provided for in Articles 22 and 26 of that Regulation.
3. For the purpose of proceeding to the verifications of points (c) and (m)(ii) and (o) of Article 20(2) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the ESP to compare the data referred to in Article 11(4) Regulation (EU) 2018/1240 to data in SIS, in accordance with Article 11(8) of that Regulation.
4. For the purpose of proceeding to the verifications of point (c)(ii) of Article 24(6) and point (b) of Article 54(1) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the ESP to regularly verify in SIS whether an alert for refusal of entry and stay, which gave rise to the refusal, annulment or revocation of a travel authorisation, has been deleted.
5. Pursuant to Article 41(3) of Regulation (EU) 2018/1240, where a new alert for refusal of entry and stay is entered in SIS, the Central System shall transmit the data referred to in points (a), (b), (c), (d), (f), (g), (h), (i), (s), (t), (u) and (v) of Article 20(2) of this Regulation to the ETIAS Central System, using the ESP, in order to verify whether this new alert corresponds to a valid travel authorisation.

Article 6
Amendments to Regulation (EU) 2019/817

In Article 72, the following paragraph is inserted:

“1b. Without prejudice to paragraph 1 of this Article, for the purposes of the automated processing referred to in Article 20, Article 23, point (c)(ii) of Article 24(6), Article 41 and point (b) of Article 54(1) of Regulation (EU) 2018/1240, the ESP shall start operations, limited to those purposes, once the conditions laid down in Article 88 of Regulation (EU) 2018/1240 have been met.”.

CHAPTER III

FINAL PROVISIONS

Article 7

Entry into force

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

REGULATION (EU) 2021/...

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

amending Regulations (EU) 2018/1862 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) thereof

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

¹ Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of

- (1) Regulation (EU) 2018/1240 of the European Parliament and of the Council² established the European Travel Information and Authorisation System ('ETIAS') for third-country nationals exempt from the requirement to be in possession of a visa when crossing the external borders. It laid down the conditions and procedures to issue or refuse a travel authorisation under that system.
- (2) ETIAS enables consideration of whether the presence of those third-country nationals in the territory of the Member States would pose a security, illegal immigration or high epidemic risk.
- (3) In order to enable the processing of the application files by the ETIAS Central System referred to in Regulation (EU) 2018/1240, it is necessary to establish the interoperability between the ETIAS Information System, other EU information systems and Europol data referred to in that Regulation.
- (4) This Regulation lays down how this interoperability and the conditions for the consultation of data stored in other EU information systems and Europol data by the ETIAS automated process for the purposes of identifying hits are to be implemented. As a result, it is necessary to amend Regulations (EU) 2018/1862³ and (EU) 2019/818⁴ of the European Parliament and of the Council in order to connect the ETIAS Central System to the other EU information systems and to Europol data and to specify the data that will be sent to and from those EU information systems and Europol data.
- (5) In accordance with Regulation (EU) 2018/1240, when the recast of Regulation (EU) No 603/2013 of the European Parliament and of the Council⁵ will be adopted, the necessary consequential amendments will be adopted.

² Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

³ 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).

⁴ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

⁵ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No

- (6) The European Search Portal (ESP), established by Regulation (EU) 2019/818 of the European Parliament and of the Council, will enable the data stored in ETIAS to be compared to the data stored in the other EU information systems concerned by means of a query.
- (7) Technical modalities should be defined to enable ETIAS to regularly and automatically verify in other systems whether the conditions for the retention of application files, as laid down in Regulation (EU) 2018/1240, are still fulfilled.
- (8) It is necessary, for the purposes of ensuring the full attainment of ETIAS objectives, as well as to further the Schengen Information System ('SIS') objectives, to include in the scope of the automated verifications new alert categories introduced by the recent revision of SIS, namely the alert on persons subject to inquiry checks and the alert on third-country nationals subject to a return decision.
- (9) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council⁶, is an essential component of the comprehensive efforts to tackle irregular migration and represents an important reason of substantial public interest.
- (10) ETIAS travel authorisation may be revoked following the registration in SIS of new alerts on refusal of entry and stay, or concerning a travel document reported as lost, stolen, misappropriated or invalidated. In order for ETIAS Central System to be automatically informed by SIS of such new alerts, an automated process should be established between SIS and ETIAS.
- (11) The conditions, including access rights, under which the ETIAS Central Unit and ETIAS National Units may consult data stored in other EU information systems for the purposes of ETIAS should be safeguarded by clear and precise rules regarding the access by the ETIAS Central Unit and ETIAS National Units to the data stored in other EU information systems, the type of queries and categories of data, all of which should be limited to what is strictly necessary for the performance of their duties. In the same vein, the data stored in the ETIAS application file should only be visible to those Member States that are operating the underlying information systems in accordance with the modalities of their participation.

1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

- (12) According to Regulation (EU) 2018/1240, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA'), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council⁷, should be responsible for the design and development phase of the ETIAS Information System.
- (13) This Regulation is without prejudice to Directive 2004/38/EC of the European Parliament and of the Council⁸.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (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 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.
- (15) Insofar as its provisions relate to SIS as governed by Regulation (EU) 2018/1862, Ireland is taking part in this Regulation, in accordance with Article 5(1) of Protocol No 19 on the Schengen acquis integrated into the framework of the European Union, annexed to the TEU and to the TFEU, and Article 6(2) of Council Decision 2002/192/EC⁹. Furthermore, insofar as its provisions relate to Europol, Eurodac and to ECRIS-TCN, in accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (16) With regard to Cyprus and Croatia, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession and Article 4(2) of the 2011 Act of Accession. With respect to Croatia, the Regulation has to be read in conjunction with Council Decision (EU) 2017/733¹⁰.

⁷ Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

⁸ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

⁹ 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).

¹⁰ 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).

- (17) As regards Iceland and Norway, this Regulation constitutes a development of the 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 latter's association with the implementation, application and development of the Schengen *acquis*¹¹ which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC¹².
- (18) 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 *acquis*¹³, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA¹⁴.
- (19) As regards Liechtenstein, this 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 *acquis*¹⁵ 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/EU¹⁶.
- (20) Regulations (EU) 2018/1862 and (EU) 2019/818 should therefore be amended accordingly.

¹¹ [OJ L 176, 10.7.1999, p. 36.](#)

¹² 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).

¹³ OJ L 53, 27.2.2008, p. 52.

¹⁴ 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](#)).

¹⁵ [OJ L 160, 18.6.2011, p. 21.](#)

¹⁶ 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 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).

- (21) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 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.
- (22) The European Data Protection Supervisor was consulted, in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council¹⁷,

HAVE ADOPTED THIS REGULATION:

¹⁷ 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).

Article 1

Amendments to Regulation (EU) 2018/1862

Regulation (EU) 2018/1862 is amended as follows:

- (1) in Chapter III, the following article is added:

“Article 18b

Keeping of logs for the purpose of the interoperability with ETIAS

Logs of each data processing operation carried out within SIS and ETIAS pursuant to Article 50b of this Regulation shall be kept in accordance with Article 18 of this Regulation and Article 69 of Regulation (EU) No 2018/1240 of the European Parliament and of the Council*.

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

- (2) in Article 44(1), the following point is added:

“(h) manual processing of ETIAS applications by the ETIAS National Unit, pursuant to Article 8 of Regulation (EU) 2018/1240.”;

- (3) the following article is inserted:

“Article 49a

Access to data in SIS by the ETIAS Central Unit

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search relevant data entered in SIS in accordance with Article 11(8) of that Regulation. Article 50(4) to (8) of this Regulation shall apply to this access and search.
2. Where a verification by the ETIAS Central Unit pursuant to Article 22 and 23(2) of Regulation (EU) 2018/1240 confirms the correspondence of the data recorded in the ETIAS application files to an alert in SIS or where doubts remain, Articles 23, 24 and 26 of Regulation (EU) 2018/1240 shall apply.”;

- (4) the following article is inserted:

“Article 50b

Interoperability with ETIAS in the meaning of Article 11 of Regulation (EU) 2018/1240

1. From the start of operations of ETIAS, as provided for in Article 88(1) of Regulation (EU) 2018/1240, the Central System of SIS shall be connected to the ESP to enable the automated processing referred to in Article 11.
2. The automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Articles 20, 23, Article 24(6)(c)(ii), Article 41 and Article 54(1)(b) and the subsequent verifications provided for in Articles 22, 23 and 26 of that Regulation.
3. For the purpose of proceeding to the verifications referred to in points (a), (d) and (m)(i) of Article 20(2) and Article 23(1) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the ESP to compare the data referred to in Article 11(5) of Regulation (EU) 2018/1240 to data in SIS, in accordance with Article 11(8) of that Regulation.
4. For the purpose of proceeding to the verifications of point (c)(ii) of Article 24(6) and point (b) of Article 54(1) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the ESP to regularly verify in SIS whether an alert on an identity document, referred to in points (k) and (l) of Article 38(2) of this Regulation, which gave rise to the refusal, annulment or revocation of a travel authorisation, has been deleted.
5. Pursuant to Article 41(3) of Regulation (EU) 2018/1240, where a new alert is entered in SIS on travel documents, reported stolen, misappropriated, lost or invalidated, the Central System shall transmit the information on this alert, using the automated processing and the ESP to the ETIAS Central System in order to verify whether this new alert corresponds to a valid travel authorisation.”.

Article 2

Amendments to Regulation (EU) 2019/818

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

In Article 68, the following paragraph is inserted:

- “1a. Without prejudice to paragraph 1, for the purposes of the automated processing of Article 20, Article 23, point (c)(ii) of Article 24(6), Article 41 and point (b) of Article 54(1) of Regulation (EU) 2018/1240, the ESP shall start operations, limited to those purposes, once the conditions laid down in Article 88 of Regulation (EU) 2018/1240 have been met.”

Article 3

Entry into force

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

REGULATION (EU) 2021/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

amending Regulations (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (d) of Article 82(1) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

¹ Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of

- (1) Regulation (EU) 2018/1240 of the European Parliament and of the Council² established the European Travel Information and Authorisation System ('ETIAS') for third-country nationals exempt from the requirement to be in possession of a visa when crossing the external borders. It laid down the conditions and procedures to issue or refuse a travel authorisation under that system.
- (2) ETIAS enables consideration of whether the presence of those third-country nationals in the territory of the Member States would pose a security, illegal immigration or high epidemic risk.
- (3) In order to enable the processing of the application files by the ETIAS Central System referred to in Regulation (EU) 2018/1240, it is necessary to establish the interoperability between the ETIAS Information System, other EU information systems and Europol data referred to in that Regulation.
- (4) This Regulation lays down how this interoperability and the conditions for the consultation of data stored in other EU information systems and Europol data by the ETIAS automated process for the purposes of identifying hits are to be implemented. As a result, it is necessary to amend Regulations (EU) 2019/816³ and (EU) 2019/818⁴ of the European Parliament and of the Council in order to connect the ETIAS Central System to the other EU information systems and to Europol data and to specify the data that will be sent to and from those EU information systems and Europol data.

² Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

³ Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).

⁴ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

- (5) In accordance with Regulation (EU) 2018/1240, when the recast of Regulation (EU) No 603/2013⁵ of the European Parliament and of the Council will be adopted, the necessary consequential amendments will be adopted.
- (6) The European Search Portal (ESP), established by Regulation (EU) 2019/818, will enable the data stored in ETIAS to be compared to the data stored in the other EU information systems concerned by means of a query.
- (7) Technical modalities should be defined to enable ETIAS to regularly and automatically verify in other systems whether the conditions for the retention of application files, as laid down in Regulation (EU) 2018/1240, are still fulfilled.
- (8) In accordance with Regulation (EU) 2019/816 and in line with the intention expressed in Regulation (EU) 2018/1240, ETIAS should be able to verify if correspondences exist between data in the ETIAS application files and the European Criminal Records Information System – Third Country Nationals (‘ECRIS-TCN’) data in the Common Identity Repository (‘CIR’) as regards which Member States hold conviction information on third-country nationals and stateless persons for a terrorist offence over the previous 25 years or any other serious criminal offence over the previous 15 years, as listed in the Annex to Regulation (EU) 2018/1240 where those criminal offences are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years.
- (9) Member States already collect and process data of third country nationals and stateless persons for the purposes of the ECRIS-TCN Regulation. This Regulation does not impose any obligation on Member States to modify or extend the data of third country nationals and stateless persons already being collected under the ECRIS-TCN Regulation. For the purpose of the querying by ETIAS, only the flag and the code of the convicting Member State should be added.
- (10) The conditions, including access rights, under which the ETIAS Central Unit and ETIAS National Units may consult data stored in other EU information systems for the purposes of ETIAS should be safeguarded by clear and precise rules regarding the access by the ETIAS Central Unit and ETIAS National Units to the data stored in other EU information systems, the type of queries and categories of data, all of which should be limited to what is strictly necessary for the performance of their duties. In the same vein, the data stored in the ETIAS application file should only be visible to those Member States that are operating the underlying information systems in accordance with the modalities of their participation.

⁵ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

- (11) In order to support the ETIAS objective of assessing whether the applicant for a travel authorisation would pose a threat to public policy or public security, ETIAS should be able to verify if correspondences exist between data in the ETIAS application files and the ECRIS-TCN data in the CIR as regards which Member States hold conviction information on third-country nationals and stateless persons for a terrorist offence or any other criminal offence listed in the annex to Regulation (EU) 2018/1240 if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years.
- (12) A hit indicated by the ECRIS-TCN system should not of itself be taken to mean that the third-country national concerned has been convicted in the Member States that are indicated. The existence of previous convictions should only be confirmed based on information received from the criminal records of the Member States concerned.
- (13) According to Regulation (EU) 2018/1240, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA'), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council⁶, should be responsible for the design and development phase of the ETIAS Information System.
- (14) This Regulation is without prejudice to Directive 2004/38/EC of the European Parliament and of the Council⁷.
- (15) 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.
- (16) Ireland may notify the President of the Council its wish to take part in the adoption and application of this Regulation, in accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU.
- (17) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁶ Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

⁷ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

- (18) Regulations (EU) 2019/816 and (EU) 2019/818 should therefore be amended accordingly.
- (19) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 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.
- (20) The European Data Protection Supervisor was consulted, in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council⁸,

HAVE ADOPTED THIS REGULATION:

⁸ 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).

Article 1
Amendments to Regulation (EU) 2019/816

Regulation 2019/816 is amended as follows:

- (1) in Article 1, the following point is added:
- “(e) the conditions under which data included in the ECRIS-TCN system may be used by the ETIAS Central Unit for the purpose of supporting the ETIAS objective of contributing to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival at external border crossing points, in order to determine whether there are factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a security risk.”;
- (2) Article 2 is replaced by the following:

“Article 2
Scope

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third country nationals also apply to citizens of the Union who also hold a nationality of a third country and who have been subject to convictions in the Member States.

This Regulation:

- (a) supports the VIS objective of assessing whether the applicant for a visa, a long-stay visa or a residence permit would pose a threat to public policy or public security, in accordance with Regulation (EC) No 767/2008*;
- (b) supports the ETIAS objective of contributing to a high level of security;
- (c) facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818**.

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

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

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

“(6) 'competent authorities' means the central authorities, Eurojust, Europol, and the EPPO, VIS designated authorities as referred to in Article 9ca and Article 22b(11) of Regulation (EC) No 767/2008, and the ETIAS Central Unit established in accordance with Article 7 of Regulation (EU) 2018/1240 of the European Parliament and of the Council, which are competent to access or query ECRIS-TCN in accordance with this Regulation;”;

(4) Article 5 is amended as follows:

(a) in paragraph 1, the first indent of point (a)(iii) is replaced as follows:

"- identity number, or the type and number of the person's identification documents, including travel documents, as well as the name of the issuing authority";

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

“(c) a flag indicating, for the purpose of Regulation (EC) No 767/2008 and of Regulation (EU) 2018/1240, that the third-country national concerned has been convicted in the past 25 years of a terrorist offence or in the past 15 years of any other criminal offence as listed in the Annex to Regulation (EU) 2018/1240 where those criminal offences are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years, and in those cases the code of the convicting Member State(s).”;

(c) the following paragraph is added:

"7. Flags and the code of the convicting Member State or Member States as referred to in point (c) of paragraph 1 of this Article shall be accessible and searchable only by:

- (a) the VIS Central System for the purpose of the verifications pursuant to Articles 7a of this Regulation in conjunction with point (e) of Article 9a(4) or point (e) of Article 22b(3) of Regulation (EC) No 767/2008;
- (b) the ETIAS Central System for the purpose of the verifications pursuant to Article 7b of this Regulation in conjunction with point (n) of the second subparagraph of Article 20(2) of Regulation (EU) 2018/1240 where hits are identified following the automated processing referred to in Article 11(1) of that Regulation.

Without prejudice to the first subparagraph, flags and the code of the convicting Member State or Member States as referred to in point (c) of paragraph 1 shall not be visible to any authority other than the central authority of the convicting Member State that created the flagged record.”;

(5) in Article 7, paragraph 7 is replaced by the following:

"7. In the event of a hit, the central system or the CIR shall automatically provide the competent authority with information on the Member States holding criminal record information on the third country national, along with the associated reference numbers referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verifying the identity of the third country national concerned. The result of a search in the central system may only be used for the purpose of:

- (a) making a request according to Article 6 of Framework Decision 2009/315/JHA;
- (b) making a request referred to in Article 17(3) of this Regulation;
- (c) assessing whether the applicant for a visa, a long-stay visa or a residence permit would pose a threat to public policy or public security, in accordance with Regulation (EC) No 767/2008; or
- (d) supporting the ETIAS objective of contributing to a high level of security.";

- (6) in Chapter II, the following article is added:

*“Article 7b
Use of the ECRIS-TCN system for ETIAS verifications*

1. The ETIAS Central Unit, established pursuant to Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing the tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search ECRIS-TCN data in the CIR. However, it shall only have access in accordance with Article 11(8) of that Regulation to data records to which a flag has been added in accordance with point (c) of Article 5(1) of this Regulation.

The data referred to in the first subparagraph may only be used for the purpose of verification by:

- (a) the ETIAS Central Unit pursuant to Article 22 of Regulation (EU) 2018/1240; or
 - (b) the ETIAS National Units pursuant to Article 25a(2) of Regulation (EU) 2018/1240 for the purpose of consulting national criminal records; national criminal records shall be consulted prior to the assessment and decision referred to in Article 26 of Regulation (EU) 2018/1240 and, where applicable, prior to the assessment and opinion referred to in Article 28 of that Regulation.
2. The CIR shall be connected to the ESP to enable the automated processing referred to in Article 11 of Regulation (EU) 2018/1240.
3. Without prejudice to Article 24 of Regulation (EU) 2018/1240, the automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20 and the subsequent verifications of Articles 22 and 26 of that Regulation.

For the purpose of proceeding to the verifications of point (n) of Article 20(2) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the ESP to compare the data in ETIAS with the data flagged in ECRIS-TCN in the CIR, pursuant to point (c) of Article 5(1) of this Regulation and in accordance with Article 11(8) of Regulation 2018/1240, and using the correspondences listed in the table in Annex II.”;

- (7) in Article 8, the following paragraph is added:

"3. The flags referred to in point (c) of Article 5(1) shall be erased automatically upon the expiry of the retention period referred to in paragraph 1 of this Article or at the latest, 25 years after the creation of the flag, as far as convictions related to terrorist offences are concerned, and 15 years after the creation of the flag, as far as convictions related to other serious criminal offences are concerned.";

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

"1. The data entered into the central system and the CIR shall only be processed for the purposes of:

- (a) the identification of the Member States holding the criminal records information of third-country nationals;
- (b) supporting the VIS objective of assessing whether the applicant for a visa, a long-stay visa or a residence permit would pose a threat to public policy or public security in accordance with Regulation (EC) No 767/2008;
- (c) supporting the ETIAS objective of contributing to a high level of security.

The data entered into the CIR shall also be processed in accordance with Regulation (EU) 2019/818 for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN in accordance with this Regulation.";

(9) the following article is inserted:

*“Article 31b
Keeping of logs for the purpose of interoperability with ETIAS*

For the consultations listed in Article 7b of this Regulation, a log of each ECRIS-TCN data processing operation carried out within the CIR and ETIAS shall be kept in accordance with Article 69 of Regulation (EU) No 2018/1240.”;

(10) in Article 32(3), the second subparagraph is replaced by the following:

"Every month eu-LISA shall submit to the Commission statistics relating to the recording, storage and exchange of information extracted from criminal records through the ECRIS-TCN system and the ECRIS reference implementation, including on the data records which include a flag in accordance with point (c) of Article 5(1). eu-LISA shall ensure that it is not possible to identify individuals on the basis of those statistics. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation.";

(11) the following annex is added:

“Annex II

Table of correspondences referred to in Article 7b

<i>Data of Article 17(2) of Regulation 2018/1240 sent by ETIAS Central System</i>	<i>The corresponding ECRIS-TCN data of Article 5(1) of this Regulation in the CIR against which data in ETIAS are to be checked</i>
surname (family name)	surname (family name)
surname at birth	previous name(s)
first name(s) (given name(s))	first name(s) (given name(s))
other names (alias(es), artistic name(s), usual name(s))	pseudonym and/or alias name(s)
date of birth	date of birth
place of birth	place of birth (town and country)
country of birth	place of birth (town and country)
sex	gender
current nationality	nationality or nationalities
other nationalities (if any)	nationality or nationalities
type of the travel document	type of the person's travel documents
number of the travel document	number of the person's travel documents
country of issue of the travel document	name of the issuing authority”

Article 2
Amendments to Regulation (EU) 2019/818

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

(1) in Article 18, the following paragraph is inserted:

“1b. For the purpose of Article 20 of Regulation (EU) 2018/1240, the CIR shall also store, logically separated from the data referred to in paragraph 1 of this Article, the data referred to in point (c) of Article 5(1) of Regulation (EU) 2019/816. The data referred to in point (c) of Article 5(1) of Regulation (EU) 2019/816 shall only be accessible in the manner referred to in Article 5(7) of that Regulation.”;

(2) in Article 68, the following paragraph is inserted:

“1b. Without prejudice to paragraph 1, for the purposes of the automated processing of Article 20, Article 23, point (c)(ii) of Article 24(6), Article 41 and point (b) of Article 54(1) of Regulation (EU) 2018/1240, the ESP shall start operations, limited to those purposes, once the conditions laid down in Article 88 of Regulation (EU) 2018/1240 have been met.”.

Article 3

Entry into force

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President
