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From:	General Secretariat of the Council
To:	Delegations
N° prev. doc.:	WK 13600/2023
N° Cion doc.:	11205/20+ADD 1; COM(2020) 614 final.
Subject:	Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818 - 4-column document

Delegations will find attached in Annex a 4-Column table on the above proposal.

15 November 2023

2016/0132 (COD)

Amended proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [*Regulation on Asylum and Migration Management*] and of Regulation (EU) XXX/XXX [*Resettlement Regulation*], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
1.	Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [<i>Regulation on Asylum and Migration Management</i>] and of Regulation (EU) XXX/XXX [<i>Resettlement Regulation</i>], for identifying an illegally staying third- country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818	Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an <i>irregularly</i> staying third- country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818	Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) No 604/2013 and Directive 2001/55/EC [...], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240, (EU) 2019/818 and (EU) 2017/2226 [...]	<i>Confirmed by trilogue of 12 September 2023</i> Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [<i>Regulation on Asylum and Migration Management</i>], of Regulation (EU) XXX/XXX [<i>Resettlement Regulation</i>], and Directive 2001/55/EC [...], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240,

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				(EU) 2019/818 [and (EU) 2017/2226 [...]]

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2.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			
3.	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2)(d), (e) and (g), 79(2)(c), 87(2)(c) and 88(2)(a) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2)(c), (d) and (e) [...], 79(2)(c), 87(2)(a) [...] and 88(2)(a) thereof,	<i>Confirmed by the trilogue on 13 June 2023</i> Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2)[(c)], (d), (e) and (g), 79(2)(c), 87(2)(a) and 88(2)(a) thereof,
4.	Having regard to the proposal from the European Commission,			
5.	After transmission of the draft legislative act to the national parliaments,			
6.	Acting in accordance with the ordinary legislative procedure,			
7.	Whereas:			
8.	(1)the following recitals are inserted after recital 4:			

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9.	<u>‘(4a) Moreover, for the purposes of effectively applying Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and in accordance with the rules thereof, it is necessary to clearly mark in Eurodac the fact that there has been a shift of responsibility between Member States, including in cases of relocation. Furthermore, in order to reflect accurately the obligations Member States have to conduct search and rescue operations and to help these Member States with the specific challenges they face as they cannot apply to persons disembarked following such operations the same tools as for irregular crossings by land or air, it is also necessary to register third-country nationals or stateless persons disembarked</u>	(4a) Moreover, for the purposes of effectively applying Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and in accordance with the rules thereof, it is necessary to clearly mark in Eurodac the fact that there has been a shift of responsibility between Member States, including in cases of relocation.	‘(4a) Moreover, for the purposes of effectively applying Regulation (EU) 604/2013 [...] and in accordance with the rules thereof, it is necessary to clearly [...] record in Eurodac which Member State is responsible once responsibility has been determined or, as applicable, [...] there has been a shift of responsibility between Member States, including cases in which a Member State has applied a discretionary clause, providing voluntary solidarity to another Member State. Such recording should be indicated in all cases where responsibility may be established based on the provisions set out in Article 3(2), the criteria set out in Chapter III, the clauses set out in Chapter IV, the issuance of a residence	<i>To be confirmed by trilogue:</i> (4a) Moreover, for the purposes of effectively applying Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and in accordance with the rules thereof, it is necessary to clearly mark in Eurodac the fact that there has been a shift of responsibility between Member States, including in cases of relocation.

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	<u>following search and rescue operations as a separate category in Eurodac.</u>		document as set out in Article 19(1), or after the expiry of any time limit governing responsibility set out in Chapter VI of that Regulation [...].	
<u>9a</u>				<i>EP proposal</i> 4-a) It is also necessary, in order to effectively apply Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management] or to identify any secondary movements to allow each Member State to check whether a third-country national or a stateless person found illegally staying on its territory or who applies for international protection has been granted international protection or a national humanitarian status by another Member State in accordance with Regulation (EU) No XXX/XXX [Resettlement Regulation] or

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				in accordance with a national resettlement scheme. For that purpose, the biometric data of persons registered for the purpose of conducting an admission procedure should be stored in Eurodac as soon as the international protection or humanitarian status under national law is granted, and no later than 72 hours thereafter.
<u>9b</u>		<i>2019 mandate</i> <i>Amendment 3</i> <i>(4a) It is necessary that all Member States register in Eurodac information on resettled third-country nationals and stateless persons for the purposes of identifying secondary movements of such persons.</i>		(4a) It is necessary that all Member States register in Eurodac information on resettled third-country nationals and stateless persons for the purposes of identifying secondary movements of such persons.
<u>9c</u>			<i>2019 mandate</i> (4a) For the purposes of applying Regulation (EU) No XXX/XXX [Resettlement	(4-ab) Eurodac should contribute to achieving the objectives of Regulation XXXX [Resettlement Regulation] by providing a

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			Regulation], it is necessary to establish the identity of persons registered for the purpose of conducting an admission procedure and of persons admitted in accordance with a national resettlement scheme. It is also necessary, in order to effectively apply Regulation (EU) No XXX/XXX [Resettlement Regulation], and in particular Article 10 thereof, to allow each Member State to check whether a third-country national or a stateless person has been admitted or refused admission by another Member State or has been admitted in accordance with a national resettlement scheme.	tool for an efficient management of the admission procedure, in particular by facilitating the decision-making in case a Member State conducts a subsequent admission procedure for a person who has already been subject to a concluded admission procedure of another Member State.
9d				(4a) For the purposes of applying Regulation (EU)

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				XXX/XXX [Resettlement Regulation], it is necessary to establish the identity of persons registered for the purpose of conducting an admission procedure and of persons admitted in accordance with a national resettlement scheme. It is also necessary, in order to smoothly apply Regulation (EU) XXX/XXX [Resettlement Regulation] [...] to allow each Member State to check whether a third-country national or a stateless person has been granted international protection or a national humanitarian status in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation] by another Member State or has been admitted to the territory of the Member States in accordance with a national resettlement scheme. In order to be able to apply the refusal

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				grounds provided for under Article 6(1)(e) and (f) as well as Article 6(2)(b) of Regulation (EU) XXX/XXX [Resettlement Regulation] within the context of a new admission procedure, Member States also need information on the conclusion of previous admission procedures as well as information on any decision on granting international protection or a humanitarian status under national law. Information on the positive or negative conclusion of a previous admission procedure is furthermore needed to identify the Member State that concluded the procedure and thus to enable Member States to seek supplementary information from that Member State
<u>9e</u>		<i>2019 mandate</i> <i>Amendment 4</i>		(4b) The registration in Eurodac of information on

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		<i>(4b) The registration in Eurodac of information on resettled third-country nationals or stateless persons is designed to ensure that such persons enjoy, in accordance with [Regulation XXX/XXX], the same level of protection and the same rights applicable to other beneficiaries of international protection as regards the processing of their data. This should also enable Member States to verify whether or not a third-country national or stateless person has already been resettled in another Member State in accordance with Regulation XXX/XXX. Where a third-country national or stateless person has already been resettled, it should be possible to establish the Member State of resettlement and to monitor any secondary movements.</i>		resettled third-country nationals or stateless persons is designed to ensure that such persons enjoy, in accordance with [Regulation (EU) XXX/XXX [Resettlement Regulation], the same level of protection and the same rights applicable to other beneficiaries of international protection as regards the processing of their data. This should also enable Member States to verify whether or not a third-country national or stateless person has already been resettled in another Member State in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation]. Where a third-country national or stateless person has already been resettled, it should be possible to establish the Member State of resettlement and to monitor any secondary movements.

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10.			(4aa) Furthermore, in order to reflect accurately the obligations Member States have under international law to conduct search and rescue operations and to provide a more accurate picture of the composition of migratory flows in the EU [...] it is also necessary to record in Eurodac the fact that the [...] third-country nationals or stateless persons were disembarked following search and rescue operations [...]. This should be without prejudice to the respect of rules under EU law applicable to those persons.	<i>Confirmed by trilogue of 12 September 2023</i> (4aa) Furthermore, in order to reflect accurately the obligations Member States have under international law to conduct search and rescue operations and to provide a more accurate picture of the composition of migratory flows in the EU it is also necessary to record in Eurodac the fact that the third-country nationals or stateless persons were disembarked following search and rescue operations, including for statistical purposes. Without prejudice to the application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], the <i>recording of this fact should not result in any difference of treatment of persons registered in Eurodac upon</i>

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				<i>apprehension in connection with the irregular crossing of an external border. This should be without prejudice to the respect of rules under EU law applicable to third-country nationals or stateless persons disembarked following search and rescue operations.</i>
11.	<u>(4b) Furthermore, for the purposes of applying Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] it is necessary to flag whether, following security checks during screening, it appears that a person could pose a threat to internal security.;</u>		(4b) Furthermore, for the purposes of improving the support to the asylum system through speeding up the examination of an asylum application by prioritising the assessment of the security-related exclusion ground for the beneficiaries of subsidiary protection under Article 17(1)(d) or the possibility of not granting refugee status under Article 14(5) of	<i><u>Discussed at the technical meetings on 6 and 19 September and 26 October</u></i> <i>ES PRES suggestion:</i> (4b) Furthermore, for the purposes of supporting the asylum system by applying Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], Regulation (EU) No XXX/XXX [Qualification Regulation] and Directive

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			Directive 2011/95/EU¹ or by facilitating the application of accelerated or border procedures under Article 31(8)(j) of Directive 2013/32/EU², [...] it is necessary to record [...] whether, following any security checks [...], it appears that a person could pose a threat to internal security.’ For the purposes of facilitating the implementation of Directive 2001/55/EC³, and in particular its Article 28, it is also necessary to record the result of the assessment of the security-related exclusion grounds for the	XXX/XXX/EU [Reception Conditions Directive] it is necessary to record whether, following security checks during screening or in accordance with Article 8(4) of Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management], it appears that a person could pose a threat to internal security. That recording should be carried out by the Member State of origin defined in this Regulation. The existence in Eurodac of such a record is without prejudice to the requirement of an individual examination in

- ¹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L 337, 20.12.2011, p. 9–26
- ² Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013, p. 60–95
- ³ Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7.8.2001, p. 12-23

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			beneficiaries of temporary protection made after their registration.	order to apply Article 12, Article 14(1) points (d) or (e) or Article 20(1) point (b) of Regulation No (EU) XXX/XXX [Qualification Regulation]. The record should be erased if the investigation shows that there are insufficient grounds to consider that the person represents a threat to internal security.
12.			(4c) Registration of persons resettled via resettlement schemes should have a positive indirect effect on the smooth functioning of Regulation 604/2013, as it should help Member States identify secondary movements and facilitate the determination of the Member State responsible for a person who has already been subject to a concluded resettlement scheme. It is therefore	<u>Discussed at the technical meetings on 6 and 19 September</u> <u>PRES suggestion on relinking:</u> <u>Deletion (possibly to be replaced by recitals on resettlement discussed during negotiations in 2018-19)</u>

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			appropriate that Eurodac may be used for such schemes.	<i>To be adapted following broader discussion on resettlement and in particular on the purpose of processing data and scope of the comparison</i>
13.			(4d) Council Directive 2001/55/EC provides an obligation for Member States to register persons enjoying temporary protection on their territory and to exchange information on these persons for the purpose of the effective implementation of the directive. From a technical point of view, exchanging information on persons via Eurodac is the most appropriate as it limits data registrations to this database and as it minimises the number of both possible	SE PRES suggestion: (4d) Council Directive 2001/55/EC provides for a system of temporary protection which has been activated for the first time by Council Implementing Decision 2022/382 in response to the war in Ukraine. Pursuant to that temporary protection regime Member States are to register persons enjoying temporary protection on their territory. Member States are also required, inter alia, to reunite family members and to cooperate with each other with regard

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			points of failure and exchanges between Member States compared to an alternative peer-to-peer system. In this regard, biometric data are an important element in establishing the exact identity of such persons, especially where they do not possess any identity documents and thus protecting a substantial public interest within the meaning of Article 9(2)(g) of Regulation (EU) 2016/679.	to the transferral of the residence of persons enjoying temporary protection from one Member State to another. In light of the experience gained with the operation of Decision 2022/382, it is appropriate to supplement the data collection provisions of Directive 2001/55 by including persons benefiting from temporary protection in Eurodac. In this regard, biometric data are an important element in establishing such persons' identity or family relationships, and thus protecting a substantial public interest within the meaning of Article 9(2)(g) of Regulation (EU) 2016/679. Moreover, by including the biometric data of beneficiaries of temporary protection in Eurodac rather than in a peer-to-peer system between Member States,

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				such persons will benefit from the safeguards and protections laid down in this Regulation particularly with regard to data retention periods, which should be as short as possible.
14.			(4da) Following the adoption of Council Implementing Decision 2022/382 in response to the war in Ukraine, a platform was set up by the Commission, in cooperation with eu-LISA and the Member States, to deal with the information exchanges necessary pursuant to Directive 2001/55. Therefore, it is appropriate to exclude from Eurodac those persons benefiting from temporary protection pursuant to Council Implementing Decision 2022/382, and the national measures taken pursuant thereto. Such exclusion	SE PRES suggestion: (4da) However, in view of the fact that a platform has already been set up by the Commission, in cooperation with eu-LISA and the Member States, to deal with the information exchanges necessary pursuant to Directive 2001/55, it is appropriate to exclude from Eurodac those persons benefiting from temporary protection pursuant to Council Implementing Decision 2022/382, and the national measures taken pursuant thereto. Such exclusion should also apply in respect of any future amendments to Council

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			should also apply in respect of any future amendments to Council Implementing Decision 2022/382 and any extensions thereto.	Implementing Decision 2022/382 and any extensions thereto.
15.	(2)the following recitals are inserted after recital 5:			
16.	<u>‘(5a) It is also necessary to introduce provisions that would ensure the functioning of that system within the interoperability framework established by Regulations (EU) 2019/817⁴ and 2019/818⁵ of the European Parliament and of the Council.</u>	(5a) It is also necessary to ensure <i>that</i> that system <i>functions</i> within the interoperability framework established by Regulations (EU) 2019/817 ²⁵ and 2019/818 ²⁶ of the European Parliament and of the Council <i>in accordance with the current Regulation and in compliance with Regulation (EU) 2016/679 of the European Parliament and of</i>		<i>Confirmed by trilogue on 13 April 2023</i> <i>(Alternative wording replacing the last sentence of the EP amendment is in line 34tris)</i> (5a) It is also necessary to ensure <i>that</i> that system <i>functions</i> within the interoperability framework established by Regulations (EU) 2019/817 ²⁵ and

⁴ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27-84

⁵ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816, OJ L 135, 22.5.2019, p. 85–135

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		<i>the Council^{26a}, in particular the principles of necessity, proportionality and purpose limitation set out in that Regulation. In addition, it is necessary to introduce clear provisions which would permit the designated national authorities of the Member States, and the Union bodies which have access to Eurodac, to see only the data which are strictly relevant for the performance of their specific tasks.</i> ²⁵ 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		2019/818 ²⁶ of the European Parliament and of the Council <i>in accordance with this Regulation and Regulation (EU) 2016/679 of the European Parliament and of the Council^{26a}, in particular with the principles of necessity, proportionality and purpose limitation set out in that Regulation.</i>

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		European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27-84 ²⁶ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816, OJ L 135, 22.5.2019, p. 85–135 ^{26a} <i>Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection</i>		

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		<i>Regulation) (OJ L 119, 4.5.2016, p. 1).</i>		
17.	<u>(5b) Furthermore, it is necessary to introduce the provisions that would frame the access of European Travel Information and Authorization System (ETIAS) national units and of competent visa authorities to Eurodac in accordance with Regulation (EU) 2018/1240⁶ and (EC) 767/2008⁷ of the European Parliament and of the Council.</u>			Confirmed by trilogue of 12 September 2023 (5b) Furthermore, it is necessary to introduce the provisions that would frame the access of European Travel Information and Authorization System (ETIAS) national units and of competent visa authorities to Eurodac in accordance with Regulation (EU) 2018/1240 ⁶ and (EC) 767/2008 ⁷ of the European Parliament and of the Council.
18.		<i>(5b a) For the purpose of performing the tasks laid down in Regulations (EU)</i>		Confirmed by the trilogue on 13 June 2023

⁶ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, OJ L 236, 19.9.2018, p. 1–71

⁷ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), OJ L 218, 13.8.2008, p. 60–81

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		<i>2019/1896^{1a} and (EU) 2021/2303^{1b} of the European Parliament and of the Council, it is necessary that members of the European Border and Coast Guard standing corps deployed through border management teams, migration management support teams and return teams, and of the asylum support teams of the European Union Agency for Asylum, ('Agencies' teams') have access to Eurodac. When requested by the Member State hosting a particular operation, members of the Agencies' teams should be able to take and transmit relevant Eurodac data using the Member States' IT solutions.</i> <i>^{1a} Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and</i>		DELETION

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		<i>repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).</i> <i>^{1b} Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1).</i>		
19.	<u>(5c) Likewise, for the purpose of managing irregular migration, it is necessary to allow eu-LISA to produce cross-system statistics using data from Eurodac, the Visa Information System, ETIAS and the Entry/Exit System. In order to specify the</u>	(5c) <i>For the purpose of assisting Member States with the control of irregular immigration and of providing useful statistics to policy makers to encourage evidence-based policy making, eu-LISA should be able to produce cross-system statistics using data from</i>	(5c) Likewise, for the purpose of managing irregular migration, it is necessary to allow eu-LISA to produce cross-system statistics using data from Eurodac, the Visa Information System, ETIAS and the Entry/Exit System (EES)⁸. In order to specify the content of these cross-	<i>Confirmed by trilogue on 13 April 2023</i> <i>(5c) For the purpose of assisting with the control of irregular immigration and of providing statistics supporting evidence-based policy making, eu-LISA should be able to produce cross-system statistics using</i>

⁸ 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. 20–82

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	<u>content of these cross-system statistics, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.'</u>	<i>relevant Union databases, in particular</i> Eurodac, the Visa Information System, ETIAS, the Entry/Exit System. In order to specify the content of these cross-system statistics, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.';	system statistics, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.';	data from Eurodac, the Visa Information System, ETIAS and the Entry/Exit System (EES) ⁸ . In order to specify the content of these cross-system statistics, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.';
20.	(3)recital 6 is replaced by the following:			
21.	‘(6) To <u>those ends</u> , it is necessary to set up a system known as 'Eurodac', consisting of a Central System <u>and of the Common Identity Repository established by Regulation</u>	(6)'To those ends, it is necessary to set up a system known as 'Eurodac', consisting of a Central System and of the Common Identity Repository established by	‘(6) To those ends, it is necessary to set up a system known as 'Eurodac', consisting of a Central System and of the Common Identity Repository (CIR)	<i>Confirmed by trilogue on 13 April 2023</i> (6) To those ends, it is necessary to set up a system known as 'Eurodac',

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	<u>(EU) 2019/818</u> , which will operate a computerised central database of biometric fingerprint and facial image data, as well as of the electronic means of transmission <u>between those [the Central System and the Common Identity Repository]</u> and the Member States, hereinafter the "Communication Infrastructure".';	Regulation (EU) 2019/818, which will operate a computerised central database of biometric and alphanumeric data, as well as of the electronic means of transmission between those [the Central System and the Common Identity Repository] and the Member States, hereinafter the "Communication Infrastructure".';	established by Regulation (EU) 2019/818, which will operate a computerised central database of biometric data and other personal data , as well as of the electronic means of transmission between those [the Central System and the [...] CIR] and the Member States, hereinafter the "Communication Infrastructure".';	consisting of a Central System and of the Common Identity Repository (CIR) established by Regulation (EU) 2019/818, which will operate a computerised central database of biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document , as well as of the electronic means of transmission between those [the Central System and the CIR] and the Member States, hereinafter the "Communication Infrastructure".'
22.	(4)the following recital is inserted after recital 11:			
23.	<u>‘(11a) For that purpose, it also necessary to clearly mark in Eurodac the fact that an application for international protection has been rejected where the third-country national or stateless person has no right</u>		‘(11a) For that purpose, it is also necessary to clearly record [...] in Eurodac the fact that an application for international protection has been rejected where the third-country national or stateless person has no right to remain	<i>Confirmed by trilogue of 12 September 2023</i> ‘(11a) For that purpose, it is also necessary to clearly record in Eurodac the fact that an application for international protection has

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	<u>to remain and has not been allowed to remain in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation].’;</u>		and has not been allowed to remain in accordance with Directive 2013/32/EU [...].’;	been rejected where the third-country national or stateless person has no right to remain and has not been allowed to remain in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation].’;
24.	(5)recital 14 is replaced by the following:			
25.	<u>‘(14) Moreover, in order for Eurodac to effectively assist with the control of irregular migration and with the detection of secondary movements within the EU, it is necessary to allow the system to count applicants in addition to applications by linking all sets of data corresponding to one person, regardless of their category, in one sequence.’;</u>	(14) ‘Moreover, in order for Eurodac to effectively assist with the control of irregular <i>immigration to the Union</i> , and with the detection of secondary movements within the <i>Union</i> it is necessary to allow the system to count applicants in addition to applications by linking all sets of data corresponding to one person, regardless of their category, in one sequence. <i>National authorities and Union bodies should be able to see only the personal data that are strictly relevant for the performance of their</i>		<i>Confirmed by the trilogue on 13 June 2023</i> ‘(14) Moreover, in order for Eurodac to effectively assist with the control of irregular immigration to the Union, and with the detection of secondary movements within the Union it is necessary to allow the system to count applicants in addition to applications by linking all sets of data corresponding to one person, regardless of their category, in one sequence.’;

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		<i>tasks, even if the data are linked in a sequence. That does not affect the retention period of each dataset.’;</i>		
<u>25bis</u>				<i>Confirmed by trilogue on 2 March 2023</i> <i>(Paragraph to be added to Recital 14. Part of EP AM - Moved to Recitals part from LINE 88)</i> <i>Where a dataset registered in Eurodac is erased, any link to that dataset is automatically erased.</i>
26.	(6)the following recital is inserted after recital 24:			
27.	<u>‘(24a) For the purposes of this Regulation, it is recalled that a person should be considered to be illegally staying on the territory of the Member State of relocation if that person does not apply for international protection following relocation or does otherwise not fulfil or no</u>	<i>deleted</i>	<i>deleted</i>	<i>To be confirmed by trilogue</i> <i>Deletion</i>

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	<u>longer fulfils the conditions of entry as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in the Member State of relocation.’;</u>			
28.		<i>(24aa) Where a third-country national or stateless person who has been found irregularly staying in a Member State makes an application for international protection at the time of or following his or her apprehension, that Member State should not be exempt from the obligation to take and record the biometric data of that person in accordance with this Regulation.</i>		Confirmed by trilogue on 13 April 2023 (from LINE 188) <i>(24aa) The fact that the application for international protection follows or is made simultaneously with the apprehension of the third-country national or stateless person in connection with the irregular crossing of the external borders does not exempt Member States from registering those persons as persons apprehended in connection with the irregular crossing of the external border.</i>
29.		<i>(24ab) Where a third-country national or stateless person who has been</i>		Confirmed by trilogue on 13 April 2023

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		<i>apprehended in connection with the irregular crossing of an external border makes an application for international protection at the time of or following his or her apprehension, the apprehending Member State should not be exempt from the obligation to take and record the biometric data of that person in accordance with this Regulation.</i>		(from LINE 189) (24ab) <i>The fact that the application for international protection follows or is made simultaneously with the apprehension of the third-country national or stateless person illegally staying on the territory of Member States, does not exempt Member States from registering those persons as persons found to be illegally staying on the territory of the Member States .</i>
<u>29a</u>				Confirmed by the trilogue on 13 June 2023 (From line 190) (24ac) <i>The fact that the application for international protection follows or is made simultaneously with the disembarkation following a search and rescue operation of the third-country national or stateless person does not exempt Member States from registering those persons as</i>

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				<i>persons disembarked following a search and rescue operation.</i>
29b				<i>SE PRES suggestion:</i> (From line 191) <i>(24ac) The fact that an application for international protection follows or is made simultaneously with the registration of the beneficiary of temporary protection does not exempt Member States from registering those persons as beneficiaries of temporary protection.</i>
30.		<i>(24ac) Member States should reuse the biometric data of third-country nationals or stateless persons apprehended in connection with the irregular crossing of an external border or found illegally staying in a Member State taken under this Regulation for the purposes of transmission to the</i>		<i>To be confirmed by trilogue:</i> (24ac) The reuse by Member States of the biometric data of third-country nationals or stateless persons already taken pursuant to this Regulation for the purposes of transmission to Eurodac in accordance with the conditions set out in this

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		<i>Central System and the CIR in accordance with the conditions set out in this Regulation.</i>		Regulation should be encouraged. <i>To be moved after recital 5a, as a general principle.</i>
30a				ES PRES proposal: (32-a) For the purposes of applying the refusal grounds under Regulation (EU) XXX/XXX [Resettlement Regulation], the biometric data of third-country nationals or stateless persons registered for the purpose of conducting an admission procedure under that Regulation should be taken, transmitted to Eurodac and compared against the data stored in Eurodac of beneficiaries of international protection, of persons who have received a positive or negative decision following a registration for an admission under Regulation (EU) XXX/XXX [Resettlement

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				Regulation] or in respect of whom that procedure for admission has been discontinued, and of persons who have been resettled under a national resettlement scheme. Therefore, data of a person who has already been subject to a decision on the admission procedure under Regulation (EU) XXX/XXX [Resettlement Regulation] or in respect of whom that procedure has been discontinued, or who has been resettled under a national resettlement scheme, should be stored in Eurodac and made available for comparison. However, the above-mentioned purposes do not justify storing the data of persons registered for the purpose of conducting an admission under Regulation (EU) XXX [Resettlement Regulation] before a final decision has been taken or

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				before the procedure has been discontinued.
30b			<i>2019 mandate</i> (32a) Persons admitted in accordance with Regulation (EU) No XXX/XXX [Resettlement Regulation] or a national resettlement scheme may try to subsequently register for admission with another Member State, or subsequently apply for international protection in another Member State. Therefore, the maximum period during which biometric data should be kept in the Central System should be of considerable length. Given that most third country nationals or stateless persons who were admitted to and resided in the Union for several years will have obtained a settled status or even citizenship of a Member State, a period of ten years should be considered	<i>EP proposal:</i> <i>(32a) deleted.</i> (32aa) For the purposes of applying Regulation (EU) xxx/xxx [Resettlement Regulation] and the [Regulation on Asylum and Migration Management], the biometric data of third-country nationals or stateless persons granted international protection or a national humanitarian status in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation] should be stored in the Central System for [ten] years from the date on which they were taken. Such a period should be sufficient given the fact that the majority of such persons will have resided for several years in the Union and

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			reasonable for the storage of biometric data from the moment the biometric data is taken.	will have obtained a long-term resident status or even citizenship of a Member State.
30c			(32b) Where a third-country nationals or a stateless person has been refused admission to a Member State under the Regulation (EU) No XXX/XXX [Resettlement Regulation], the data should be stored for a period of three years from the date on which the negative conclusion on admission was reached. This will assist with the effective application of these refusal grounds in Regulation (EU) No XXX/XXX [Resettlement Regulation].	<i>EP proposal:</i> (32b) Where a third-country national or a stateless person has been refused admission to a Member State on one of the grounds referred to in Article 6(1)(f) of Regulation (EU) XXX/XXX [Resettlement Regulation], the related data should be stored for a period of three years from the date on which the negative conclusion on admission was reached. It is necessary to store such data for that length of time in order to allow other Member States conducting an admission procedure to receive information, including any information on the marking of data by other Member States, from the Central System throughout the procedure to

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				refuse admission, where necessary, by applying the refusal ground set out in Article 6(1)(f) of Regulation (EU) XXX/XXX [Resettlement Regulation]. In addition, data on admission procedures that have previously been discontinued because the third-country nationals or stateless persons have not given or have withdrawn their consent should be stored for three years in Eurodac in order to allow the other Member States conducting an admission procedure to reach a negative conclusion, as permitted by Regulation (EU) XXX/XXX [Resettlement Regulation].
30d				<i>EP proposal:</i> (32ba) The storage of the data of persons registered for the purpose of conducting an admission procedure in the Central System should also limit the number of Member States that exchange those persons' personal data within a

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				subsequent admission procedure and thus it should contribute to ensuring compliance with the principle of data minimisation. ES PRES proposal: <i>Deletion</i>
30e				(32bb) Where a hit is received by a Member State from Eurodac that can assist that Member State in carrying out its obligations necessary for the application of grounds for refusing admission under the [Resettlement Regulation], the Member State of origin of the data which had previously refused to admit a third-country national or a stateless person should promptly exchange supplementary information with the Member State that received the hit in accordance with the principle of sincere cooperation and subject to the principles of data protection. Such exchange of data should allow the

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				Member State that received the hit to reach a conclusion on the admission within the time limit set in [Resettlement Regulation] for concluding the admission procedure.
30f			(32c) The obligation to collect and transmit biometric data of persons registered for the purpose of conducting an admission procedure should not apply when the Member State discontinues the procedure before biometric data was taken.	(32c) The obligation to collect and transmit the biometric data of persons registered for the purpose of conducting an admission procedure should not apply where the Member State in question discontinues the procedure before the biometric data were taken.
31.			<u>(6-a)</u> the following recital is inserted after recital 33:	
32.			(33a) In order to support the Member States in their administrative cooperation during the implementation of Council Directive 2001/55/EC data of beneficiaries of temporary protection should be kept in	

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			the Central System and the CIR for a period of three years from the date of the entry into force of each respective Council Implementing Decision.	
33.			(6a) the following recital is inserted after recital 35:	
34.			(35a) For Eurodac purposes, lodging the application for international protection should be understood in the sense of Article 20(2) of Regulation (EU) No 604/2013 as interpreted by the relevant case-law of the European Court of Justice.	<i>Confirmed by the trilogue on 13 June 2023</i> DELETION
34a.				<i>Confirmed by trilogue on 13 April 2023</i> (6aa) the following recital is inserted after recital 49:

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34b.				<i>Confirmed by trilogue on 13 April</i> (49-a) A person's right to privacy and to data protection should be safeguarded in accordance with this Regulation at all times, both with regard to access by the Member States' authorities and by the European Union's authorised agencies.
34c.				<i>Confirmed by trilogue on 27 April 2023</i> (Link to line 168) (6ab the following recital is inserted after recital 49a)
34d.				<i>Confirmed by trilogue on 27 April 2023</i> (49b) <i>It is also important that factually incorrect data recorded in Eurodac are rectified, in order to ensure that statistics produced in</i>

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				<i>accordance with this regulation are accurate.</i>
34e.				Confirmed by trilogue of 12 September 2023 (6ac)recital (55) is replaced by the following:
34f.				Confirmed by trilogue of 12 September 2023 (55) It is appropriate that national supervisory authorities established in accordance with Regulation (EU) 2016/679 monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor, as established in [Regulation (EC) No 45/2001], should monitor the activities of the Union institutions, bodies, offices and agencies in relation to the processing of personal data carried out in application of this Regulation. The European Data Protection

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				Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the processing of personal data, including in the context of the Coordinated Supervision Committee established within the framework of the European Data Protection Board.
35.		<i>(6a) the following recital is inserted after recital 57:</i>		
36.		<i>(57a) In order to enable eu-LISA to start the implementation process as regards Eurodac as soon as this Regulation enters into force, the European Parliament, the Council and the Commission should ensure that the financial and human resources made available for the purposes of this Regulation attain the level indicated in the Legislative Financial</i>		Confirmed by the trilogue on 13 June 2023 DELETION

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		<i>Statement of the Commission in relation to this Regulation.</i>		
37.	(7)the following recital is inserted after recital 60:			<i>Confirmed by trilogue of 12 September 2023</i> (7) the following recital is inserted after recital 60:
38.	<u>‘(60a) This Regulation should be without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the Council⁹.’;</u>			<i>To be confirmed by trilogue:</i> <u>‘(60a) This Regulation should be without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the Council⁹.’;</u>
39.	(8)recital 63 is deleted.			

⁹ 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

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40.	HAVE ADOPTED THIS REGULATION:			
41.	(9) Article 1 is replaced by the following:			
42.				
43.	<i>Article 1</i>			<i>Confirmed by trilogue of 12 September 2023</i> Article 1
44.	Purpose of "Eurodac"			<i>Confirmed by trilogue of 12 September 2023</i> Purpose of "Eurodac"
45.	1. A system known as "Eurodac" is hereby established, the purpose of which shall be to:			<i>Confirmed by trilogue of 12 September 2023</i> 1. A system known as "Eurodac" is hereby established, the purpose of which shall be to:

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46.	(a) assist in determining which Member State is to be responsible pursuant to Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management] for examining an application for international protection lodged registered in a Member State by a third-country national or a stateless person, and otherwise to facilitate the application of Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management] under the conditions set out in this Regulation;		(a) improve the support to the asylum system, including by assisting [...] in determining which Member State is to be responsible pursuant to Regulation (EU) No 604/2013 [...] for examining an application for international protection lodged [...] in a Member State by a third-country national or a stateless person, and otherwise to facilitate the application of Regulation (EU) No 604/2013 [...] under the conditions set out in this Regulation;	<i>Confirmed by trilogue of 12 September 2023</i> (a) support the asylum system, including by assisting in determining which Member State is to be responsible pursuant to Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management] for examining an application for international protection registered in a Member State by a third-country national or a stateless person, and otherwise to facilitate the application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] under the conditions set out in this Regulation;
47.	(b) assist <u>with</u> the application of Regulation (EU) XXX/XXX [Resettlement Regulation] under the conditions set out in this Regulation;	(b) assist with <i>the identification of secondary movements of third-country nationals resettled in accordance with</i> Regulation (EU) XXX/XXX	(b) assist with resettlement schemes [...];	<i>Discussed at technical meetings on 6 and 19 September</i>

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		[Resettlement Regulation] under the conditions set out in this Regulation;		(b) assist with the application of Regulation (EU) XXX/XXX [<i>Resettlement Regulation</i>] under the conditions set out in this Regulation; <i>To be adapted following broader discussion on resettlement</i>
48.	(c)assist with the control of illegal irregular immigration to the Union and with the detection of secondary movements within the Union and with the identification of illegally staying third-country nationals and stateless persons for determining the appropriate measures to be taken by Member States including removal and repatriation of persons residing without authorisation;		(c)assist with the control of irregular [...] immigration to the Union and with the detection of secondary movements within the Union and with the identification of illegally staying third-country nationals and stateless persons for determining the appropriate measures to be taken by Member States [...];	<i>Confirmed by the trilogue on 13 June 2023</i> <i>No difference between the COM, EP and Council texts</i> (c)assist with the control of irregular immigration to the Union and with the detection of secondary movements within the Union and with the identification of illegally staying third-country nationals and stateless persons for determining the appropriate measures to be taken by Member States;

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49.		<i>(ca) assist with the protection of child victims of trafficking in human beings and the identification and protection of missing children;</i>		Discussed at the technical meeting on 23.03.2023 and on 8 November <u>compromise suggestion:</u> <i>(ca) assist with the protection of children, <u>within the framework of the other purposes set out in this Article</u> ;</i> <i>Wording under consideration by the Council as part of a wider compromise</i>
50.	(d)lay down the conditions under which Member States' designated authorities and the European Police Office (Europol) may request the comparison of fingerprint and facial image biometric or alphanumeric data with those stored in the Central System for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences;	(d)lay down the conditions under which Member States' designated authorities and the European Police Office (Europol) may request the comparison of biometric or alphanumeric data with those stored in the Central System or in the Common Identity Repository (CIR) , for law enforcement purposes for the prevention, detection or investigation of terrorist	(d)lay down the conditions under which Member States' designated authorities and the European Union Agency for Law Enforcement Cooperation [...] (Europol) may request the comparison of biometric or alphanumeric data with those stored in the CIR and the Central System for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences;	Confirmed by trilogue on 13 April 2023 d) lay down the conditions under which Member States' designated authorities and the European Union Agency for Law Enforcement Cooperation (Europol) may request the comparison of biometric or alphanumeric data with those stored in Eurodac for law enforcement purposes for the prevention, detection or investigation of

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		offences or of other serious criminal offences;		terrorist offences or of other serious criminal offences;
51.	(e)assist in the correct identification of persons registered in Eurodac under the conditions and for the objectives referred to in Article 20 of Regulation (EU) 2019/818 by storing identity data, travel document data and biometric data in the common identity repository (CIR) established by that Regulation;		(e)assist in the correct identification of persons registered in Eurodac under the conditions and for the objectives referred to in Article 20 of Regulation (EU) 2019/818 by storing identity data, travel document data and biometric data in the [...] CIR established by that Regulation;	<i>Confirmed by trilogue on 13 April 2023</i> (e)assist in the correct identification of persons registered in Eurodac under the conditions and for the objectives referred to in Article 20 of Regulation (EU) 2019/818 by storing identity data, travel document data and biometric data in the CIR established by that Regulation;
52.	(f) support the objectives of the European Travel Information and Authorisation System ('ETIAS') established by Regulation (EU) 2018/1240;	(f) support the sharing of information with the European Travel Information and Authorisation System ('ETIAS') established by Regulation (EU) 2018/1240;		<i>Confirmed by trilogue on 13 April 2023</i> (f) support the objectives of the European Travel Information and Authorisation System ('ETIAS') established by Regulation (EU) 2018/1240;
53.	(g)support the objectives of the Visa Information System (VIS)	(g)support the sharing of information with the Visa Information System (VIS)		<i>Confirmed by trilogue on 13 April 2023</i>

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	referred to in Regulation (EC) No 767/2008.	referred to in Regulation (EC) No 767/2008;		(f) support the objectives of the Visa Information System (VIS) referred to in Regulation (EC) No 767/2008;
54.		<i>(ga) enable the production of statistics on persons seeking international protection, on persons arriving for the purposes of resettlement or humanitarian admission, and on persons granted and refused international protection in order to support evidence-based Union asylum and migration policy making.</i>		<i>Confirmed by trilogue on 27 April 2023</i> <i>(ga) support evidence-based policy making through the production of statistics;</i>
55.			(h) assist with the implementation of the Directive 2001/55/EC.	
56.	2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set up	2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set	2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set	<i>Confirmed by trilogue of 12 September 2023</i> <i>May be adapted following broader discussion on TPD</i>

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	under the latter's national law, fingerprint biometric data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation, and in Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management] and in Regulation (EU) XXX/XXX [Resettlement Regulation] [Article 34(1) of Regulation (EU) No 604/2013]. ’;	up under the latter's national law, biometric data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation and in Regulations (EU) XXX/XXX [Regulation on Asylum and Migration Management], (EU) XXX/XXX [Resettlement Regulation], (EU) 2019/818, (EU) XXX/XXX amending the [VIS Regulation] and (EU) 2018/1240. ’;	up under the latter's national law, biometric data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation, in Regulation (EU) No 604/2013, in Regulation (EU) 2019/818, in Regulation (EU) 2018/1240 and in Regulation (EC) No 767/2008 [...]. ’;	2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set up under the latter's national law, biometric data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation, in Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], in Regulation (EU) 2019/818, in Regulation (EU) 2018/1240, in Regulation (EC) No 767/2008 and in Regulation (EU) XXX/XXX [Resettlement Regulation];
57.		2 a. This Regulation fully respects human dignity and the fundamental rights in full compliance with the Charter of Fundamental Rights of the European Union, including the right to respect for one’s private life,		<i>Confirmed by trilogue on 2 March 2023</i> <i>This Regulation fully respects human dignity and the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the</i>

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		<i>the right to the protection of personal data, the right to asylum, the right to non-refoulement, and the prohibition of torture, inhuman or degrading treatment. In that respect, the processing of personal data in accordance with this Regulation shall not lead to any kind of discrimination.</i>		<i>European Union, including the right to respect for one's private life, the right to the protection of personal data, the right to asylum and the prohibition of torture and inhuman or degrading treatment. In that respect, the processing of personal data in accordance with this Regulation shall not result in any discrimination against persons covered by this Regulation based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.</i>
57bis				Confirmed by trilogue on 13 April 2023 Replacing part of the EP amendment in line 88

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				A person's right to privacy and to data protection shall be safeguarded in accordance with this Regulation at all times, both with regard to access by the Member States' authorities and by the European Union's authorised agencies.
58.		<i>2 b. The best interests of the child shall be a primary consideration in the application of this Regulation. That includes implementing the relevant provisions and child rights safeguards when applying this Regulation to a person who declares that he or she is a child or, depending on the case, a person regarding whom there are reasons to believe that he or she is a child and for whom no supporting proof of age is available. In the event of uncertainty in relation to the age of a child, the authorities</i>		<i>OUTCOME OF THE TECHNICAL MEETING OF 09.03.2023</i> <i>2 b. The best interests of the child shall be a primary consideration in the application of this Regulation.</i> <i>Wording under consideration by the Council as part of a wider compromise</i> <u>SE pres suggestion</u> to move the second part to article 2a that contains Special provisions relating to minors <i>In the event that there is uncertainty as to whether or</i>

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		<i>shall accord to that person the benefit of the doubt. That means that if it is possible that that person is under 6 years old, the authorities shall treat that person as such.</i>		<i>not a child is under the age of 6 years and there is no supporting proof of age, then the competent authorities of the Member States shall consider that child to be under the age of 6 years for the purposes of this Regulation.</i>
59.		<i>2 c. Where the Eurodac data pertain to a child under the age of fourteen, those data shall only be used for law enforcement purposes, with the exception of purposes relating to child trafficking, where there is additional evidence that demonstrates that those data are relevant for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.</i>		OUTCOME OF THE TECHNICAL MEETING OF 09.03.2023 To be further discussed <i>Wording under consideration by the Council as part of a wider compromise</i> <u>SE pres suggestion:</u> (To be moved to article 2a that contains Special provisions relating to minors) <i>Eurodac data that pertain to a child under the age of fourteen shall only be used for law enforcement purposes against such a child when there are grounds in</i>

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				<i>addition to those referred to in art 21(1)(c) to consider that those data are necessary for the purposes of the prevention, detection or investigation of a terrorist offence or of another serious criminal offence which that child is suspected of having committed.</i>
60.		<i>2 d. Children shall not be detained for the purpose of determining or verifying their identity or taking their biometric data independent of their age and whether they are unaccompanied or accompanied by their families. Community-based, non-custodial alternatives to detention shall be used where children and their families are concerned.</i>		<i>Discussed at the trilogue on 2 March 2023</i>
60a				<i>Text from 2019 table: Informal outcome of technical discussion of 2019 in view of finding a compromise on resettlement-related provisions</i>

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				3b. When a person referred to in Article 12a(1) does not comply with the obligation to provide biometric data, the application shall be considered as an implicit withdrawal of consent in line with Article 6a of the Union Resettlement Regulation. <i>To be deleted as the matter has been dealt with in Article 6a of the Resettlement Regulation</i>
61.	(10) Article 3 is amended as follows:			
62.		<i>(-a) in paragraph 1, the following point is inserted:</i>		
63.		<i>(a a) ‘resettled third-country national or stateless person’ means a third-country national or stateless person who, following a resettlement procedure in accordance with national law or with</i>	<i>2019 mandate</i> (aa) a 'person registered for the purpose of conducting an admission procedure' means a person who has been registered for the purpose of conducting a resettlement or	

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		<i>[Regulation (EU) XXX/XXX] [Resettlement Regulation], arrives on the territory of the Member State of resettlement;</i>	humanitarian admission procedure in accordance with Article 10 (2) of Regulation (EU) No XXX/XXX [Resettlement Regulation];	
63a			<i>2019 mandate</i> (ab) a 'person admitted in accordance with a national resettlement scheme' means a person resettled by a Member State outside the framework of Regulation (EU) No XXX/XXX [Resettlement Regulation], if that person is granted international protection as defined in Article 2(1) of Regulation (EU) No XXX/XXX [Qualification Regulation] or a humanitarian status under national law as defined in Article 2(2)(c) of Regulation (EU) No XXX/XXXX [Resettlement Regulation] in accordance with the rules governing the national resettlement scheme;	

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63b				(ac) ‘humanitarian status under national law’ means a humanitarian status under national law that provides for rights and obligations equivalent to the rights and obligations set out in Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX [Qualification Regulation];
63c			<i>(b) - Definition of the ‘Member State of origin’</i> <i>2019 mandate</i> (iv) in relation to a person covered by Article 12a(1), the Member State which transmits the personal data to the Central System and receives the results of the comparison;	
63d				(iva) in relation to a person covered by Article 12a(2), the Member State which transmits the personal data to Eurodac

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63d			2019 mandate (v) in relation to a person covered by Article 12d, the Member State which transmits the personal data to the Central System and receives the results of the comparison;	
64.	(a) in point (b) of paragraph 1, the following point (iv) is added:		(aa) in paragraph 1, point b), points (vi) and (vii) are added :	
65.	<u>‘(iv) in relation to a person covered by Article 14a(1), the Member State which transmits the personal data to the Central System and to the Common Identity Repository and receives the results of the comparison;’;</u>		<i>modified numbering (vi)</i>	<i>Confirmed by trilogue of 12 September 2023</i> <u>‘(iv) in relation to a person covered by Article 14a(1), the Member State which transmits the personal data to the Central System and to the Common Identity Repository and receives the results of the comparison;’;</u>

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66.			(vii) in relation to a person covered by Article 14c(1), the Member State which transmits the personal data to the Central System and to the Common Identity Repository and receives the results of the comparison;	
67.	(b) in paragraph 1, the following points (p), (q) and (r) are added:		(b) in paragraph 1, the following points (ea), (eb), (t), (u) and (v) [...] are added:	
68.			(ea) “search and rescue operations” means operations of search and rescue as referred to in the 1979 International Convention on Maritime Search and Rescue adopted in Hamburg, Germany on 27 April 1979;	<i>Confirmed by the trilogue on 13 June 2023</i> Deletion
69.			(eb) ‘beneficiary of temporary protection’ means a person who enjoys temporary protection as defined in Article 2(a) of	

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			Directive (EC) 2001/55 and in the Council Implementing Decision introducing temporary protection, or any other equivalent national protection introduced in response to the same event as that Council Implementing Decision;	
70.	<u>‘(p) “CIR” means the common identity repository as defined in Article 17 of Regulation (EU) 2019/818;</u>	(p)“CIR” means the common identity repository as defined in Article 17 of Regulation (EU) 2019/818, <i>which shall replace the Central System of Eurodac to the extent that it stores the personal data referred to in Article 18 of that Regulation;</i>	(t) “CIR” means the common identity repository as established by [...] Article 17 (1) of Regulation (EU) 2019/818;	<i>Confirmed by trilogue on 2 March 2023</i> (p)“CIR” means the common identity repository as defined in Article 17 (1) and (2) of Regulation (EU) 2019/818;
71.	<u>(q) “identity data” means the data referred to in Article 12(c) to (f) and (h), Article 13(2) (c) to (f) and (h), Article 14(2) (c) to (f) and (h) and Article 14a(c) to (f) and (h);</u>		(u) “identity data” means the data referred to in Article 12(1)(c) to (f) and (h), Article 13(2) (c) to (f) and (h), Article 14(2) (c) to (f) and (h), Article 14a(2)(c) to (f) and (h), and Article 14c(2) (c) to (f) and (h);	<i>Confirmed by trilogue of 12 September 2023</i> <i>except for the reference to the TPD:</i> (u) “identity data” means the data referred to in Article 12(1)(c) to (f) and (h), Article 13(2) (c) to (f)

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				and (h), Article 14(2) (c) to (f) and (h), Article 14a(2)(c) to (f) and (h), and [Article 14c(2) (c) to (f) and (h);
72.	<u>(r) “dataset” means the set of information recorded in Eurodac on the basis of Articles 12, 13, 14 or 14a, corresponding to one set of fingerprints of a data subject and composed of biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document.’;</u>		(v) “dataset” means the set of information recorded in Eurodac on the basis of Articles 12, 13, 14, 14a or 14c, corresponding to one set of fingerprints of a data subject and composed of biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document.’;	Confirmed by trilogue of 12 September 2023 except for the reference to TPD: (v) <u>“dataset” means the set of information recorded in Eurodac on the basis of Articles 12, 13, 14, 14a [or 14c], corresponding to one set of fingerprints of a data subject and composed of biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document.’;</u>
73.		(ra) <i>“child” means every human being below the age of eighteen years as defined in the 1989 United Nations</i>		Discussed at the technical meeting of 24 April 2023

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		<i>Convention on the Rights of the Child.</i>		<i>Wording under consideration by the Council as part of a wider compromise</i> <i>(ra) “child” and “minor” mean a person below the age of 18 years.</i>
74.	(11) Article 4 is replaced by the following:			
75.	<i>‘Article 4</i>			
76.	System architecture and basic principles			
77.	1. Eurodac shall consist of:			<i>Confirmed by trilogue of 12 September 2023</i> 1. Eurodac shall consist of:
78.	(a) a Central System composed of:			<i>Confirmed by trilogue of 12 September 2023</i> (a) a Central System composed of:

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79.	(i) a Central Unit,			<i>Confirmed by trilogue of 12 September 2023</i> (i) a Central Unit,
80.	(ii) a Business Continuity Plan and System;			<i>Confirmed by trilogue of 12 September 2023</i> (ii) a Business Continuity Plan and System;
81.	(b)a communication infrastructure between the Central System and Member States that provides a secure and encrypted communication channel for Eurodac data ("Communication Infrastructure");			<i>Confirmed by trilogue of 12 September 2023</i> (b)a communication infrastructure between the Central System and Member States that provides a secure and encrypted communication channel for Eurodac data ("Communication Infrastructure");
82.	<u>(c) the common identity repository (CIR) as referred</u>	(c) the common identity repository (CIR) as referred to in Article 17(2) of Regulation 2019/818, <i>which shall</i>	(c) the CIR [...] as referred to in Article 3(t) [...];	<i>Confirmed by trilogue on 2 March 2023 (reference to be aligned at a later stage)</i>

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	<u>to in Article 17(2) of Regulation 2019/818;</u>	<i>replace the Central System to the extent that it stores the personal data referred to in Article 18 of that Regulation;</i>		(c) the CIR as referred to in Article [3(p)];
83.	<u>(d) a secure communication infrastructure between the Central System and the central infrastructures of the European search portal, the shared biometric matching service, the CIR and the multiple-identity detector established by Regulation 2019/818.</u>			Confirmed by trilogue on 13 April (d) a secure communication infrastructure between the Central System and the central infrastructures of the European search portal and the CIR established by Regulation 2019/818.
84.	<u>2. The CIR shall contain the data referred to in Article 12, points (a) to (f), (h) and (i), Article 13(2) (a) to (f), (h), and (i), Article 14(2) (a) to (f), (h) and (i) and Article 14a(a) to (f), (h) and (i). The remaining Eurodac data shall be stored in the Central System.</u>	2. The CIR shall contain the <i>personal</i> data referred to in Article 12, points (a) to (f), (h) and (i), Article 13(2) (a) to (f), (h), and (i), Article 14(2) (a) to (f), (h) and (i) and Article 14a(a) to (f), (h) and (i). The remaining Eurodac data shall be stored in the Central System.	2. The CIR shall contain the data referred to in Article 12 (1) (a) to (f) and (h) and (ha) , [...] Article 13(2) (a) to (f), (h) and (ha) [...], Article 14(2) (a) to (f), (h) and (ha) [...] Article 14a (2) (a) to (f) and (h) and (2a) (a), and Article 14c (2) (a) to (f), (h) and (i). The remaining Eurodac data shall be stored in the Central System.	Confirmed by trilogue on 2 March 2023 (references to be aligned at a later stage, links to SAR and TPD categories) 2. The CIR shall contain the data referred to in Article [12 (1) (a) to (f) and (h) and (ha) , Article 13(2) (a) to (f), (h) and (ha) , Article 14(2) (a) to (f), (h) and (ha) , [Article 14a (2) (a) to (f) and (h) and (2a) (a), and Article 14c (2) (a) to (f),

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				(h) and (i)] The remaining Eurodac data shall be stored in the Central System.
85.	23. The Eurodac Communication Infrastructure will be using the existing 'Secure Trans European Services for Telematics between Administrations' (TESTA) network. A separate virtual private network dedicated to the EURODAC shall be established on the existing TESTA private virtual network to ensure the logical separation of EURODAC data from other data. In order to ensure confidentiality, personal data transmitted to or from Eurodac shall be encrypted.			<i>Confirmed by trilogue of 12 September 2023</i> 3. The Eurodac Communication Infrastructure will be using the existing 'Secure Trans European Services for Telematics between Administrations' (TESTA) network. In order to ensure confidentiality, personal data transmitted to or from Eurodac shall be encrypted.
86.	34. Each Member State shall have a single National Access Point. Europol shall have a single Europol access point.			<i>Confirmed by trilogue of 12 September 2023</i> 4. Each Member State shall have a single National Access

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				Point. Europol shall have a single Europol access point.
87.	45. Data on persons covered by Articles 10(1), 13(1), 14(1) and 14a(1) which are processed in the Central System shall be processed on behalf of the Member State of origin under the conditions set out in this Regulation and separated by appropriate technical means.	5. Data on persons covered by Articles 10(1), 13(1), 14(1) and 14a(1) which are processed in the Central System shall be processed on behalf of the Member State of origin under the conditions set out in this Regulation in accordance with Regulation (EU) 2016/679, Regulation (EU) 2018/1725 or Directive (EU) 2016/680 as appropriate, and shall be separated by appropriate technical means.	5. Data on persons covered by Articles 10(1), 13(1), 14(1), 14a(1) and 14c(1) which are processed in the Central System shall be processed on behalf of the Member State of origin under the conditions set out in this Regulation and separated by appropriate technical means.	<i>Confirmed by trilogue of 12 September 2023</i> 5. Data on persons covered by Articles 10(1), 13(1), 14(1), 14a(1) [and 14c(1)] which are processed in the Central System shall be processed on behalf of the Member State of origin under the conditions set out in this Regulation and separated by appropriate technical means.
88.	<u>6. All datasets registered in Eurodac corresponding to the same third country national or stateless person shall be linked in a sequence. Where a search is launched with the fingerprints in the dataset of a third-country national or stateless person and a hit is obtained against at least one other set of</u>	6. All datasets registered in Eurodac corresponding to the same third country national or stateless person shall be linked in a sequence. Where <i>an automatic comparison is carried out in accordance with Articles 15 and 16</i> and a hit is obtained against at least one other set of <i>fingerprint and facial image data, or</i>	6. All datasets registered in Eurodac corresponding to the same third country national or stateless person shall be linked in a sequence. Where a search is launched with the fingerprints in the dataset of a third-country national or stateless person and a hit is obtained against at least one other set of fingerprints in	<i>Confirmed by trilogue on 13 April 2023</i> (to be read in conjunction with Line 25bis and line 57bis) 6. All datasets registered in Eurodac corresponding to the same third country national or stateless person shall be linked in a sequence. Where an automatic comparison is

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	<u>fingerprints in another dataset corresponding to that same third country national or stateless person, Eurodac shall automatically link those datasets on the basis of the fingerprints comparison. If necessary, the comparison of fingerprints shall be checked and confirmed by a fingerprint expert in accordance with Article 26. When the receiving Member State confirms the hit, it shall send a notification to eu-LISA that will confirm the linking.</u>	<i>facial image data alone, in another dataset corresponding to that same third country national or stateless person, Eurodac shall automatically link those datasets on the basis of the comparison. However, its access from both the designated Member States authorities and the European Union authorized agencies shall be strictly regulated, in order to effectively safeguard a person's right to privacy and to data protection. Hence, such access shall, namely, be limited in time and restricted to the data relevant for the very specific performance of their tasks. Moreover, in the event of any doubt, an expert shall check, in accordance with Article 26(4) and (5), the result of an automatic comparison carried out in accordance with Articles 15 and 16. Where a dataset registered in Eurodac is</i>	another dataset corresponding to that same third country national or stateless person, Eurodac shall automatically link those datasets on the basis of the fingerprints comparison. Where [...] necessary, the comparison of fingerprints shall be checked and confirmed by a fingerprint expert in accordance with Article 26. When the receiving Member State confirms the hit, it shall send a notification to eu-LISA that will confirm the linking.	carried out in accordance with Articles 15 and 16 and a hit is obtained against at least one other set of fingerprints, or, where the latter are of a quality not ensuring appropriate comparison or are not available, facial image data, in another dataset corresponding to that same third country national or stateless person, Eurodac shall automatically link those datasets on the basis of the comparison. Where necessary, an expert shall check, in accordance with Article 26(4) and (5), the result of an automatic comparison carried out in accordance with Articles 15 and 16. When the receiving Member State confirms the hit, it shall send a notification to eu-LISA that will confirm the linking.

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		<i>deleted, the existence of a link to that dataset shall also be deleted automatically.</i> When the receiving Member State confirms the hit, it shall send a notification to eu-LISA that will confirm the linking.		
89.	57. The rules governing Eurodac shall also apply to operations carried out by the Member States as from the transmission of data to the Central System until use is made of the results of the comparison.’;	1. The rules governing Eurodac shall also apply to operations carried out by the Member States as from the transmission of data to the Central System <i>or the CIR</i> until use is made of the results of the comparison.’;		<i>Confirmed by trilogue on 13 April 2023</i> 7. The rules governing Eurodac shall also apply to operations carried out by the Member States as from the transmission of data to Eurodac until use is made of the results of the comparison.’;
90.		<i>(11a) Article 5(1) is replaced by the following:</i>		<i>Confirmed by trilogue on 3 March 2023</i> DELETION
91.		<i>1. Prior to the start of the operational use of Eurodac, the security framework for the Eurodac’s business and technical environment shall be properly updated, in</i>		<i>Confirmed by trilogue on 3 March 2023</i> <i>Provision to be moved (in Art. 36(4)).</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
		<i>accordance with Article 33 of Regulation (EU) 2018/1725 of the European Parliament and of the Council^{1a}. eu-LISA, shall be responsible for the operational management of Eurodac.</i> <i>^{1a} 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).</i>		Prior to the start of the operational use of Eurodac, the security framework for the Eurodac's business and technical environment shall be updated, in accordance with Article 33 of Regulation (EU) 2018/1725 of the European Parliament and of the Council^{1a}. ^{1a} 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).
92.	(12) the following Articles 8a, 8b, 8c and 8d are inserted:			

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
93.	<i>'Article 8a</i>			
94.	<u>Interoperability with ETIAS</u>			
95.	<u>1. From [the date of application of this Regulation], the Central System of Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/818 in order to enable the automated processing referred to in Article 11 of Regulation (EU) 2018/1240.</u>	1. From [the date of application of this Regulation], the Eurodac <i>component of the CIR</i> shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/818 in order to enable the automated processing referred to in Article 11 of Regulation (EU) 2018/1240.		<i>Confirmed by trilogue on 13 April 2023</i> 1. From [the date of application of this Regulation], Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/818 in order to enable the <i>application of Articles 11 and 20 of Regulation (EU) 2018/1240.</i>
96.	<u>2. The automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20 and the subsequent verifications of Articles 22 and 26 of that Regulation.</u>	2. The automated processing referred to in Article 20 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.		<i>Confirmed by trilogue on 13 April 2023</i> 2. The automated processing referred to in Article 20 of Regulation (EU) 2018/1240 shall enable the verifications provided for in that Article and the subsequent verifications provided for in

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				Articles 22 and 26 of that Regulation.
97.	<u>For the purpose of carrying out the verifications referred to in Article 20(2)(k) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the European search portal, to compare the data in ETIAS with the data in Eurodac collected on the basis of Articles 12, 13, 14 and 14a of this Regulation corresponding to individuals having left or having been removed from the territory of the Member States in compliance with a return decision or removal order and using the correspondences listed in the table in Annex II of this Regulation.</u>	For the purpose of carrying out the verifications referred to in Article 20(2)(k) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the European search portal, to compare the data in ETIAS with the data in Eurodac collected on the basis of Articles 12, 13, 14 and 14a of this Regulation <i>in a read-only format</i> , corresponding to individuals having left or having been removed from the territory of the Member States in compliance with a return decision or removal order and using the correspondences listed in the table in Annex II of this Regulation.	For the purpose of carrying out the verifications referred to in Article 20(2)(k) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the European search portal, to compare the data in ETIAS with the data in Eurodac collected on the basis of Articles 12, 13, 14, 14a and 14c of this Regulation using the data categories listed in Annex I of this Regulation corresponding to individuals having left or having been removed from the territory of the Member States in compliance with a return decision or removal order [...].	<i>Confirmed by trilogue on 13 April 2023</i> <i>(references to be aligned at a later stage)</i> For the purpose of carrying out the verifications referred to in Article 20(2)(k) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the European search portal, to compare the data in ETIAS with the data in Eurodac collected on the basis of Articles 12, 13, 14, [14a and 14c] of this Regulation in a read-only format using the data categories listed in Annex [I] of this Regulation corresponding to individuals having left or having been removed from the territory of the Member States in compliance with a return decision or removal order.

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
98.	<u>The verifications shall be without prejudice to the specific rules provided for in Article 24(3) of Regulation (EU) 2018/1240.</u>			Confirmed by trilogue of 12 September 2023 <u>The verifications shall be without prejudice to the specific rules provided for in Article 24(3) of Regulation (EU) 2018/1240.</u>
99.	<i>Article 8b</i>			
100.	<u>Conditions for access to Eurodac for the manual processing by ETIAS National Units</u>			Confirmed by trilogue of 12 September 2023 <u>Conditions for access to Eurodac for the manual processing by ETIAS National Units</u>
101.	<u>1. Consultation of Eurodac by ETIAS National Units shall be carried out by means of the same alphanumerical data as those used for the automated processing referred to in Article 8a.</u>			Confirmed by trilogue of 12 September 2023 1. Consultation of Eurodac by ETIAS National Units shall be carried out by means of the same alphanumerical data as those used for the

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				automated processing referred to in Article 8a.
102.	<u>2. For the purposes of Article 1(1)(f), the ETIAS National Units, shall have access to and may consult the Eurodac, in a read-only format, for the purpose of examining applications for travel authorisation. In particular, the ETIAS National Units may consult the data referred to in Articles 12, 13, 14 and 14a.</u>	2. The ETIAS National Units, shall have <i>temporary</i> access to consult the Eurodac, in a read-only format, for the purpose of examining applications for travel authorisation. In particular, the ETIAS National Units may consult the data referred to in Articles 12, 13, 14 and 14a.	2. For the purposes of Article 1(1)(f), the ETIAS National Units, shall have access to and may consult the Eurodac, in a read-only format, for the purpose of examining applications for travel authorisation. In particular, the ETIAS National Units may consult the data referred to in Articles 12, 13, 14, 14a and 14c.	<i>Confirmed by trilogue on 27 April 2023</i> <i>(references to be aligned at a later stage)</i> 2. For the purposes of Article 1(1)(f) the ETIAS National Units shall have access to consult the Eurodac in accordance with Regulation (EU) 2018/1240, in a read-only format, for the purpose of examining applications for travel authorisation. In particular, the ETIAS National Units may consult the data referred to in Articles 12, 13, 14, [14a and 14c].
103.	<u>3. Following consultation and access pursuant to paragraphs 1 and 2 of this Article the result of the assessment shall be recorded only in the ETIAS application files.</u>			<i>Confirmed by trilogue of 12 September 2023</i> 3. Following consultation and access pursuant to paragraphs 1 and 2 of this Article the result of the assessment shall

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				be recorded only in the ETIAS application files.
104.	<u>Article 8c</u>			
105.	<u>Access to Eurodac by the competent visa authorities</u>			
106.	For the purpose of manually verifying hits triggered by the automated queries carried out by the Visa Information System in accordance with Articles [9a and 9c] of Regulation (EC) No 767/2008 and examining and deciding on visa applications in accordance with Article 21 of Regulation (EC) No 810/2009 of the European Parliament and of the Council ¹ , the competent visa authorities shall have temporary access to Eurodac to consult data in a read-only format.	For the purpose of manually verifying hits triggered by the automated queries carried out by the Visa Information System in accordance with Articles [9a and 9c] of Regulation (EC) No 767/2008 and examining and deciding on visa applications in accordance with Article 21 of Regulation (EC) No 810/2009 of the European Parliament and of the Council ¹ , the competent visa authorities shall have temporary access to Eurodac to consult data in a read-only format. ¹ Regulation (EC) No 810/2009 of the European Parliament and of the Council		<i>Confirmed by trilogue on 13 April 2023</i> For the purpose of manually verifying hits triggered by the automated queries carried out by the Visa Information System in accordance with Articles [9a and 9c] of Regulation (EC) No 767/2008 and examining and deciding on visa applications in accordance with Article 21 of Regulation (EC) No 810/2009 of the European Parliament and of the Council ¹ , the competent visa authorities shall, in accordance with those Regulations, have access to Eurodac to consult data in a read-only format.

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
		of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1–58		¹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1–58
107.		<i>Article 8ca</i>		<i>Confirmed by trilogue on 2 March 2023</i> Deletion
108.		<i>Access to Eurodac by the European Border and Coast Guard Standing Corps Teams and Asylum Support Teams</i>		<i>Confirmed by trilogue on 2 March 2023</i> Deletion
109.		<i>1. For the purpose of implementing the tasks laid down in Article 40(4) and Article 55(7) of Regulation (EU) 2019/1896 and Article 16 of Regulation (EU) XXX [EU Agency for Asylum Regulation] members of the European Border and Coast Guard standing corps deployed through border</i>		<i>Confirmed by trilogue on 2 March 2023</i> <i>(Link to current provisions regulating access of agencies to Eurodac – Articles 10(3), 13(7) and 14a(7) – lines 186, 294 and 362 (linked to SAR category))</i> Deletion

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
		<i>management teams, migration management support teams and return teams and of the asylum support teams of the European Union Agency for Asylum ('Agencies' teams') may access Eurodac in order to take and transmit biometric and alphanumeric data in accordance with Articles 10(3), 12a(2), 13(7) and 14a(7) of this Regulation.</i>		
110.		<i>2. Members of the Agencies' teams shall only process data referred to in paragraph 1 where requested by the Member State hosting the operation in question and in accordance with the operational plan agreed between that Member State and the European Border and Coast Guard Agency or the European Union Agency for Asylum, as applicable.</i>		<i>Confirmed by trilogue on 2 March 2023</i> Deletion

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
111.		<i>3. When processing Eurodac data, members of the Agencies' teams shall act on behalf and under the instructions of the competent authorities of the host Member State as laid down in the operational plan. Regulation (EU) 2018/1725, in particular the obligations laid down in that Regulation relating to data processors, shall apply. In accordance with Article 30(6) of Regulation (EU) 2021/2303, Regulation (EU) 2016/679 shall apply to members of the Asylum Support Teams.</i>		Confirmed by trilogue on 2 March 2023 Deletion
112.	<u>Article 8d</u>			
113.	<u>Interoperability with the Visa Information System</u>			
114.	<u>From the [date of application of the Regulation (EU) XXX/XXX amending the VIS Regulation], as provided for</u>	From the [date of application of the Regulation (EU) XXX/XXX amending the VIS Regulation], as provided for		Confirmed by trilogue on 2 March 2023 From the [date of application of the Regulation (EU)]

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>in Article [9] of that Regulation, Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/817 in order to enable the automated processing referred to in Article [9a] of Regulation (EC) No 767/2008 in order to query Eurodac and compare the relevant data in the Visa Information System with the relevant data in Eurodac. The verifications shall be without prejudice to the specific rules provided for in Article 9(b) of Regulation 767/2008.’;</u>	in Article [9] of that Regulation, Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/817 in order to enable the automated processing referred to in Article [9a] of Regulation (EC) No 767/2008 and <i>therefore</i> to query Eurodac and compare the relevant data in the Visa Information System with the relevant data in Eurodac. The verifications shall be without prejudice to the specific rules provided for in Article 9(b) of Regulation 767/2008.’;		XXX/XXX amending the VIS Regulation], as provided for in Article [9] of that Regulation, Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/817 in order to enable the automated processing referred to in Article [9a] of Regulation (EC) No 767/2008 and therefore to query Eurodac and compare the relevant data in the Visa Information System with the relevant data in Eurodac. The verifications shall be without prejudice to the specific rules provided for in Article 9(b) of Regulation 767/2008.’;
115.	(13) Article 9 is replaced by the following:			
116.	<i>‘Article 9</i>			
117.	Statistics			

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
118.	1. eu-LISA shall draw up statistics on the work of the Central System every month indicating in particular:	1. eu-LISA shall draw up statistics on the work of the Central System <i>and the CIR</i> every month indicating in particular:	1. eu-LISA shall draw up statistics on the work of the CIR and Central System every month indicating in particular:	<i>Confirmed by trilogue on 13 April 2023</i> 1. eu-LISA shall draw up statistics on the work of Eurodac every month indicating in particular:
119.	<u>(a) the number of applicants and the number of first-time applicants resulting from the linking process referred to in Article 4(6);</u>			<i>Confirmed by trilogue of 12 September 2023</i> (a) the number of applicants and the number of first-time applicants resulting from the linking process referred to in Article 4(6);
120.	<u>(b) the number of rejected applicants resulting from the linking process referred to in Article 4(6) and pursuant to Article 12(za);</u>	(b) the number of rejected applicants resulting from the linking process referred to in Article 4(6) and pursuant to Article 12(x);	(b) the number of rejected applicants resulting from the linking process referred to in Article 4(6) and pursuant to Article 12(1a)(h) [...];	<i>Confirmed by trilogue on 13 April 2023</i> <i>Cross-reference to be checked at the end</i> (b) the number of rejected applicants resulting from the linking process referred to in Article 4(6) and pursuant to Article 12(1a)(h) [...];
121.			(ba) the number of persons disembarked following	<i>Confirmed by trilogue of 12 September 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			search and rescue operations;	(ba) the number of persons disembarked following search and rescue operations;
121 bis				<i>Discussed at technical meeting on 14.4.23</i> <u>SE PRES suggestion</u> <i>(bb) the number of persons registered as beneficiaries of temporary protection</i>
121tris				<i>Confirmed by trilogue on 27 April 2023</i> <i>(bc) the number of applicants who have been granted international protection in a Member State;</i>
121quadris				<i>Confirmed by trilogue on 27 April 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				<i>(bd) the number of persons who were registered as minors;</i>
122.	(ac) the number of data sets transmitted on persons referred to in Articles 10(1), 13(1), and 14(1) and 14a(1);	(c)the number of data sets transmitted on persons referred to in Articles 10(1), 13(1) <i>in so far as such persons are not covered by the datasets referred to in Article 10(1), and 14(1) in so far as such persons are not covered by the datasets referred to in Article 10 (1), and 14a(1);</i>	(c)the number of data sets transmitted on persons referred to in Articles 10(1), 13(1) [...], 14(1), 14a(1) and 14c(1);	<i>Confirmed by trilogue on 27 April 2023</i> <i>(references to be aligned later)</i> (c)the number of data sets transmitted on persons referred to in Articles 10(1), 13(1) 14(1), [14a(1) and 14c(1)];
123.	(bd) the number of hits for persons referred to in Article 10(1):			<i>Confirmed by trilogue of 12 September 2023</i> (d)the number of hits for persons referred to in Article 10(1):
124.	<u>(i) for whom an application for international protection was registered</u> who have subsequently lodged an application for international		(i) who have lodged [...] an application for international protection [...] in a Member State,	<i>Confirmed by the trilogue on 13 June 2023</i> (i) for whom an application for international protection

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	protection in another Member State,			was registered in a Member State,
125.	(ii) who were apprehended in connection with the irregular crossing of an external border, and			(ii) who were apprehended in connection with the irregular crossing of an external border,
126.	(iii) who were found illegally staying in a Member State,			<i>Confirmed by trilogue of 12 September 2023</i> <i>(iii) who were illegally staying in a Member State,</i>
127.	<u>(iv) who were disembarked following a search and rescue operation;</u>	<i>deleted</i>		<i>Confirmed by trilogue of 12 September 2023</i> <u>(iv) who were disembarked following a search and rescue operation;</u>
128.		<i>(iv a) who have been granted international protection in a Member State;</i>		<i>Confirmed by trilogue on 27 April 2023</i> <i>(iv a) who have been granted international protection in a Member State;</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
129.		<i>(iv b) who were minors at the time the dataset was registered in Eurodac;</i>		Confirmed by trilogue on 27 April 2023 Deletion
130.			(v) who were registered as a beneficiary of temporary protection in a Member State;	
130a			<i>Council mandate 2019</i> (ba) the number of hits for persons referred to in Article 12a(1):	
130 b			(i) who have subsequently lodged an application for international protection in another Member State,	
130c			(ii) who have been registered for the purpose of conducting an admission procedure by another Member State,	
130 d			(iia) who have been admitted in accordance with a national resettlement scheme,	
130e			(iii) who were apprehended in connection with the	

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			irregular crossing of an external border, and	
130f			(iv) who were found illegally staying in a Member State;	
130g			(bb) the number of hits for persons referred to in Article 12d:	
130h			(i) who have subsequently lodged an application for international protection in another Member State,	
130i			(ii) who have been registered for the purpose of conducting an admission procedure in accordance with Regulation (EU) No XXX/XXX [Resettlement Regulation],	
130j			(iia) who have been admitted in accordance with a national resettlement scheme	
130k			(iii) who were apprehended in connection with the irregular crossing of an external border, and	
130l			(iv) who were found illegally staying in a Member State;	
131.	(ee) the number of hits for persons referred to in Article 13(1):			<i>Confirmed by trilogue of 12 September 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				(e) the number of hits for persons referred to in Article 13(1):
132.	<u>(i) for whom an application for international protection was registered</u> who have subsequently lodged an application for international protection,		(i) who have lodged [...] an application for international protection in a Member State [...],	<i>Confirmed by the trilogue on 13 June 2023</i> (i) for whom an application for international protection was registered in a Member State ,
133.	(ii) who were apprehended in connection with the irregular crossing of an external border, and			<i>Confirmed by trilogue of 12 September 2023</i> (ii) who were apprehended in connection with the irregular crossing of an external border,
134.	(iii) who were found illegally staying in a Member State;			<i>Confirmed by trilogue of 12 September 2023</i> (iii) who were illegally staying in a Member State;
135.	<u>(iv) who were disembarked following a search and rescue operation;</u>	<i>deleted</i>		<i>Confirmed by trilogue of 12 September 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				(iv) who were disembarked following a search and rescue operation;
136.		<i>(iv a) who have been granted international protection in a Member State;</i>		Confirmed by trilogue on 27 April 2023 <i>(iv a) who have been granted international protection in a Member State;</i>
137.		<i>(iv b) who were minors at the time the dataset was registered in Eurodac;</i>		Confirmed by trilogue on 27 April 2023 Deletion
138.			(v) who were registered as a beneficiary of temporary protection in a Member State;	
139.	(e) the number of hits for persons referred to in Article 14(1):			Confirmed by trilogue of 12 September 2023 (f) the number of hits for persons referred to in Article 14(1):

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
140.	<u>(i) for whom an application for international protection was registered</u> who have subsequently lodged an application for international protection in another Member State,		(i) who have lodged [...] an application for international protection in a Member State,	<i>Confirmed by the trilogue on 13 June 2023</i> (i) for whom an application for international protection was registered in a Member State,
141.	(ii) who were apprehended in connection with the irregular crossing of an external border, and			<i>Confirmed by trilogue of 12 September 2023</i> (ii) who were apprehended in connection with the irregular crossing of an external border,
142.	(iii) who were found illegally staying in a Member State,			<i>Confirmed by trilogue of 12 September 2023</i> (iii) who were illegally staying in a Member State,
143.	<u>(iv) who were disembarked following a search and rescue operation;</u>	<i>deleted</i>		<i>Confirmed by trilogue of 12 September 2023</i> (iv) who were disembarked following a

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				search and rescue operation;
144.		<i>(iv a) who have been granted international protection in a Member State;</i>		Confirmed by trilogue on 27 April 2023 <i>(iv a) who have been granted international protection in a Member State;</i>
145.		<i>(iv b) who were minors at the time the dataset was registered in Eurodac;</i>		Confirmed by trilogue on 27 April 2023 Deletion
146.			(v) who were registered as a beneficiary of temporary protection in a Member State;	
147.	<u>(g) the number of hits for persons referred to in Article 14a(1):</u>			Confirmed by trilogue of 12 September 2023 (g) the number of hits for persons referred to in Article 14a(1):

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
148.	<u>(i) for whom an application for international protection was registered,</u>		(i) who have lodged [...] an application for international protection in a Member State,	<i>Confirmed by the trilogue on 13 June 2023</i> (i) for whom an application for international protection was registered in a Member State,
149.	<u>(ii) who were apprehended in connection with the irregular crossing of an external border,</u>			<i>Confirmed by trilogue of 12 September 2023</i> (ii) who were apprehended in connection with the irregular crossing of an external border,
150.	<u>(iii) who were illegally staying in a Member State,</u>			<i>Confirmed by trilogue of 12 September 2023</i> (iii) who were illegally staying in a Member State,
151.	<u>(iv) who were disembarked following a search and rescue operation;</u>	<i>deleted</i>		<i>Confirmed by trilogue of 12 September 2023</i> (iv) who were disembarked following a search and rescue operation;

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
152.		<i>(iv a) who have been granted international protection in a Member State;</i>		Confirmed by trilogue on 27 April 2023 <i>(iv a) who have been granted international protection in a Member State;</i>
153.		<i>(iv b) who were minors at the time the dataset was registered in Eurodac;</i>		Confirmed by trilogue on 27 April 2023 Deletion
154.			(v) who were registered as a beneficiary of temporary protection in a Member State;	
155.			(ga) the number of hits for persons referred to in Article 14c(1):	
156.			(i) who have lodged an application for international protection in a Member State,	
157.			(ii) who were apprehended in connection	

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			with the irregular crossing of an external border,	
158.			(iii) who were illegally staying in a Member State,	
159.			(iv) who were disembarked following a search and rescue operation;	
<u>159 bis</u>				<u>SE PRES suggestion</u> <i>(iv a) who have been granted international protection in a Member State;</i>
160.			(v) who were registered as beneficiary of temporary protection in a Member State;	
161.	(eh) the number of fingerprint biometric data which the Central System had to request more than once from the Member States of origin because the fingerprint biometric data originally transmitted did not lend			Confirmed by trilogue of 12 September 2023 (h) the number of biometric data which the Central System had to request more than once from the Member States of

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	themselves to comparison using the computerised fingerprint and facial image recognition systems;			origin because the biometric data originally transmitted did not lend themselves to comparison using the computerised fingerprint and facial image recognition systems;
162.	(fi) the number of data sets marked and unmarked blocked and unblocked in accordance with Article 19(1), and 17 (2), (3) and (4);			<i>Confirmed by trilogue of 12 September 2023</i> (i) the number of data sets marked and unmarked in accordance with Article 19(1), (2), (3) and (4);
163.	(gi) the number of hits for persons referred to in Article 19(1) and (4) for whom hits have been recorded under points (b), (e) and (d) to (g) of this Article;		(j) the number of hits for persons referred to in Article 19(1) and (4) for whom hits have been recorded under points (d) to (ga) [...] of this Article;	
164.	(hk) the number of requests and hits referred to in Article 21(1);			<i>Confirmed by trilogue of 12 September 2023</i>

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				(k) the number of requests and hits referred to in Article 21(1);
165.	(h) the number of requests and hits referred to in Article 22(1);			<i>Confirmed by trilogue of 12 September 2023</i> (l) the number of requests and hits referred to in Article 22(1);
166.	(j <u>m</u>) the number of requests made for persons referred to in Article 31;	(m) the number of requests made <i>in accordance with</i> Article 31;		<i>Confirmed by the trilogue on 13 June 2023</i> (m) the number of requests made <i>in accordance with</i> Article 31;
167.	(h <u>n</u>) the number of hits received from the Central System as referred to in Article 26(6).			<i>Confirmed by trilogue of 12 September 2023</i> (n) the number of hits received from the Central System as referred to in Article 26(6).
168.	2. The monthly statistical data for persons referred to in paragraph 1(a) to (h) (<u>n</u>) shall be published each month. At	2. The monthly statistical data for persons referred to in paragraph 1(a) to (n) shall be published each month. At the		<i>Confirmed by trilogue on 27 April 2023</i> 2. The monthly statistical data for persons referred to in

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	the end of each year, the yearly statistical data for persons referred to in paragraph 1(a) to (h) (n) shall be published by eu-LISA. The statistical data shall contain a breakdown of data for each Member State be broken down by Member State. The statistical data for persons referred to in paragraph 1 (c) shall, where possible, be broken down by year of birth and sex.	end of each year, the yearly statistical data for persons referred to in paragraph 1(a) to (n) shall be published by eu-LISA. The statistical data shall be broken down by Member State. The statistical data for persons referred to in paragraph 1 (c) shall, where possible, be broken down by year of birth and sex. <i>All data concerning persons shall be anonymised and the production of statistical data shall be conditional upon provisions on the possible rectification of incorrect data.</i>		paragraph 1(a) to (n) shall be published each month. At the end of each year, the yearly statistical data for persons referred to in paragraph 1(a) to (n) shall be published by eu-LISA. The statistical data shall be broken down by Member State. The statistical data for persons referred to in paragraph 1 (c) shall, where possible, be broken down by year of birth and sex. <i>Nothing in this paragraph shall affect the anonymized nature of the statistical data.</i>
169.	<u>3. For the purpose of supporting the objective referred to in Article 1(c), eu-LISA shall produce monthly cross-system statistics. Those statistics shall not allow for the identification of individuals and will use data from Eurodac, the Visa</u>	3. For the purpose of supporting the objective referred to in Article 1(c) <i>and Article 1(h)</i> , eu-LISA shall produce monthly cross-system statistics. Those statistics shall not allow for the identification of individuals and will use data from	3. For the purpose of supporting the objective referred to in Article 1(c), eu-LISA shall produce monthly cross-system statistics. Those statistics shall not allow for the identification of individuals and will use data from Eurodac, the Visa	<i>Confirmed by the trilogue on 13 June 2023</i> 3. For the purpose of supporting the objective referred to in Article 1(c) and (ga) , eu-LISA shall produce monthly cross-system statistics. Those statistics shall not allow for the identification

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	<u>Information System, ETIAS and the Entry/Exit System.</u>	Eurodac, the Visa Information System, ETIAS, and the Entry/Exit System.	Information System, ETIAS and the EES.	of individuals and will use data from Eurodac, the Visa Information System, ETIAS, and the EES.
170.	<u>These statistics shall be made available to the Commission, to the [European Union Agency for Asylum], to the European Border and Coast Guard Agency and to the Member States. The Commission shall, by means of implementing acts, specify the content of the monthly cross-system statistics. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41a(2).</u>	These statistics shall be made available to the Commission, to the <i>European Parliament, to Member States and to the relevant Union agencies, in particular the</i> [European Union Agency for Asylum], the European Border and Coast Guard Agency <i>and Europol</i> . The Commission shall, by means of implementing acts, specify the content of the monthly cross-system statistics. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41a(2). <i>Cross-system statistics shall not be used in connection with individuals, shall not allow for the identification of individuals and shall not be</i>		<i>Confirmed by trilogue of 12 September 2023</i> These statistics shall be made available to the Commission, to the European Parliament, to Member States, to the European Union Agency for Asylum, to the European Border and Coast Guard Agency and to Europol. The Commission shall, by means of implementing acts, specify the content of the monthly cross-system statistics. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41a(2). Cross-system statistics alone shall not be used to deny access to the territory of the Union.

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		<i>used to deny access to the territory of the Union.</i>		
171.	34. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects for research and analysis purposes without allowing for individual identification as well as the possibility to produce regular statistics pursuant to paragraph 1. These statistics shall be shared with other Justice and Home Affairs Agencies if they are relevant for the implementation of their tasks related to the application of this Regulation as well as the statistics pursuant to paragraph 1 and shall, upon request, make them available to a Member State and to the [European Union Agency for Asylum].	4. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the application of this Regulation as well as the statistics pursuant to paragraph 1 and shall, upon request, make them available to a Member State, to the European Parliament and to the relevant Union agencies, in particular the [European Union Agency for Asylum], the European Border and Coast Guard Agency and Europol.		CONFIRMED BY TRILOGUE ON 27 APRIL 2023 4. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the application of this Regulation as well as the statistics pursuant to paragraph 1 and shall, upon request, make them available to a Member State, to the European Parliament, to the European Union Agency for Asylum, to the European Border and Coast Guard Agency and to Europol.
172.	<u>5. eu-LISA shall store the data referred to in paragraphs 1 to 4 of this Article, which shall not allow</u>	5. eu-LISA shall store for no longer than five years the data referred to in paragraphs 1 to 4 of this Article, which		<i>Discussed at the technical meeting on 29.3.2023,</i>

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	<u>for the identification of individuals, for research and analysis purposes, thus enabling the authorities referred to in paragraph 3 of this Article to obtain customisable reports and statistics in the central repository for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818.</u>	shall not, <i>under any circumstance</i> , allow for the identification of individuals, for research and analysis purposes.		14.4.26.6. and 19.7., and trilogue on 12.9. <i>Discussion on the storage period to continue</i> <i>COM on the last part of the COM text: it is relevant as similar texts are also in ETIAS and EES Regulations</i> <i>DISCUSSED AT TRILOGUE 12 SEPT 2023</i>
173.	6. Access to the central repository <u>for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818</u> shall be granted to eu-LISA, to the Commission, to the [European Union Agency for Asylum] and to the authorities designated by each Member State in accordance with Article 28(2). Access may also be granted to authorised users of other Justice and Home Affairs Agencies if such access is relevant for the	6. Access to the central repository for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818 shall be granted to eu-LISA, to the Commission and to the authorities designated by each Member State in accordance with Article 28(2). Access may also be granted to authorised users of <i>the relevant</i> Justice and Home Affairs <i>Union agencies, in particular to the [European Union Agency for Asylum], to the European</i>		<i>Confirmed by trilogue on 27 April 2023</i> Access to the central repository for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818 shall be granted to eu-LISA, to the Commission and to the authorities designated by each Member State in accordance with Article 28(2), to the authorised users of the European Union Agency for Asylum, of the European

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	implementation of their tasks. ’;	<i>Border and Coast Guard Agency and to Europol, if such access is relevant for the implementation of their tasks.</i>		Border and Coast Guard Agency and of Europol, if such access is relevant for the implementation of their tasks.
174.		<i>6 a. To ensure the accuracy of data collected and the quality of statistics produced, the production of statistical data shall be accompanied by strict rules requiring Member States to rectify incorrect data within specified deadlines.</i>		<i>Confirmed by trilogue on 27 April 2023</i> <i>deleted</i>
175.	(14) Article 10 is replaced by the following:			
176.	<i>‘Article 10</i>			
177.	Collection and transmission of biometric data			
178.	1. Each Member State shall promptly take the fingerprints of all fingers and capture a facial image biometric data of every applicant for international protection of at	1. Each Member State shall, in a protection-sensitive manner take the biometric data of every applicant for	1. Each Member State shall take the biometric data of every applicant for international protection of at least six years of age [...]:	<i>Confirmed by trilogue on 2 March 2023</i> 1. Each Member State shall take, in accordance with

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	least six years of age <u>during the screening as referred to in Regulation (EU) XXX/XXX [Screening Regulation]</u> or, where the biometric data could not be taken during the screening or where the applicant was not subject to screening, upon the registration of the application for international protection referred to in Article 27 of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation] and shall, as soon as possible and no later than 72 hours <u>after the biometric data have been taken</u> after the lodging of his or her application for international protection, as defined by Article [21(2)] of Regulation (EU) No, transmit them together with the data referred to in Article 12 (c) to (p) of this Regulation to the Central System <u>and to the CIR as appropriate in accordance with Article 4(2).</u>	international protection of at least six years of age:		Article 2(2), the biometric data of every applicant for international protection of at least six years of age:

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179.		(a) upon the registration of the application for international protection referred to in Article 27 of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation];	(a) promptly, and shall, as soon as possible and no later than 72 hours after the lodging of his or her application for international protection, as defined by Article 20(2) of Regulation (EU) No 604/2013 [...], transmit them together with the other data referred to in Article 12(1) [...] of this Regulation to the Central System and to the CIR as appropriate in accordance with Article 4(2); or	<i>To be confirmed by trilogue:</i> (a) upon the registration of the application for international protection referred to in Article 27 of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation] and shall, as soon as possible and no later than 72 hours from that registration, transmit them together with the other data referred to in Article 12(1) of this Regulation to Eurodac in accordance with Article 4(2). ; or
180.		<i>(b) upon the making of the application for international protection, where the application is made at a border crossing point or in a transit zone by a person who does not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399.</i>	(b) upon the making of the application for international protection, where the application is made at external border crossing points or in transit zones by a person who does not fulfil the entry conditions as set out in Article 6 of Regulation (EU) 2016/399, and shall, as soon as possible and no later than 72 hours after the biometric	<i>To be confirmed by trilogue:</i> (b) upon the making of the application for international protection, where the application is made at external border crossing points or in transit zones by a person who does not fulfil the entry conditions as set out in Article 6 of Regulation (EU) 2016/399, and shall, as soon as possible

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			data have been taken transmit them together with the data referred to in Article 12 (1) of this Regulation to the Central System and to the CIR as appropriate in accordance with Article 4(2).	and no later than 72 hours after the biometric data have been taken transmit them together with the data referred to in Article 12 (1) of this Regulation to Eurodac in accordance with Article 4(2).
181.		<i>Each Member State</i> shall, as soon as possible <i>but</i> no later than 72 hours after the biometric data <i>of the applicant for international protection</i> have been taken, transmit them together with the data referred to in Article 12(1) to the Central System and to the CIR, as appropriate, in accordance with Article 4(2).		<i>To be confrimed by trilogue:</i> <i>Deleted (merged with line 180)</i>
182.	<u>Where Article 3(1) of Regulation (EU) XXX/XXX [Screening Regulation] applies and the person applies for international protection during screening, for every applicant for international protection of at</u>		<i>deleted</i>	<u><i>To be confrimed by trilogue:</i></u> <u><i>Deleted (idea to be reflected in line 30)</i></u>

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	<u>least six years of age, each Member State shall use the biometric data taken during screening and transmit them together with the data referred to in Article 12 (c) to (p) of this Regulation to the Central System and to the CIR as appropriate in accordance with Article 4(2), no later than 72 hours from the registration of the application referred to in Article 27 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].</u>			
183.	Non-compliance with the 72-hour time-limit shall not relieve Member States of the obligation to take and transmit the fingerprints biometric data to the Central System CIR . Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin			<i>Confirmed by trilogue of 12 September 2023</i> Non-compliance with the 72-hour time-limit shall not relieve Member States of the obligation to take and transmit the biometric data to the <u>CIR</u>. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate

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	shall retake the fingerprints of the applicant and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.			comparison under Article 26, the Member State of origin shall retake the fingerprints of the applicant and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.
184.	2. By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image biometric data of an applicant for international protection on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such fingerprints and facial image biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.			<i>Confirmed by trilogue of 12 September 2023</i> 2. By way of derogation from paragraph 1, where it is not possible to take the biometric data of an applicant for international protection on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.

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185.	In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 1 by a maximum of a further 48 hours in order to carry out their national continuity plans.			<i>Confirmed by trilogue of 12 September 2023</i> In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 1 by a maximum of a further 48 hours in order to carry out their national continuity plans.
186.	3. Fingerprint Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or by Member State asylum experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation on the European Border [and Coast] Guard and repealing Regulation (EC) No	3. Where requested by the Member State concerned, the biometric <i>and alphanumeric</i> data may also be taken and transmitted on behalf of that Member State by <i>specifically trained</i> members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation (EU) 2019/1896 and Regulation (EU) XXX/XXX [EU Agency for Asylum Regulation].	3. Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation (EU) 2019/1896 and Regulation (EU) 2021/2303.	<i>Confirmed by trilogue on 13 April</i> Where requested by the Member State concerned, the biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document may also be taken and transmitted on behalf of that Member State by specifically trained members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in

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	2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC] and [Regulation (EU) No 439/2010] (EU) 2019/1896 and Regulation (EU) XXX/XXX [EU Agency for Asylum Regulation].			accordance with Regulation (EU) 2019/1896 and Regulation (EU) 2021/2303.
187.	<u>4. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).;</u>	4. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6) <i>and respecting the limitations established therein;</i>		<i>Confirmed by the trilogue on 13 June 2023</i> <i>Correction to be confirmed by trilogue:</i> 4. Each data set collected and transmitted in accordance with paragraph 1 this Article shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).;
188.			4a. The fact that the application for international protection follows or is made simultaneously with the apprehension of the third-country national or stateless person in	<i>Confirmed by trilogue on 2 March 2023</i> Deletion (See lines 28-30)

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			connection with the irregular crossing of the external borders does not exempt Member States to register those persons first in accordance with Article 13 of this Regulation.	
189.			4b. The fact that the application for international protection follows or is made simultaneously with the apprehension of the third-country national or stateless person illegally staying on the territory of Member States, does not exempt Member States to register those persons first in accordance with Article 14 of this Regulation.	<i>Confirmed by trilogue on 2 March 2023</i> Deletion (See lines 28-30)
190.			4c. The fact that the application for international protection follows or is made simultaneously with the disembarkation following a search and rescue operation of the third-country national or	<i>Confirmed by the trilogue on 13 June 2023</i> Deletion (see line 29a)

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			stateless person does not exempt Member States to register those persons first in accordance with Article 14a of this Regulation.	
191.			4ca. The fact that an application for international protection follows or is made simultaneously with the registration of the beneficiary of temporary protection does not exempt Member States to register persons first in accordance with Article 14c of this Regulation.	Linked to the discussion on the TPD category See lines 28-30 <i>SE PRES suggestion:</i> Deletion (see line 29b)
192.			4d. In the cases foreseen in paragraphs 4a to 4ca [...], the Member State may reuse the biometric data previously taken in accordance with Articles 13, 14, 14a and 14c of this Regulation for the recording in the Central System and in the CIR made pursuant to paragraph 1.	<i>To be confirmed by trilogue:</i> <i>Deletion</i>

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193.		<i>4a. The biometric data of minors from the age of six shall be taken by officials trained specifically to take a minor's biometric data in a child-friendly and child-sensitive manner and in full respect of the best interests of the child and the safeguards laid down in the United Nations Convention on the Rights of the Child.</i>		<i>Discussed at the technical meeting on 23.3. and 14.4.23</i>
194.		<i>The minor shall be accompanied by, where present, an adult family member while his or her biometric data are taken. An unaccompanied minor shall be accompanied by a guardian, representative or, where a representative has not been designated, a person trained to safeguard the best interests of the minor and his or her general wellbeing, while his or her biometric</i>		<i>Discussed at the technical meeting on 23.3.2023 and 14.4.23</i>

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		<i>data are taken. Such a trained person shall not be the official responsible for taking the biometric data, shall act independently and shall not receive orders either from the official or the service responsible for taking the biometric data.</i>		
195.	(15) Article 11 is replaced by the following:			
196.	<i>'Article 11</i>			
197.	Information on the status of the data subject			
198.	<u>1. As soon as the Member State responsible has been determined in accordance with Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] the Member State that conducts the procedures for determining the Member State responsible shall update its</u>		1. As soon as the Member State responsible has been determined in accordance with Regulation (EU) No 604/2013 , [...] the Member State that conducts the procedures for determining the Member State responsible shall update its data set recorded pursuant to Article 12 of this Regulation	<i>Confirmed by trilogue of 12 September 2023</i> 1. As soon as the Member State responsible has been determined in accordance with Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] the Member State that conducts the

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	<u>data set recorded pursuant to Article 12 of this Regulation regarding the person concerned by adding the Member State responsible.</u>		regarding the person concerned by adding the Member State responsible.	procedures for determining the Member State responsible shall update its data set recorded pursuant to Article 12 of this Regulation regarding the person concerned by adding the Member State responsible.
199.	<u>Where a Member State becomes responsible because there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State in accordance with Article 8(4) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] it shall update its data set recorded pursuant to Article 12 of this Regulation regarding the person concerned by adding the Member State responsible.</u>		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i> Where a Member State becomes responsible because there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State in accordance with Article 8(4) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] it shall update its data set recorded pursuant to Article 12 of this Regulation regarding the person concerned by adding the Member State responsible.

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200.	12. The following information shall be sent to the Central System in order to be stored in accordance with Article 17 (1) for the purpose of transmission under Articles 15 and 16:			Confirmed by trilogue on 13 April 2023 2. The following information shall be sent to the Central System in order to be stored in accordance with Article 17 (1) for the purpose of transmission under Articles 15 and 16:
201.	(a) when an applicant for international protection or another person as referred to in Article 21(1) 26 (1), points (b), (c) or (d) or (e) of Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management] arrives in the Member State responsible following a transfer pursuant to a take back notification as referred to in Article 26 31 thereof of that Regulation , the Member State responsible shall update its data set recorded in conformity with Article 12 of this Regulation relating to the		(a) when an applicant for international protection or another person as referred to in Article 18 (1) point (d) [...] of Regulation (EU) No 604/2013 [...] arrives in the Member State responsible following a transfer pursuant to a decision acceding to a take back request [...] as referred to in Article [...] 25 thereof [...], the Member State responsible shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding his or her date of arrival;	To be confirmed by trilogue: (reference to AMMR to be aligned with the agreement on AMMR) (a) when an applicant for international protection or another person as referred to in Article 26 (1), points (b), (c) or (d) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] arrives in the Member State responsible following a transfer pursuant to a [take back notification] as referred to in Article 31 of that Regulation, the Member State responsible shall update its data

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	person concerned by adding his or her date of arrival;			set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding his or her date of arrival;
202.	(b)when an applicant for international protection arrives in the Member State responsible following a transfer pursuant to a decision acceding to a take charge request according to Article 24 30 of Regulation (EU) No XXX/XXX <u>[Regulation on Asylum and Migration Management]</u> , the Member State responsible shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival;		(b)when an applicant for international protection arrives in the Member State responsible following a transfer pursuant to a decision acceding to a take charge request according to Article 22 [...] of Regulation (EU) No 604/2013 [...], the Member State responsible shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival;	<i>Confirmed by trilogue of 12 September 2023</i> : (b)when an applicant for international protection arrives in the Member State responsible following a transfer pursuant to a decision acceding to a take charge request according to Article 30 of Regulation (EU) XXX/XXX <u>[Regulation on Asylum and Migration Management]</u> , the Member State responsible shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival;

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203.	(c) when an applicant for international protection arrives in the Member State of allocation pursuant to Article 34 of Regulation (EU) No. [.../...], that Member State shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival and record that it is the Member State of allocation;			Confirmed by trilogue of 12 September 2023 Deletion
204.			(c) as soon as the Member State of origin establishes that the person concerned whose data was recorded in Eurodac in accordance with Article 12 of this Regulation has left the territory of the Member States, it shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding the date when that person left the territory, in order to	To be confirmed by trilogue (c) as soon as the Member State of origin establishes that the person concerned whose data was recorded in Eurodac in accordance with Article 12 of this Regulation has left the territory of the Member States, it shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding

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			facilitate the application of Articles 19(2) and 20(5) of Regulation (EU) No 604/2013;	the date when that person left the territory, in order to facilitate the application of Article 27(1a) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management];
205.	(d c) as soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 12 of this Regulation has left the territory of the Member States in compliance with a return decision or removal order issued following the withdrawal or rejection of the application for international protection, it shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding the date of his or her removal or when he or she left the territory;		(d) as soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 12 of this Regulation has left the territory of the Member States in compliance with a return decision or removal order issued following the withdrawal or rejection of the application for international protection as provided for in Article 19(3) of Regulation (EU) No 604/2013 , it shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding the date of his or her removal	<i>To be confirmed by trilogue:</i> (d) as soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 12 of this Regulation has left the territory of the Member States in compliance with a return decision or removal order issued following the withdrawal or rejection of the application for international protection as provided for in Article 27(2) of Regulation XXX/XXX [Regulation on Asylum and Migration Management], it shall update its data set recorded in conformity with Article 12 of this Regulation relating to the

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			or when he or she left the territory;	person concerned by adding the date of his or her removal or when he or she left the territory;
206.	(e) the Member State which becomes responsible in accordance with Article 19(1) of Regulation (EU) No [.../...] shall update its data set recorded in conformity with Article 12 of this Regulation relating to the applicant for international protection by indicating that it has become the Member State responsible and by adding the date when the decision to examine the application was taken.			<i>Confirmed by trilogue of 12 September 2023</i> Deletion
207.	<u>3. Where responsibility shifts to another Member State, pursuant to Articles 27(1) and Article 58(3) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], the Member State that</u>		3. Where responsibility shifts to another Member State, pursuant to [...] Regulation (EU) No 604/2013 [...], the Member State that establishes that responsibility has shifted [...] shall indicate the Member State responsible.	<i>Confirmed by trilogue of 12 September 2023</i> 3. Where responsibility shifts to another Member State, pursuant to Articles 27(1) and Article 58(3) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration

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	<u>establishes that responsibility has shifted, or the Member State of relocation, shall indicate the Member State responsible.</u>			Management], the Member State that establishes that responsibility has shifted, or the Member State of relocation, shall indicate the Member State responsible.
208.	<u>4. Where paragraphs 1 or 3 of this Article or Article 19(6) apply, the Central System shall, as soon as possible and no later than within 72 hours, inform all Member States of origin of the transmission of such data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 13(1), 14(1) or 14a(1). Those Member States of origin shall also update the Member State responsible in their corresponding data sets.’;</u>		4. Where paragraphs 1 or 3 of this Article [...] apply, the Central System shall, as soon as possible and no later than within 72 hours, inform all Member States of origin of the transmission of such data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 13(1), 14(1) or 14a(1). Those Member States of origin shall also update the Member State responsible in their corresponding data sets.’;	<i>Confirmed by trilogue of 12 September 2023</i> 4. Where paragraphs 1 or 3 of this Article or Article 19(6) apply, the Central System shall, as soon as possible and no later than within 72 hours, inform all Member States of origin of the transmission of such data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 13(1), 14(1) or 14a(1). Those Member States of origin shall also update the Member State responsible in their corresponding data sets.’;

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209.	(16) Article 12 is replaced by the following:			
210.	<i>'Article 12</i>			
211.	Recording of data			
212.	Only the following data shall be recorded in the Central System <u>and in the CIR as appropriate:</u>	Only the following data shall be recorded in the Central System <i>or</i> in the CIR, as appropriate, <i>in accordance with Article 4(2):</i>	1. Only the following data shall be recorded in the Central System and in the CIR as appropriate in accordance with Article 4(2):	<i>Confirmed by trilogue on 13 April 2023</i> Only the following data shall be recorded in <i>Eurodac in accordance with Article 4(2):</i>
213.	(a) fingerprint data;			<i>Confirmed by trilogue of 12 September 2023</i> (a) fingerprint data;
214.	(b) a facial image;			<i>Confirmed by trilogue of 12 September 2023</i> (b) a facial image;
215.	(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;			<i>Confirmed by trilogue of 12 September 2023</i> (c) surname(s) and forename(s), name(s) at birth and previously used names

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				and any aliases, which may be entered separately;
216.	(d)nationality(ies)			<i>Confirmed by trilogue of 12 September 2023</i> (d) nationality(ies)
217.	(e) place and date of birth;			<i>Confirmed by trilogue of 12 September 2023</i> (e) date of birth;
218.	<u>(f) place of birth;</u>			<i>Confirmed by trilogue of 12 September 2023</i> (f) place of birth;
219.	(fg) Member State of origin, place and date of the application for international protection; in the cases referred to in Article 112(b), the date of application shall be the one entered by the Member State who transferred the applicant;			<i>Confirmed by trilogue of 12 September 2023</i> g) Member State of origin, place and date of the application for international protection; in the cases referred to in Article 112(b), the date of application shall be the one entered by the Member State who transferred the applicant;

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220.	(<u>gh</u>) sex;			<i>Confirmed by trilogue of 12 September 2023</i> (h) sex;
221.	(<u>hi</u>) where available, the type and number of identity or travel document; the three letter code of the issuing country and validity expiry date ;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (i) where available, the type and number of identity or travel document, the three letter code of the issuing country and expiry date;
222.	(<u>i</u>) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity ;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (i) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

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223.	(i k) reference number used by the Member State of origin;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (k) reference number used by the Member State of origin;
224.	(j) unique application number of the application for international protection pursuant to Article 22(2) of Regulation (EU) No. [...]/...;			<i>Confirmed by trilogue of 12 September 2023</i> <i>deletion</i>
225.	<u>(l) the Member State responsible in the cases referred to in Article 11(1), (2) or (3);</u>		<i>deleted (moved to paragraph 1a(a))</i>	<i>Confirmed by the trilogue on 13 June 2023</i> <i>deleted (moved to paragraph 1a(a), line 231)</i>
226.	(k m) the Member State of allocation relocation in accordance with Article 14b(1) 11(e) ;		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i> <i>Deleted (moved to line 231a)</i>

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227.	(4n) date on which the fingerprints and/or facial image biometric data were taken;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (n) date on which the biometric data were taken;
228.	(m) date on which the data were transmitted to the Central System <u>and to the CIR as appropriate</u> ;	(o) the date on which the data were transmitted to the Central System and to the CIR, as appropriate, <i>in accordance with Article 4(2)</i> :	<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (o)date on which the data were transmitted to the Central System and to the CIR as appropriate;
229.	(np) operator user ID;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (p) operator user ID;
230.			1a. Additionally, where applicable and available, the following data shall be promptly recorded in the Central System and in the CIR, as appropriate in accordance with Article 4(2):	<i>Confirmed by trilogue on 13 April 2023</i> 1a. Additionally, where applicable and available, the following data shall be recorded in Eurodac in accordance with Article 4(2):
231.			(a) the Member State responsible in the cases	<i>Confirmed by the trilogue on 13 June 2023</i>

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			referred to in Article 11(1), (2) or (3);	<i>(moved from line 225)</i> (a) the Member State responsible in the cases referred to in Article 11(1), (2) or (3);
231a				<i>Confirmed by trilogue of 12 September 2023</i> <i>(Moved from line 226)</i> (m) the Member State of relocation in accordance with Article 14b(1);
232.	(eg) where applicable in accordance with the cases referred to in Article 11(2)(a), the date of the arrival of the person concerned after a successful transfer;		(b) [...] in the cases referred to in Article 11(2)(a), the date of the arrival of the person concerned after a successful transfer;	<i>Confirmed by the trilogue on 13 June 2023</i> (b) in the cases referred to in Article 11(2)(a), the date of the arrival of the person concerned after a successful transfer;
233.	(pr) where applicable in accordance with the cases referred to in Article 11(2)(b), the date of the arrival of the		(c) [...] in the cases referred to in Article 11(2)(b), the date of the arrival of the person	<i>Confirmed by the trilogue on 13 June 2023</i> (c) in the cases referred to in Article 11(2)(b), the date of

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	person concerned after a successful transfer;		concerned after a successful transfer;	the arrival of the person concerned after a successful transfer;
234.	(q) where applicable, in accordance with Article 11(e), the date of arrival of the person concerned after a successful transfer;			<i>Confirmed by trilogue of 12 September 2023</i> Deletion
235.			(d) in the cases referred to in Article 11(2)(c), the date when the person concerned left the territory of the Member States;	<i>To be confirmed by trilogue:</i> (d) in the cases referred to in Article 11(2)(c), the date when the person concerned left the territory of the Member States;
236.	(f₅) where applicable in accordance with the cases referred to in Article 11(2)(d c), the date when the person concerned left or was removed from the territory of the Member States;		(e)[...] in the cases referred to in Article 11(2)(d), the date when the person concerned left or was removed from the territory of the Member States;	<i>To be confirmed by trilogue:</i> (e) in the cases referred to in Article 11(2)(d), the date when the person concerned left or was removed from the territory of the Member States;
237.	(t) where applicable, in accordance with the cases referred to in Article 14b(2), the date of arrival of the		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i> (t) [...] in accordance with the cases referred to in Article 14b(2), the date of arrival of

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	<u>person concerned after a successful transfer;</u>			the person concerned after a successful transfer;
238.	(s) where applicable in accordance with Article 11(e), the date when the decision to examine the application was taken;			<i>Confirmed by trilogue of 12 September 2023</i> Deletion
239.	<u>(u) where there are indications that a visa was issued to the applicant, the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;</u>		(f) the fact [...] that a visa was issued to the applicant, the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;	<i>Confirmed by the trilogue on 13 June 2023</i> (f) the fact that a visa was issued to the applicant, the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;
240.	<u>(v) the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) No XXX/XXX [Screening Regulation] or following an examination pursuant Article 8(4) of Regulation (EU) No XXX/XXX [Regulation on</u>	(v) the fact that the person could pose a threat to internal security following an examination pursuant Article 8(4) of Regulation (EU) No XXX/XXX [Regulation on Asylum and Migration Management];	(g) the fact that the person could pose a threat to internal security following any security checks [...];	<i>ES PRES Suggestion:</i> (g) the fact that the person could pose a threat to internal security following the security check referred to in Regulation (EU) No XXX/XXX [Screening Regulation] or following an examination pursuant Article 8(4) of Regulation (EU) No

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	<u>Asylum and Migration Management</u>];			XXX/XXX [<i>Regulation on Asylum and Migration Management</i>], if any of the following circumstances apply: (i) the person concerned is armed, (ii) the person concerned is violent, (iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541, (iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of the Framework Decision 2002/584/JHA;
241.	<u>(x)where applicable, the fact that the application for international protection has been rejected where the</u>		(h) [...] the fact that the application for international protection has been rejected where the applicant has no	<i>Confirmed by trilogue of 12 September 2023</i>

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	<u>applicant has no right to remain and has not been allowed to remain in a Member State pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation];</u>		right to remain and has not been allowed to remain in a Member State pursuant to Directive 2013/32/EU [...];	(h) the fact that the application for international protection has been rejected where the applicant has no right to remain and has not been allowed to remain in a Member State pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation];
242.	<u>(z) where applicable, the fact that assistance for voluntary return and reintegration (AVRR) has been granted.</u>		(i) [...] the fact that assistance for voluntary return and reintegration (AVRR) has been granted.	<i>Confirmed by the trilogue on 13 June 2023</i> (i) the fact that assistance for voluntary return and reintegration (AVRR) has been granted.
243.	<u>2. A data set pursuant to paragraph 1 is considered created for the purpose of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;</u>		2. A data set pursuant to paragraph 1 is considered created within the meaning [...] of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;	<i>Confirmed by trilogue on 13 April 2023</i> <i>Correction to be confirmed by trilogue:</i> 2. Where all the data in points (a) to (f) and (h) of paragraph 1 of this Article relating to a person as referred to in

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				Article 10 on a person covered by Article 10(1), 13(1), 14(1), 14a(1) or 14e(1) are recorded in Eurodac, pursuant to paragraph 1 of this Article, they shall be considered a data set transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 818/2019.’;
244.		3. The Member State of origin which concluded that the threat to internal security identified following an examination pursuant to Article 8(4) of Regulation (EU) XXX/XXX (Regulation on Asylum and Migration Management) no longer applies shall delete the security flag from the dataset. The Central System shall, as soon as possible and no later than 72 hours after the deletion of the security flag by another Member State of origin having		PRES proposal: 3. The Member State of origin which concluded that the threat to internal security identified following the screening referred to in Regulation (EU) No XXX/XXX [Screening Regulation] or following an examination pursuant to Article 8(4) of Regulation (EU) XXX/XXX (Regulation on Asylum and Migration Management) no longer applies shall delete the record of the security flag from the

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		<i>produced a hit with data which they transmitted relating to persons as referred to in Articles 13(1), 14(1) or 14a(1), inform all Member States of origin of that deletion. Those Member State of origin shall also delete the security flag in the corresponding dataset.</i>		<i>dataset. The Central System shall, as soon as possible and no later than 72 hours after the deletion of the security flag by another Member State of origin having produced a hit with data which they transmitted relating to persons as referred to in Articles 10(1), [12a(2)], 13(1), 14(1) or 14a(1), inform all Member States of origin of that deletion. Those Member State of origin shall also delete the security flag in the corresponding dataset.</i>
244 a		2019 mandate Amendment 81 CHAPTER II A: RESETTLED THIRD- COUNTRY NATIONALS OR STATELESS PERSONS	2019 mandate CHAPTER II A PERSONS REGISTERED FOR THE PURPOSE OF CONDUCTING AN ADMISSION PROCEDURE AND ADMITTED IN ACCORDANCE WITH A NATIONAL RESETTLEMENT SCHEME	

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245.		<i>Article 12 a</i>		<i>Article 12a</i>
246.		<i>Collection and transmission of fingerprints and facial image data</i>		<u>Discussed at the technical meeting on 6 September</u> <u>PRES proposes to refer to "Collection and transmission of biometric data"</u>
247.		<i>1. Each Member State shall promptly take the fingerprints of all fingers and capture a facial image of every resettled third-country national or stateless person of at least six years of age upon their arrival on its territory. Each Member State shall transmit such biometric data, together with the other data referred to in Article 10 of Regulation (EU) .../..., to the Central System.</i>	2019 mandate 1. Each Member State shall take and transmit to the Central System the biometric data of every person of at least six years of age together with the data referred to in Article 12c (c) to (l) of this Regulation as soon as possible from the registration referred to in Article 10 (2) of Regulation (EU) No XXX/XXX [Resettlement Regulation] and at the latest before reaching the conclusion on admission referred to in Article 10 (4) of Regulation (EU) No XXX/XXX [Resettlement Regulation]. That obligation	<u>Discussed at the technical meeting on 6 September</u> <u>EP proposal:</u> 1. Each Member State shall take and transmit to Eurodac the biometric data of every person of at least six years of age registered for the purpose of conducting an admission procedure under the Union Resettlement and Humanitarian Admission Framework as soon as possible from the registration referred to in Article 10(2) of

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			shall not apply if a Member State can reach that conclusion without a comparison of biometric data, where such a conclusion is negative.	Regulation (EU) XXX/XXX [Resettlement Regulation] and at the latest before reaching the conclusion on admission referred to in Article 10 (4) of Regulation (EU) XXX/XXX [Resettlement Regulation]. That obligation shall not apply if a Member State can reach that conclusion without a comparison of biometric data, where such a conclusion is negative.
<u>247</u> <u>a</u>				<i>EP proposal:</i> 2. Each Member State shall take the biometric data of every person of at least six years of age registered for the purpose of conducting an admission procedure under the Union Resettlement and Humanitarian Admission Framework and:

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<u>247</u> <u>b</u>				(a) whom that Member State grants international protection or a national humanitarian status in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation]; <i>Reference point still under discussion – granting of protection or positive decision on admission.</i>
<u>247</u> <u>c</u>				(b) whom that Member State refuses to admit on one of the grounds referred to in Article 6(1)(f) of Regulation (EU) XXX/XXX [Resettlement Regulation];
<u>247</u> <u>d</u>				(c) for whom that Member State discontinues the admission procedure due to the fact that that person does not give or withdraws his or her consent in accordance with Article 6a of Regulation (EU)

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				XXX/XXX [Resettlement Regulation].
247e				They shall transmit those biometric data together with the data referred to in Article 12c (c) to (o) of this Regulation to Eurodac as soon as possible and no later than 72 hours after the decision to grant international protection or a national humanitarian status, to refuse admission or to discontinue the admission procedure.
248.		<i>Where a Member State does not comply with the requirement to promptly take the biometric data of persons as referred to in the first subparagraph of this paragraph shall not be relieved of the obligation to take the biometric data and transmit them to the Central System. Where the condition of the fingertips does not allow the taking of the</i>		<i>Discussed at the technical meeting on 6 September</i> <i>EP proposal:</i> <u>Deletion</u> <i>(moved to 249)</i>

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		<i>fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of resettlement shall retake the fingerprints of the applicant and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.</i>		
249.		<i>2. By way of derogation from paragraph 1, where it is not possible to take the fingerprints, the facial image, or both, of a resettled third-country national or stateless person on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such fingerprints, facial image, or both, as soon as possible and no later than 48 hours after those health grounds no longer prevail.</i>		<u>Discussed at the technical meeting on 6 September</u> <i>EP proposal:</i> 3. Non-compliance with the deadlines set out in the first and second paragraphs shall not relieve Member States of the obligation to take biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin

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				shall retake the fingerprints and resend them as soon as possible after they have been successfully retaken. Where it is not possible to take biometric data on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such biometric data as soon as possible after those health grounds no longer prevail.
<u>249</u> <u>a</u>			<i>[Council mandate from 2019]</i> 2. Where requested by the Member State concerned, the biometric data may, for the purpose of Regulation (EU) XXX/XXX [Resettlement Regulation],	<i>EP proposal:</i> 4. Where requested by the Member State concerned, the biometric data may, for the purpose of Regulation (EU) XXX/XXX [Resettlement Regulation], be taken and transmitted to the requesting

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			be taken and transmitted to the requesting Member State by another Member State, the [European Union Agency for Asylum], or a relevant international organisation.	Member State by another Member State, the [European Union Agency for Asylum], or a relevant international organisation.
<u>249</u> <u>b</u>			3. The processing by an international organisation shall be governed by an agreement concluded between the Union or the requesting Member State and the international organisation including adequate safeguards for the protection of personal data in line with the requirements set out in Article 28(3) of Regulation (EU) No 2016/679 and this Regulation.	
<u>249</u> <u>c</u>			<i>[Council mandate from 2019]</i> Where an agreement is concluded between the requesting Member State	<i>EP proposal:</i> Where an agreement is concluded between the requesting Member State and

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			and international organisation, that Member States shall provide the Commission with a copy of the agreement.	an international organisation for the purpose of the first subparagraph , that Member State shall provide the Commission with a copy of the agreement.
249 d			3a. For the purpose of this Article, [European Union Agency for Asylum (EUAA)] and international organisations referred to in paragraph 3 shall not have access to EURODAC.	
<u>249</u> <u>e</u>			Article 12b Information on the status of the data subject	<u>EP proposal:</u> <u>Deletion of Article 12b</u>
250.		<i>Article 12 b</i>	[Council mandate from 2019] Article 12c	<u>Discussed at the technical meeting on 6 September</u> <u>EP proposal</u> <u>Article 12c</u>
251.		<i>Recording of data</i>	Recording of data	Recording of data

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252.		<i>Only the following data shall be recorded in the Central System:</i>	Only the following data shall be recorded in the Central System:	1. Only the following data shall be recorded in Eurodac:
253.		<i>(a) fingerprint data;</i>	(a) fingerprint data;	(a) fingerprint data;
254.		<i>(b) a facial image;</i>	(b) a facial image;	(b) a facial image;
255.		<i>(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;</i>	c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;	c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;
256.		<i>(d) nationality(ies);</i>	(d) nationality(ies);	(d) nationality(ies);
257.		<i>(e) place and date of birth</i>	e) place and date of birth;	e) date of birth;
247a				ea) place of birth
258.		<i>(f) Member State of resettlement, place and date of the registration;</i>	(f) Member State of origin, place and date of the registration in accordance with Article 10 (2) of	f) Member State of origin, place and date of the registration in accordance with Article 10(2) of

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			Regulation (EU) XXX/XXX [Resettlement Regulation];	Regulation (EU) XXX/XXX [Resettlement Regulation];
259.		<i>(g) sex;</i>	(g) sex;	(g) sex;
260.		<i>(h) where applicable, the type and number of identity or travel document; three letter code of the issuing country and validity;</i>	(h) where available, type and number of identity or travel document; three letter code of the issuing country and expiry date;	(h) where available, type and number of identity or travel document; three letter code of the issuing country and expiry date;
260a			(ha) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity, and if not available, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;	(ha) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity, and if not available, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;
261.		<i>(i) reference number used by the Member State of origin;</i>	(i) reference number used by the Member State of origin;	(i) reference number used by the Member State of origin;

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262.		<i>(j) date on which the fingerprints and/or facial image were taken;</i>	(j) date on which the biometric data were taken;	(j) date on which the biometric data were taken;
263.		<i>(k) date on which the data were transmitted to the Central System;</i>	(k) date on which the data were transmitted to the Central System;	(k) date on which the data were transmitted to Eurodac
264.		<i>(l) operator user ID.</i>	(l) operator user ID;	(l) operator user ID;
264a			[Council mandate from 2019] (m) in accordance with Article 12b(a), the date of the positive conclusion;	<i>EP proposal</i> (m) where applicable, the date of the decision to grant international protection or a national humanitarian status in accordance with Article 10(7)(a) or (aa) of Regulation (EU) XXX/XXX [Resettlement Regulation];
264b			(n) in accordance with Article 12b(b), the date of the negative conclusion as referred to in Article 6(1) and (2) of Regulation (EU) No XXX/XXX [Resettlement Regulation];	(n) where applicable, the date of the refusal of admission in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation] and the ground on which admission was refused;

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264c			o) in accordance with Article 12b(c), the date of the discontinuation of the admission procedure as referred to in Regulation (EU) No XXX/XXX [Resettlement Regulation].	o) in accordance with Article 12b(c), the date of the discontinuation of the admission procedure as referred to in Regulation (EU) No XXX/XXX [Resettlement Regulation].
264c a				2. Where all the data in points (a) to (f) and (h), of paragraph 1 of this Article relating to a person as referred to in Article 12a(2) are recorded in Eurodac, they shall be considered a data set transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 818/2019.
264 d			Section 2	
264e			Persons admitted in accordance with a national resettlement scheme	
264f			Article 12d	

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264g			Collection and transmission of biometric data	
264h			Each Member State shall take and transmit to the Central System the biometric data of every person of at least six years of age together with the data referred to in Article 12f (c) to (m) of this Regulation as soon as possible and at the latest upon the granting of international protection or of a humanitarian status under national law.	<i>EP proposal</i> Each Member State shall take the biometric data of every person of at least six years of age who has been admitted in accordance with a national resettlement scheme and transmit such data to Eurodac, together with the data referred to in Article 12f (c) to (m) of this Regulation as soon as they grant that person international protection or a national humanitarian status and no later than 72 hours thereafter.
264i			Non-compliance with subparagraph 1 shall not relieve Member States of the obligation to take and transmit the biometric data	Non-compliance with the deadline set out in the first subparagraph shall not relieve Member States of the obligation to take and transmit

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			to the Central System. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of that person and resend them as soon as possible after they have been successfully retaken.	the biometric data to Eurodac. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints and resend them as soon as possible after they have been successfully retaken. By way of derogation from the second subparagraph, where it is not possible to take biometric data of a person admitted in accordance with a national resettlement scheme on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
264j			Article 12e Information on the status of the data subject	<i>EP proposal</i> Deletion
264k			Article 12f	Article 12f
264l			Recording of data	Recording of data
264m			Only the following data shall be recorded in the Central System:	Only the following data shall be recorded in the Central System:
264n			(a) fingerprint data;	(a) fingerprint data;
264o			(b) a facial image;	(b) a facial image;
264p			(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;	(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;

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264 q			(d) nationality(ies);	(d) nationality(ies);
264 r			(e) place and date of birth;	(e) date of birth;
264 ra				(ea) place of birth;
264 s			(f) Member State of origin, place and date of the registration;	(f) Member State of origin, place and date of the registration;
264t			(g) sex;	(g) sex;
264 u			(h) where available, type and number of identity or travel document; three letter code of the issuing country and expiry date;	(h) where available, type and number of identity or travel document; three letter code of the issuing country and expiry date;
264 v			(ha) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity, and if not available, another document	(ha) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity, and if not available, another document

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;	which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;
264 w			(i) reference number used by the Member State of origin;	(i) reference number used by the Member State of origin;
264 x			(j) date on which the biometric data were taken;	(j) date on which the biometric data were taken;
264 y			(k) date on which the data were transmitted to the Central System;	(k) date on which the data were transmitted to the Central System;
264 z			(l) operator user ID;	(l) operator user ID;
264 za			(m) date on which international protection or a humanitarian status under national law was granted.	(m) date on which international protection or a humanitarian status under national law was granted.

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264 zb				2. Where all the data in points (a) to (f) of paragraph 1 of this Article are recorded in Eurodac pursuant to paragraph 1 of this Article, they shall be considered a data set transmitted to Eurodac for the purposes of Article 27(1) point (aa) of Regulation (EU) 818/2019.
265.	(17) Article 13 is replaced by the following:			
266.	<i>'Article 13</i>			<i>Confirmed by trilogue of 12 September 2023</i> <i>'Article 13</i>
267.	Collection and transmission of biometric data			<i>Confirmed by trilogue of 12 September 2023</i> Collection and transmission of biometric data
268.	1. Each Member State shall promptly take the fingerprints of all fingers and capture a facial image biometric data of	1. Each Member State shall, in a protection-sensitive manner promptly take the biometric data of every third-		<i>Confirmed by trilogue on 2 March 2023</i> 1. Each Member State shall promptly take, in accordance

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	every third-country national or stateless person of at least six years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back or who remains physically on the territory of the Member States and who is not kept in custody, confinement or detention during the entirety of the period between apprehension and removal on the basis of the decision to turn him or her back.	country national or stateless person of at least six years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back or who remains physically on the territory of the Member States and who is not kept in custody, confinement or detention during the entirety of the period between apprehension and removal on the basis of the decision to turn him or her back.		with Article 2(2) , the biometric data of every third-country national or stateless person of at least six years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back or who remains physically on the territory of the Member States and who is not kept in custody, confinement or detention during the entirety of the period between apprehension and removal on the basis of the decision to turn him or her back.
269.	2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to the Central System and to the CIR as appropriate the	2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to the Central System or to the CIR, as appropriate, in accordance	2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to the Central System and to the CIR as appropriate in	<i>Confirmed by trilogue on 13 April</i> 2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to

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	following data in relation to any third-country national or stateless person, as referred to in paragraph 1, who is not turned back:	<i>with Article 4(2)</i> the following data in relation to any third-country national or stateless person, as referred to in paragraph 1, who is not turned back:	accordance with Article 4(2) the following data in relation to any third-country national or stateless person, as referred to in paragraph 1, who is not turned back:	<i>Eurodac in accordance with Article 4(2)</i> the following data in relation to any third-country national or stateless person, as referred to in paragraph 1, who is not turned back:
270.	(a) fingerprint data;			<i>Confirmed by trilogue of 12 September 2023</i> (a) fingerprint data;
271.	(b) a facial image;			<i>Confirmed by trilogue of 12 September 2023</i> (b) a facial image;
272.	(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;			<i>Confirmed by trilogue of 12 September 2023</i> (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;
273.	(d) nationality(ies);			<i>Confirmed by trilogue of 12 September 2023</i> (d) nationality(ies);

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274.	(e) place and date of birth;			<i>Confirmed by trilogue of 12 September 2023</i> (e) date of birth;
275.	<u>(f) place of birth;</u>			<i>Confirmed by trilogue of 12 September 2023</i> (f) place of birth;
276.	(f g) Member State of origin, place and date of the apprehension;			<i>Confirmed by trilogue of 12 September 2023</i> (g) Member State of origin, place and date of the apprehension;
277.	(g h) sex;			<i>Confirmed by trilogue of 12 September 2023</i> (h) sex;
278.	(h i) where available , type and number of identity or travel document; three letter code of the issuing country and validity expiry date ;		(ha) where available, the type and number of identity or travel document, the three letter code of the issuing country and expiry date;	<i>Confirmed by the trilogue on 13 June 2023</i> (ha) where available, the type and number of identity or travel document, the three letter code of the issuing country and expiry date;

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279.	(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;
280.	(j) reference number used by the Member State of origin;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (k) reference number used by the Member State of origin;
281.	(j) date on which the fingerprints and/or facial image biometric data were taken;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (l) date on which the biometric data were taken;
282.	(k) date on which the data were transmitted to the Central		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i>

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	System <u>and to the CIR as appropriate</u> ;			(m) date on which the data were transmitted to the Central System and to the CIR as appropriate;
283.	(h <u>n</u>) operator user ID;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (n) operator user ID;
284.			2a. Additionally, where applicable and available, the following data shall be promptly transmitted to the Central System and the CIR, as appropriate in accordance with Article 4(2):	<i>Confirmed by trilogue on 13 April 2023</i> 2a. Additionally, where applicable and available, the following data shall be transmitted to Eurodac in accordance with Article 4(2):
285.	(m <u>o</u>) where applicable in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States;		(a)[...] in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States;	<i>Confirmed by the trilogue on 13 June 2023</i> (a) in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States;

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286.	<u>(p) the Member State of relocation in accordance with Article 14b(1);</u>		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i> (p)the Member State of relocation in accordance with Article 14b(1);
287.	<u>(q) where applicable, the fact that assistance for voluntary return and reintegration (AVRR) has been granted,</u>		(b) [...] the fact that assistance for voluntary return and reintegration (AVRR) has been granted,	<i>Confirmed by the trilogue on 13 June 2023</i> (b) the fact that assistance for voluntary return and reintegration (AVRR) has been granted,
288.	<u>(r)the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) XXX/XXX [Screening Regulation].</u>	<i>deleted</i>	(c)the fact that the person could pose a threat to internal security following any security checks [...].	<i>ES PRES Suggestion:</i> (c) the fact that the person could pose a threat to internal security, following the screening referred to in Regulation (EU) No XXX/XXX [Screening Regulation] , if any of the following circumstances apply: (i) the person concerned is armed,

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				(ii) the person concerned is violent, (iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541, (iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA.
289.	3. By way of derogation from paragraph 2, the data specified in paragraph 2 relating to persons apprehended as described in paragraph 1 who remain physically on the territory of the Member States but are kept in custody, confinement or detention upon their apprehension for a period exceeding 72 hours shall be transmitted before their release			<i>Confirmed by trilogue of 12 September 2023</i> 3. By way of derogation from paragraph 2, the data specified in paragraph 2 relating to persons apprehended as described in paragraph 1 who remain physically on the territory of the Member States but are kept in custody, confinement or detention upon their apprehension for a period

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	from custody, confinement or detention.			exceeding 72 hours shall be transmitted before their release from custody, confinement or detention.
290.	4. Non-compliance with the 72 hour time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the fingerprints biometric data to the Central System CIR . Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.			<i>Confirmed by trilogue of 12 September 2023</i> 4. Non-compliance with the 72 hour time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the biometric data to the CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

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291.	5. By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image biometric data of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such fingerprints and facial image biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.			<i>Confirmed by trilogue of 12 September 2023</i> 5. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.
292.	In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.			<i>Confirmed by trilogue of 12 September 2023</i> In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

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293.	6. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 relating to the person concerned by adding the date of his or her removal or when he or she left the territory.			<i>Confirmed by trilogue of 12 September 2023</i> 6. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 relating to the person concerned by adding the date of his or her removal or when he or she left the territory.
294.	7. Fingerprints Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and	7. Where requested by the Member State concerned, the biometric <i>and alphanumeric</i> data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in	7. Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in	<i>Confirmed by trilogue on 13 April 2023</i> Where requested by the Member State concerned, the biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document may also be taken and transmitted on

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	performing their tasks in accordance with Regulation on the European Border [and Coast] Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC (EU) 2019/1896 and Regulation (EU) XXX/XXX [EU Agency for Asylum Regulation].	accordance with Regulation (EU) 2019/1896 and Regulation (EU) XXX/XXX [EU Agency for Asylum Regulation].	accordance with Regulation (EU) 2019/1896 and Regulation (EU) 2021/2303.	behalf of that Member State by specifically trained members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation (EU) 2019/1896 and Regulation (EU) 2021/2303.
295.	<u>8. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).</u>	8. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6), <i>and respecting the limitations established therein.</i>		<i>Confirmed by trilogue on 13 June 2023</i> <i>Correction to be confirmed by trilogue:</i> 8. Each data set collected and transmitted in accordance with paragraph 1 of this Article shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).
296.	<u>9. A data set pursuant to paragraph 2 is considered</u>		9. A data set pursuant to paragraph 2 is considered	<i>Confirmed by trilogue on 13 April 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>created for the purpose of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.</u> ’;		created within the meaning [...] of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;	(<i>Correction to be confirmed by trilogue:</i> 29. Where all the data in points (a) to (f) and (h) of paragraph 12 of this Article relating to a person as referred to in paragraph 1 of this Article on a person covered by Article 10(1), 13(1), 14(1), 14a(1) or 14e(1) are recorded in Eurodac, pursuant to paragraph 1 of this Article, they shall be considered a data set transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 818/2019.’;
297.	(18) Article 14 is replaced by the following:			

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
298.	<i>'Article 14</i>			<i>Confirmed by trilogue of 12 September 2023</i> <i>'Article 14</i>
299.	Collection and transmission of biometric data			<i>Confirmed by trilogue of 12 September 2023</i> Collection and transmission of biometric data
300.	1. Each Member State shall promptly take the fingerprints of all fingers and capture a facial image biometric data of every third-country national or stateless person of at least six years of age who is found illegally staying within its territory.	1. Each Member State shall, <i>in a protection-sensitive manner</i> , promptly take the biometric data of every third-country national or stateless person of at least six years of age who is illegally staying within its territory.		<i>Confirmed by trilogue on 2 March 2023</i> 1. Each Member State shall promptly take, in accordance with Article 2(2) , the biometric data of every third-country national or stateless person of at least six years of age who is illegally staying within its territory.
301.	2. The Member State concerned shall, as soon as possible and no later than 72-hours after the date of apprehension <u>the third-country national or the stateless person has been</u>	2. The Member State concerned shall, as soon as possible and no later than 72-hours after the third-country national or the stateless person has been found to be illegally staying, transmit to	2. The Member State concerned shall, as soon as possible and no later than 72-hours after the third-country national or the stateless person has been found to be illegally staying, transmit to	<i>Confirmed by trilogue on 13 April</i> 2. The Member State concerned shall, as soon as possible and no later than 72-hours after the third-country

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>found to be illegally staying</u> , transmit to the Central System <u>and to the CIR as appropriate</u> the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:	the Central System and to the CIR, as appropriate, <i>in accordance with Article 4(2)</i> the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:	the Central System and to the CIR as appropriate <i>in accordance with Article 4(2)</i> the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:	national or the stateless person has been found to be illegally staying, transmit to <i>Eurodac in accordance with Article 4(2)</i> the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:
302.	(a) fingerprint data;			<i>Confirmed by trilogue of 12 September 2023</i> (a) fingerprint data;
303.	(b) a facial image;			<i>Confirmed by trilogue of 12 September 2023</i> (b) a facial image;
304.	(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;			<i>Confirmed by trilogue of 12 September 2023</i> (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;
305.	(d) nationality(ies);			<i>Confirmed by trilogue of 12 September 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				(d) nationality(ies);
306.	(e) place and date of birth;			<i>Confirmed by trilogue of 12 September 2023</i> (e) date of birth;
307.	<u>(f) place of birth;</u>			<i>Confirmed by trilogue of 12 September 2023</i> (f) place of birth;
308.	(f g) Member State of origin, place and date of the apprehension;			<i>Confirmed by trilogue of 12 September 2023</i> (g) Member State of origin, place and date of the apprehension;
309.	(g h) sex;			<i>Confirmed by trilogue of 12 September 2023</i> (h) sex;
310.	(h i) where available , type and number of identity or travel document; three letter code of the issuing country and validity expiry date;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (i) where available, type and number of identity or travel document; three letter code of the issuing country and expiry date;

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
311.	(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;
312.	(jk) reference number used by the Member State of origin;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (k) reference number used by the Member State of origin;
313.	(jl) date on which the fingerprints and/or facial image biometric data were taken;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (l) date on which the biometric data were taken;
314.	(km) date on which the data were transmitted to the Central		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	System <u>and to the CIR as appropriate;</u>			(<u>m</u>) date on which the data were transmitted to the Central System and to the CIR as appropriate;
315.	(h <u>n</u>) operator user ID;		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> (n) operator user ID;
316.			2a. Additionally, where applicable and available, the following data shall be promptly transmitted to the Central System and the CIR, as appropriate in accordance with Article 4(2):	<i>Confirmed by trilogue on 13 April 2023</i> 2a. Additionally, where applicable and available, the following data shall be transmitted to Eurodac in accordance with Article 4(2):
317.	(m <u>o</u>) where applicable in accordance with paragraph 6 <u>5</u> , the date when the person concerned left or was removed from the territory of the Member States;		(a)[...] in accordance with paragraph 5, the date when the person concerned left or was removed from the territory of the Member States;	<i>Confirmed by trilogue on 13 June 2023</i> (a) in accordance with paragraph 5, the date when the person concerned left or was removed from the territory of the Member States;

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
318.	<u>(p) the Member State of relocation in accordance with Article 14b(1);</u>		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i> (p) the Member State of relocation in accordance with Article 14b(1);
319.	<u>(q) where applicable, in accordance with the cases referred to in Article 14b(2), the date of arrival of the person concerned after a successful transfer;</u>		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i> (q) where applicable, in accordance with the cases referred to in Article 14b(2), the date of arrival of the person concerned after a successful transfer;
320.	<u>(r) where applicable, the fact that assistance for voluntary return and reintegration (AVRR) has been granted;</u>		(b) [...] the fact that assistance for voluntary return and reintegration (AVRR) has been granted;	<i>Confirmed by trilogue on 13 June 2023</i> (b) the fact that assistance for voluntary return and reintegration (AVRR) has been granted;
321.	<u>(s) where applicable, the fact that the person could pose a threat to internal security following the screening referred to in Regulation</u>	<i>deleted</i>	(c) [...] the fact that the person could pose a threat to internal security following any security checks [...].	<i>ES PRES Suggestion:</i> (c) the fact that the person could pose a threat to internal security, following the

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>(EU) XXX/XXX [Screening Regulation].</u>			screening referred to in Regulation (EU) XXX/XXX [Screening Regulation], if any of the following circumstances apply: (i) the person concerned is armed, (ii) the person concerned is violent, (iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541, (iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA.
322.	3. The fingerprint data of a third-country national or a stateless person as referred to in paragraph 1 shall be transmitted to the Central System solely for the purpose			<i>Confirmed by trilogue of 12 September 2023</i> <i>deletion</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	of comparison and compared with the fingerprint data of persons fingerprinted for the purposes of Article 10(1), 13(1) and 14(1) transmitted by other Member States and already recorded in the Central System.			
323.	43. Non-compliance with the 72 hour time-limit referred to in paragraph 3 <u>2</u> of this Article shall not relieve Member States of the obligation to take and transmit the fingerprints biometric data to the Central System CIR . Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no later			<i>Confirmed by trilogue of 12 September 2023</i> 43. Non-compliance with the 72 hour time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the biometric data to the CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	than 48 hours after they have been successfully retaken.			later than 48 hours after they have been successfully retaken.
324.	54. By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image biometric data of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such fingerprints and facial image biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.			<i>Confirmed by trilogue of 12 September 2023</i> 54. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.
325.	In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.			<i>Confirmed by trilogue of 12 September 2023</i> In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				hours in order to carry out their national continuity plans.
326.	65. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 13(1) of this Regulation paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 of this Article relating to the person concerned by adding the date of his or her removal or when he or she left the territory.		5. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 2 [...] has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 relating to the person concerned by adding the date of his or her removal or when he or she left the territory.	<i>Confirmed by trilogue of 12 September 2023</i> 5. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraphs 1 and 2 relating to the person concerned by adding the date of his or her removal or when he or she left the territory.
327.	<u>6. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same</u>	6. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same		<i>Confirmed by trilogue on 13 June 2023</i> Deletion of the EP AM reading “and respecting the

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>third country national or stateless person in a sequence as set out in Article 4(6).</u>	third country national or stateless person in a sequence as set out in Article 4(6), <i>and respecting the limitations established therein.</i>		<i>limitations established therein;”</i> <i>Correction to be confirmed by trilogue:</i> 6. Each data set collected and transmitted in accordance with paragraph 1 this Article shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).
328.	<u>7. A data set pursuant to paragraph 2 is considered created for the purpose of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;</u>		7. A data set pursuant to paragraph 2 is considered created within the meaning [...] of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;	<i>Confirmed by trilogue on 13 April 2023</i> <i>Correction to be confirmed by trilogue:</i> 27. Where all the data in points (a) to (f) and (h) of paragraph 12 of this Article relating to a person as referred to in paragraph 1 of this Article on a person covered by Article 10(1), 13(1), 14(1), 14a(1) or 14e(1) are recorded in Eurodac, pursuant to paragraph 1 of this Article, they shall be

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				considered a data set transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 818/2019.’;
329.	(19) the following Chapter is inserted after Article 14:	<i>deleted</i>		<i>Confirmed by trilogue on 13 June 2023</i> (19) the following Chapter is inserted after Article 14:

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
330.	<u>‘CHAPTER IV a</u>	<i>(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)</i>		Confirmed by trilogue on 13 June 2023 <u>‘CHAPTER IV a</u>
331.	<u>THIRD-COUNTRY NATIONALS OR STATELESS PERSONS DISEMBARKED FOLLOWING A SEARCH AND RESCUE OPERATION</u>			Confirmed by trilogue on 13 June 2023 <u>THIRD-COUNTRY NATIONALS OR STATELESS PERSONS DISEMBARKED FOLLOWING A SEARCH AND RESCUE OPERATION</u>
332.	<i>Article 14a</i>			Confirmed by trilogue on 13 June 2023 <i>Article 14a</i>
333.	<u>Collection and transmission of biometric data</u>			Confirmed by trilogue on 13 June 2023 <u>Collection and transmission of biometric data</u>
334.	<u>1. Each Member State shall promptly take the biometric data of every third-country</u>		1. Each Member State shall promptly take the biometric data of every third-country	Confirmed by trilogue on 13 June 2023

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>national or stateless person of at least six years of age who is disembarked following a search and rescue operation as defined in Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management].</u>		national or stateless person of at least six years of age who is disembarked following a search and rescue operation as defined in Article 3(1) (eb) [...].	1. Each Member State shall promptly take the biometric data of every third-country national or stateless person of at least six years of age who is disembarked following a search and rescue operation as defined in Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management].
335.	<u>2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of disembarkation, transmit to the Central System and to the CIR, as appropriate, the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:</u>		2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of disembarkation, transmit to the Central System and to the CIR, as appropriate in accordance with Article 4(2) , the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:	<i>Confirmed by trilogue on 13 June 2023</i> 2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of disembarkation, transmit to Eurodac in accordance with Article 4(2) , the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:
336.	<u>(a) fingerprint data;</u>			<i>Confirmed by trilogue on 13 June 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				(a) fingerprint data;
337.	<u>(b) a facial image;</u>			<i>Confirmed by trilogue on 13 June 2023</i> (b) a facial image;
338.	<u>(c)surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;</u>			<i>Confirmed by trilogue on 13 June 2023</i> (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;
339.	<u>(d) nationality(ies);</u>			<i>Confirmed by trilogue on 13 June 2023</i> (d) nationality(ies);
340.	<u>(e)date of birth;</u>			<i>Confirmed by trilogue on 13 June 2023</i> (e) date of birth;
341.	<u>(f) place of birth;</u>			<i>Confirmed by trilogue on 13 June 2023</i> (f) place of birth;

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
342.	<u>(g) Member State of origin, place and date of disembarkation;</u>			<i>Confirmed by trilogue on 13 June 2023</i> (g) Member State of origin, place and date of disembarkation;
343.	<u>(h) sex;</u>			<i>Confirmed by trilogue on 13 June 2023</i> (h) sex;
344.	<u>(i) where available, type and number of identity or travel document; three letter code of the issuing country and expiry date;</u>		<i>deleted (moved to paragraph 2a(a))</i>	<i>Confirmed by trilogue on 13 June 2023</i> <i>deleted (moved to paragraph 2a(a))</i>
345.	<u>(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;</u>		<i>deleted (moved to paragraph 2a(b))</i>	<i>Confirmed by trilogue on 13 June 2023</i> <i>deleted (moved to paragraph 2a(b))</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
346.	<u>(k) reference number used by the Member State of origin;</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> (i) reference number used by the Member State of origin;
347.	<u>(l) date on which the biometric data were taken;</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> (j) date on which the biometric data were taken;
348.	<u>(m) date on which the data were transmitted to the Central System and to the CIR as appropriate;</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> (k) date on which the data were transmitted to the Central System and to the CIR as appropriate;
349.	<u>(n) operator user ID;</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> (l) operator user ID;
350.			2a. Additionally, where applicable and available, the following data shall be promptly transmitted to the Central System and the CIR, as	<i>Confirmed by trilogue on 13 June 2023</i> 2a. Additionally, where applicable and available, the following data shall be

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			appropriate in accordance with Article 4(2) as soon as available:	transmitted to Eurodac in accordance with Article 4(2) as soon as available:
351.			(a) [...] type and number of identity or travel document; three letter code of the issuing country and expiry date;	<i>Confirmed by trilogue on 13 June 2023</i> (a) type and number of identity or travel document; three letter code of the issuing country and expiry date;
352.			(b) [...] a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;	<i>Confirmed by trilogue on 13 June 2023</i> (b) a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;
353.	<u>(o)where applicable in accordance with paragraph 6, the date when the person concerned left or was</u>		(c) [...] in accordance with paragraph 5, the date when the person concerned left or was	<i>Confirmed by trilogue on 13 June 2023</i>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>removed from the territory of the Member States;</u>		removed from the territory of the Member States;	(c) in accordance with paragraph 5, the date when the person concerned left or was removed from the territory of the Member States;
354.	<u>(p) the Member State of relocation in accordance with Article 14b(1);</u>		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i> (p) the Member State of relocation in accordance with Article 14b(1);
355.	<u>(q) where applicable, the fact that assistance for voluntary return and reintegration (AVRR) has been granted,</u>		(d) [...] the fact that assistance for voluntary return and reintegration (AVRR) has been granted,	<i>Confirmed by trilogue on 13 June 2023</i> (d) the fact that assistance for voluntary return and reintegration (AVRR) has been granted,
356.	<u>(r) the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) XXX/XXX [Screening Regulation].</u>		(e) [...] the fact that the person could pose a threat to internal security following any security checks [...].	<i>ES PRES suggestion:</i> (e) [...] the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) XXX/XXX [Screening Regulation], if

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				any of the following circumstances apply: (i) the person concerned is armed, (ii) the person concerned is violent, (iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541, (iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA.
357.	<u>4. Non-compliance with the 72 hour time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the biometric data</u>		3. Non-compliance with the time-limit [...] referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the biometric data to the Central System	<i>Confirmed by trilogue on 13 June 2023</i> 3. Non-compliance with the time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take

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	<u>to the to the CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons disembarked as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.</u>		and to the CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons disembarked as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.	and transmit the biometric data to Eurodac . Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons disembarked as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.
358.	<u>5. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the disembarked person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such biometric data as soon as possible and no later than 48</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> 4. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the disembarked person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and

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	<u>hours after those health grounds no longer prevail.</u>			send such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.
359.	<u>In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> 4a. In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.
360.			4b. In case of sudden influx, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours. This derogation enters into force the day it is notified to the Commission and to the other Member States and for the duration foreseen in the notification. The duration stated in the	<i>Confirmed by trilogue of 12 September 2023</i> <i>Reference to 'sudden influx' to be aligned with other instruments (in particular APR)</i>

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			notification shall not exceed one month.	4b. In case of [sudden influx], Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours. This derogation enters into force the day it is notified to the Commission and to the other Member States and for the duration foreseen in the notification. The duration stated in the notification shall not exceed one month.
361.	<u>6. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 relating to the person concerned by adding the date of his or her</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> 5. As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph 1 has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph

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	<u>removal or when he or she left the territory.</u>			2 relating to the person concerned by adding the date of his or her removal or when he or she left the territory.
362.	<u>7. Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation(EU) 2019/1896 and Regulation (EU) XXX/XXX [EU Agency for Asylum Regulation].</u>		6. Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation(EU) 2019/1896 and Regulation (EU) 2021/2303.	<i>Confirmed by trilogue on 13 June 2023</i> 6. Where requested by the Member State concerned, the biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document may also be taken and transmitted on behalf of that Member State by specifically trained members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation(EU) 2019/1896 and Regulation (EU) 2021/2303.

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363.	<u>8. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> <i>Correction to be confirmed by trilogue:</i> 7. Each data set collected and transmitted in accordance with paragraph 1 this Article shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).
363. bis				<i>Confirmed by trilogue of 12 September 2023</i> 8. bis. Without prejudice to the application of <u>Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management]</u>, the fact that the data of a person is transmitted to Eurodac in accordance with this Article shall not result in any discrimination difference of treatment of a person covered

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				by Article 13(1) of this Regulation.
364.	<u>9. A data set pursuant to paragraph 1 is considered created for the purpose of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.’;</u>		<i>modified numbering</i>	<i>Confirmed by trilogue on 13 June 2023</i> <i>Correction to be confirmed by trilogue:</i> 8. Where all the data in points (a) to (f) and (h) of paragraph 12 of this Article relating to a person as referred to in paragraph 1 of this Article on a person covered by Article 10(1), 13(1), 14(1), 14a(1) or 14e(1) are recorded in Eurodac, pursuant to paragraph 1 of this Article, they shall be considered a data set transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 818/2019.’;

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365.	(20) the following Chapter is inserted after Article 14a:			<i>Confirmed by trilogue of 12 September 2023</i> (20) the following Chapter is inserted after Article 14a:

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
366.	<u>'CHAPTER IV b</u>		<i>deleted</i>	Confirmed by trilogue of 12 September 2023 <u>'CHAPTER IV b</u>
367.	<u>INFORMATION ON RELOCATION</u>		<i>deleted</i>	Confirmed by trilogue of 12 September 2023 <u>INFORMATION ON RELOCATION</u>
368.	<u>Article 14b</u>		<i>deleted</i>	Confirmed by trilogue of 12 September 2023 <u>Article 14b</u>
369.	<u>Information on the status of relocation of the data subject</u>		<i>deleted</i>	Confirmed by trilogue of 12 September 2023

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				Information on the status of relocation of the data subject
370.	<u>1. As soon as the Member State of relocation is obliged to relocate the person concerned pursuant to Article 57(7) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], the benefiting Member State shall update its data set recorded pursuant to Articles 12, 13, 14 or 14a of this Regulation relating to the person concerned by adding the Member State of relocation.</u>	1. As soon as the Member State of relocation is <i>determined</i> pursuant to Article 57(7) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], the benefiting Member State shall update its data set recorded pursuant to Articles 12 <i>or 13</i> of this Regulation relating to the person concerned by adding the Member State of relocation.	<i>deleted</i>	Confirmed by trilogue of 12 September 2023 1. As soon as the Member State of relocation is obliged to relocate the person concerned pursuant to Article 57(7) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], the benefiting Member State shall update its data set recorded pursuant to Articles 12, 13, 14 or 14a of this Regulation relating to the person concerned by adding the Member State of relocation.
371.	<u>2. When a person arrives in the Member State of relocation following the confirmation by the Member State of relocation to relocate</u>		<i>deleted</i>	Confirmed by trilogue of 12 September 2023

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
	<u>the person concerned pursuant to Article 57(7) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], that Member State shall send a data set recorded in conformity with Articles 12 or 14 of this Regulation relating to the person concerned and shall include his or her date of arrival. The data set shall be stored in accordance with Article 17 (1) for the purpose of transmission under Articles 15 and 16.’;</u>			2. When a person arrives in the Member State of relocation following the confirmation by the Member State of relocation to relocate the person concerned pursuant to Article 57(7) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management], that Member State shall send a data set recorded in conformity with Articles 12 or 14 of this Regulation relating to the person concerned and shall include his or her date of arrival. The data set shall be stored in accordance with Article 17 (1) for the purpose of transmission under Articles 15 and 16.’;
372.			CHAPTER IV c	
373.			BENEFICIARIES OF TEMPORARY PROTECTION	
374.			ARTICLE 14C	

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375.			Collection and transmission of biometric data	
376.			1. Each Member State shall promptly take the biometric data of every third-country national or stateless person of at least six years of age registered as beneficiary of temporary protection in the territory of that Member State pursuant to Directive 2001/55/EC.	
377.			2. The Member State concerned shall, as soon as possible and no later than 10 days after the registration as beneficiary of temporary protection, transmit to the Central System and to the CIR, as appropriate in accordance with Article 4(2), the following data in relation to any third-country national or stateless person, as referred to in paragraph 1:	

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378.			(a) fingerprint data;	
379.			(b) a facial image;	
380.			(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;	
381.			(d) nationality(ies);	
382.			(e) date of birth;	
383.			(f) place of birth;	
384.			(g) Member State of origin, place and date of registration as beneficiary of temporary protection ¹⁰ ;	
385.			(h) sex;	
386.			(i) where available, the type and number of identity or travel document, the three	

¹⁰ A affiner pour les transferts. Le modèle des demandeurs d’asile (catégorie 1) des articles 11§2b) et 12g) ne semble pas pouvoir être repris *in extenso*.

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			letter code of the issuing country and expiry date;	
387.			(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document;	
388.			(k) reference number used by the Member State of origin;	
389.			(j) date on which the biometric data were taken;	
390.			(k) date on which the data were transmitted to the Central System and to the CIR as appropriate;	
391.			(l) operator user ID;	
392.			(m) where relevant, the fact that the person previously registered as beneficiary of temporary protection falls	

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			under one of the exclusion grounds pursuant to Article 28 of Directive 2001/55/CE;	
393.			(n) reference of the relevant Council Implementing Decision;	
394.			3. Non-compliance with the 10 day time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the biometric data to the Central System and to the CIR. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of the beneficiary of temporary protection as described in paragraph 1 of this Article, and resend them as soon as possible and no later than	

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			48 hours after they have been successfully retaken.	
395.			4. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the beneficiary of temporary protection on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.	
396.			In the event of serious technical problems, Member States may extend the 10 day time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.	

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397.			5. Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams when exercising powers and performing their tasks in accordance with Regulation(EU) 2019/1896 and Regulation (EU) 2021/2303 <i>EU Agency for Asylum Regulation.</i>	
398.			6. Each data set collected and transmitted in accordance with paragraph 1 shall be linked with other sets of data corresponding to the same third country national or stateless person in a sequence as set out in Article 4(6).	<i>Subject to agreement on TPD:</i> <u>6. Each data set collected and transmitted in accordance with paragraph 1 this Article shall be linked with other sets of data corresponding to the same</u>

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				<u>third country national or stateless person in a sequence as set out in Article 4(6).</u>
399.			7. The fact that the registration as a beneficiary of temporary protection follows the apprehension of the third-country national or stateless person in connection with the irregular crossing of the external borders does not exempt Member States to register those persons first in accordance with Article 13 of this Regulation.	
400.			8. The fact that the registration as a beneficiary of temporary protection follows the apprehension of the third-country national or stateless person illegally staying on the territory of Member States, does not exempt Member States to register those persons first	

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			in accordance with Article 14 of this Regulation.	
401.			9. The fact that the registration as a beneficiary of temporary protection follows the disembarkation following a search and rescue operation of the third-country national or stateless person does not exempt Member States to register those persons first in accordance with Article 14a of this Regulation.	
402.			10. In the cases foreseen in paragraphs 7 to 9, the Member State may reuse the biometric data previously taken in accordance with Articles 13, 14 and 14a of this Regulation for the recording in the Central System and in the CIR made pursuant to paragraph 1.	
403.			11. A data set pursuant to paragraph 2 is considered	

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			created within the meaning of Article 27(1) of Regulation (EU) 818/2019 when all the data in points (a) to (f) and (h) are recorded.	
403 a				<i>(20a) Article 15 is amended as follows</i>
403 b			<i>[Council mandate from 2019]</i> 1. Biometric [...] data transmitted by any Member State, with the exception of those transmitted in accordance with Article 11(b) and (c), shall be compared automatically with the biometric [...] data transmitted by other Member States and already stored in the Central System in accordance with Article 10(1), 12a(1), 12d, 13(1) and 14(1).	<i>EP proposal:</i> 1. Biometric data transmitted by any Member State, with the exception of those transmitted in accordance with Articles 11(b) and (c), 12a and 12d , shall be compared automatically with the biometric data transmitted by other Member States and already stored in Eurodac in accordance with Articles 10(1), 12a(2) , 12d, 13(1), and 14(1) and 14a(1).
403 c				1a . Biometric data transmitted by any Member State in accordance with

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				Article 12a(1) shall be compared automatically with the biometric data transmitted by other Member States and already stored in Eurodac in accordance with Articles 10(1) and marked in accordance with Article 19, 12a(2) and 12d.
404.	(21) Article 17 is amended as follows:			
404a				<i>EP proposal:</i> 1-a. The biometric data referred to in Article 12a(1) shall not be recorded in Eurodac.
405.		<i>1 a. For the purposes laid down in Article 12a, each set of data relating to a resettled third-country national or stateless person shall be kept in the Central System for five years from the date on which the biometric data were taken.</i>		<i>Discussed at the technical meeting on 6 September and 10 October</i> <i>EP proposal:</i> 1a. For the purposes laid down in Article 12a(2), each set of data as referred to in Article 12c relating to a

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				third-country national or stateless person as referred to in Article 12a(2)(a) , shall be stored in Eurodac for [ten] years from the date on which the biometric data were taken. <i>Retention period to be further discussed; PRES proposes to keep it at 10 years.</i>
405a				<i>EP proposal:</i> 1aa. For the purposes laid down in Article 12a(2), each set of data as referred to in Article 12c relating to a third-country national or stateless person as referred to in Article 12a(2)(b) or (c), shall be stored in Eurodac for three years from the date on which the biometric data were taken.
405b			[Council mandate from 2019] 1b. For the purposes laid down in Article 12d, each set of data relating to a third-country national or stateless person to be admitted in accordance with a national	<i>EP proposal:</i> 1b. For the purposes laid down in Article 12d, each set of data relating to a third-country national or stateless person to be admitted in

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
			resettlement scheme, as referred to in Article 12f, shall be stored in the Central System for ten years from the date on which the biometric data were taken.	accordance with a national resettlement scheme, as referred to in Article 12f, shall be stored in Eurodac for [ten] years from the date on which the biometric data were taken. <i>Retention period to be further discussed.</i>
405 c			[Council mandate from 2019] 3a. Data relating to a person in relation to whom a negative conclusion on admission was reached, as referred to in Article 12b(b), shall be stored in the Central System for three years from the date on which the conclusion on admission was reached.	<i>EP proposal:</i> <i>Deleted, as replaced by para. 1aa (line 405a)</i>
405 d			3b. Data relating to a person in relation to whom the admission procedure was discontinued, as referred to in Article 12b(c), shall be stored in the Central System for	<i>EP proposal:</i> <i>Deleted, as replaced by para. 1aa (line 405a)</i>

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			three years from the date of discontinuation.	
406.	(a) the following paragraph 3a is inserted:			
407.	<u>‘3a. For the purposes laid down in Article 14a(1), each set of data relating to a third-country national or stateless person as referred to in Article 14a(2) shall be stored in the Central System and in the CIR as appropriate for five years from the date on which his or her biometric data were taken.’;</u>		<i>modified numbering</i>	<i>Confirmed by trilogue of 12 September 2023</i> ‘3a. For the purposes laid down in Article 14a(1), each set of data relating to a third-country national or stateless person as referred to in Article 14a(2) shall be stored in the Central System and in the CIR as appropriate for five years from the date on which his or her biometric data were taken.’;
408.			3d. For the purposes laid down in Article 14c(1), each set of data relating to a third country national or stateless person as referred to in Article 14c(2) shall be stored in the Central System and in the CIR as	

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			appropriate for three years from the date of the entry into force of the relevant Council Implementing Decision.	
409.	(b) paragraph 4 is replaced by the following:			
410.	‘(4). Upon expiry of the data storage periods referred to in paragraphs (1) to (3a) of this Article, the Central System shall automatically erase the data of the data-subjects <u>shall be deleted</u> from the Central System <u>and from the CIR as appropriate.</u> ’;	4. Upon expiry of the data storage periods referred to in paragraphs (1) to (3a) of this Article, the data of the data-subjects shall be <i>automatically</i> deleted from the Central System and from the CIR as appropriate.;	‘(4). Upon expiry of the data storage periods referred to in paragraphs (1) to (3d) [...] of this Article, the data of the data-subjects shall be automatically erased [...] from the Central System and from the CIR [...].’;	<i>Confirmed by trilogue of 12 September 2023</i> ‘(4). Upon expiry of the data storage periods referred to in paragraphs (1) to [(3d)] of this Article, the data of the data-subjects shall be automatically erased [...] from the Central System and from the CIR [...].’;
411.	(22) Article 19 is replaced by the following:			

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412.	<i>'Article 19</i>			
413.	Marking and blocking of data	Marking of data	Marking [...] of data	<i>Confirmed by trilogue on 13 June 2023</i> Marking of data
414.	1. For the purposes laid down in Article 1(1)(a), the Member State of origin which granted international protection to an applicant for international protection to a person whose data were previously recorded in the Central System and in the CIR as appropriate pursuant to Article 12 shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(1) for the purpose of transmission under Article 15 and 16 . The Central System shall, as soon as possible and no later than 72 hours, inform all Member	1. For the purposes laid down in Article 1(1)(a) and 1(1)(b) , the Member State of origin which granted international protection to a person whose data were previously recorded in the Central System and in the CIR as appropriate pursuant to Article 12 or 12a shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(1) and 17(1a) for the purpose of transmission under Article 15 and 16. The Central System shall, as soon as possible and no later than 72 hours, inform all Member	1. For the purposes laid down in Article 1(1)(a), the Member State of origin which granted international protection to a person whose data were previously recorded in the Central System and in the CIR as appropriate in accordance with Article 4(2) pursuant to Article 12 shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(1) for the purpose of transmission under Article 15 and 16. The Central System shall, as soon as possible and no later than 72 hours, inform	<i>Discussed at technical meeting on 22 September and 26 October</i> “1. For the purposes laid down in Article 1(1)(a), the Member State of origin which granted international protection to a person whose data were previously recorded in Eurodac pursuant to Article 12 shall mark the relevant data in conformity with the requirements for electronic communication with Eurodac established by eu-LISA. That mark shall be stored in Eurodac in accordance with Article 17(1) for the purpose of transmission under Article 15 and 16. Eurodac shall, as

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	States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 13(1), or 14(1), or 14a(1) . Those Member States of origin shall also mark the corresponding data sets.	States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 12(b) , 13(1), 14(1) or 14a(1). Those Member States of origin shall also mark the corresponding data sets.	all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), 13(1), 14(1), 14a(1) or 14c(1) [...]. Those Member States of origin shall also mark the corresponding data sets.	soon as possible and no later than 72 hours, inform all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 10(1), [12a(2)], 13(1), 14(1), 14a(1) [or 14c(1)] [...]. Those Member States of origin shall also mark the corresponding data sets.”
415.	2. The data of beneficiaries of international protection stored in the Central System and in the CIR as appropriate and marked pursuant to paragraph 1 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) for a period of three years after the date on which the data subject was granted international protection until such data is automatically erased from	2. The data of beneficiaries of international protection stored in the Central System and in the CIR, as appropriate, in accordance with Article 4(2) and marked pursuant to paragraph 1 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) until such data is automatically erased from the Central System and from the	2. The data of beneficiaries of international protection stored in the Central System and in the CIR as appropriate in accordance with Article 4(2) and marked pursuant to paragraph 1 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) until such data is automatically erased from the Central System and from the	<i>Confirmed by trilogue of 12 September 2023</i> 2. The data of beneficiaries of international protection stored in Eurodac in accordance with Article 4(2) and marked pursuant to paragraph 1 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) until such data is automatically erased from Eurodac in accordance with Article 17(4).

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	the Central System and from the CIR as appropriate in accordance with Article 17(4).	CIR as appropriate in accordance with Article 17(4).	CIR [...] in accordance with Article 17(4).	
416.	Where there is a hit, the Central System shall transmit the data referred to in Article 12(b) to (s) for all the data sets corresponding to the hit. The Central System shall not transmit the mark referred to in paragraph 1 of this Article. Upon the expiry of the period of three years, the Central System shall automatically block such data from being transmitted in the event of a request for comparison for the purposes laid down in Article 1(1)(c), whilst leaving those data available for comparison for the purposes laid down in Article 1(1)(a) until the point of their erasure. Blocked data shall not be transmitted, and the Central System shall return a negative result to the			Confirmed by trilogue of 12 September 2023 Deletion

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	requesting Member State in the event of a hit.			
417.	3. The Member State of origin shall unmark or unblock data concerning a third-country national or stateless person whose data were previously marked or blocked in accordance with paragraphs 1 or 2 of this Article if his or her status is revoked or ended or the renewal of his or her status is refused under [Articles 14 or 19 of Directive 2011/95/EU] withdrawn under Articles 14 or 20 of Regulation No (EU) XXX/XXX [Qualification Regulation] .		3. The Member State of origin shall unmark data concerning a third-country national or stateless person whose data were previously marked in accordance with paragraphs 1 or 2 of this Article if his or her status is withdrawn under Articles 14 or 19 [...] of Directive 2011/95/EU [...].	<i>Confirmed by trilogue of 12 September 2023</i> 3. The Member State of origin shall unmark data concerning a third-country national or stateless person whose data were previously marked in accordance with paragraphs 1 or 2 of this Article if his or her status is withdrawn under Articles 14 or 20 of Regulation No (EU) XXX/XXX [<i>Qualification Regulation</i>].
418.	4. For the purposes laid down in Article 1(1)(a) and (c), the Member State of origin which issued granted a residence document to an illegally staying third-country national or stateless person whose data were previously recorded in the Central System and in the CIR as appropriate pursuant	4. For the purposes laid down in Article 1(1)(a), the Member State of origin which issued a residence document to an irregularly staying third-country national or stateless person whose data were previously recorded in the Central System and in the CIR as appropriate pursuant	4. For the purposes laid down in Article 1(1)(a) and (c), the Member State of origin which issued a residence document to an illegally staying third-country national or stateless person whose data were previously recorded in the Central System and in the CIR as appropriate pursuant	<i>Discussed at technical meeting on 19 July, 6 and 22 September</i> Agreement on the term ‘illegally staying third-country nationals’, on adding the reference to SAR

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	to Article 13 (2) and 14(2) <u>or to a third-country national or stateless person disembarked following a search and rescue operation whose data were previously recorded in the Central System and in the CIR as appropriate pursuant to Article 14a(2)</u> shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(2), and (3) <u>and (3a)</u> for the purpose of transmission under Article 15 and 16. The Central System shall, as soon as possible and no later than 72-hours, inform all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Articles <u>10(1)</u>, 13(1), or 14(1), <u>or</u>	to Article 13 (2) and 14(2) shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(2), (3) and (3a) for the purpose of transmission under Article 15 and 16. The Central System shall, as soon as possible and no later than 72-hours, inform all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Articles 10(1) <u>or</u>	to Article 13 (2) and 14(2), <u>or to a third-country national or stateless person disembarked following a search and rescue operation whose data were previously recorded in the Central System and in the CIR as appropriate pursuant to Article 14a(2), or to a beneficiary of temporary protection pursuant to article 14c(2)</u> shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by eu-LISA. That mark shall be stored in the Central System in accordance with Article 17(2) <u>and (3)</u> [...] for the purpose of transmission under Article 15 and 16. The Central System shall, as soon as possible and no later than 72-hours, inform all Member States of origin of the marking of data by another Member State of	EP to come back on the deletion of references and addition of other references Council to come back on reference to Article 1 (c) Reference to TPD pending an agreement on the category Reference to Article 17 to be adjusted once there is agreement on that Article <i>To be discussed following agreement on resettlement</i>

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	14a(1). Those Member States of origin shall also mark the corresponding data sets.	13(1). Those Member States of origin shall also mark the corresponding data sets.	origin having produced a hit with data which they transmitted relating to persons referred to in Articles 10(1), 13(1), 14(1), 14a(1) or 14c(1) [...]. Those Member States of origin shall also mark the corresponding data sets.	
419.	5. The data of illegally staying third-country nationals or stateless persons stored in the Central System and in the CIR and marked pursuant to paragraph 4 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) until such data is automatically erased from the Central System and from the CIR in accordance with Article 17 (4).	5. The data of <i>irregularly</i> staying third-country nationals or stateless persons stored in the Central System and in the CIR and marked pursuant to paragraph 4 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) until such data is automatically erased from the Central System and from the CIR in accordance with Article 17 (4).		<i>Confirmed by trilogue of 12 September 2023</i> 5. The data of illegally staying third-country nationals or stateless persons stored in Eurodac and marked pursuant to paragraph 4 of this Article shall be made available for comparison for the purposes laid down in Article 1(1)(d) until such data is automatically erased from Eurodac in accordance with Article 17(4).
420.	<u>6. For the purposes of Article 58(4) of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration</u>		<i>deleted</i>	<i>Confirmed by trilogue of 12 September 2023</i>

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	<u>Management], the Member State of relocation shall, following the registration of the data pursuant to Article 14b(2), register itself as the Member State responsible and mark that data with the marking introduced by the Member State who granted protection.”;</u>			6. For the purposes of Article 58(4) of Regulation (EU) XXX/XXX [<i>Regulation on Asylum and Migration Management</i>], the Member State of relocation shall, following the registration of the data pursuant to Article 14b(2), register itself as the Member State responsible and mark that data with the marking introduced by the Member State who granted protection.”;
421.	(23) in Article 21, the following paragraph is inserted:			
422.	<u>‘1a. Where the designated authorities consulted the CIR in accordance with Article 22(1) of Regulation 2019/818, they may access Eurodac for consultation under the conditions foreseen in this Article where the reply received pursuant to Article 22(2) of Regulation (EU)</u>		‘1a. Where the designated authorities consulted the CIR in accordance with Article 22(1) of Regulation 2019/818, and, in accordance with paragraph (2) of that Article, the CIR indicated that data on the person concerned is stored in Eurodac, the designated authorities may have access	

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	<u>2019/818 indicates that data is stored in Eurodac.</u> ’;		to Eurodac for consultation without a prior check in national databases and in the automated fingerprinting identification systems of all other Member States [...].	
423.	(24) in Article 22, the following paragraph 1a is inserted:			
424.	<u>‘1a. Where Europol consulted the CIR in accordance with Article 22(1) of Regulation (EU) 2019/818, they may access Eurodac for consultation under the conditions foreseen in this Article where the reply received pursuant to Article 22(2) of Regulation (EU) 2019/818 indicates that data is stored in Eurodac.</u> ’;			Confirmed by trilogue of 12 September 2023 ‘1a. Where Europol consulted the CIR in accordance with Article 22(1) of Regulation (EU) 2019/818, they may access Eurodac for consultation under the conditions foreseen in this Article where the reply received pursuant to Article 22(2) of Regulation (EU) 2019/818 indicates that data is stored in Eurodac.’;

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425.	(25) in Article 28, the following paragraph is inserted:			
426.	<u>‘3a. Access for the purposes of consulting the Eurodac data stored in the CIR shall be granted to the duly authorised staff of the national authorities of each Member State and to the duly authorised staff of the Union bodies competent for the purposes laid down in Articles 20 and 21 of Regulation (EU) 2019/818. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.’;</u>	3a. Access for the purposes of consulting the Eurodac data stored in the CIR shall be granted to the duly authorised staff of the <i>competent</i> national authorities of each Member State and to the duly authorised staff of the Union bodies competent for the purposes laid down in Articles 20 and 21 of Regulation (EU) 2019/818. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.;		<i>Confirmed by trilogue on 13 April 2023</i> 3a. Access for the purposes of consulting the Eurodac data stored in the CIR shall be granted to the duly authorised staff of the national authorities of each Member State and to the duly authorised staff of the Union bodies competent for the purposes laid down in Articles 20 and 21 of Regulation (EU) 2019/818. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.;

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427.	(26) Article 29, is amended as follows:			
428.	(a) the following paragraphs 1a and 1b are inserted:			
429.	<u>‘1a. For the purposes of Article 8a, eu-LISA shall keep records of each data processing operation carried out within Eurodac. Records of such type of operations shall include the elements provided for in the first paragraph and the hits triggered while carrying out the automated processing laid down in Article 20 of Regulation (EU) 2018/1240.</u>			Confirmed by trilogue of 12 September 2023 ‘1a. For the purposes of Article 8a, eu-LISA shall keep records of each data processing operation carried out within Eurodac. Records of such type of operations shall include the elements provided for in the first paragraph and the hits triggered while carrying out the automated processing laid down in Article 20 of Regulation (EU) 2018/1240.
430.	<u>1b. For the purpose of Article 8c, Member States and eu-LISA shall keep records of each data processing operation carried</u>			Confirmed by trilogue of 12 September 2023

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	<u>out within Eurodac and the Visa Information System in accordance with this Article and Article 34 of Regulation (EC) 767/2008.’;</u>			1b. For the purpose of Article 8c, Member States and eu-LISA shall keep records of each data processing operation carried out within Eurodac and the Visa Information System in accordance with this Article and Article 34 of Regulation (EC) 767/2008.’;
431.	(b) paragraph 3 is replaced by the following:			
432.	‘3. For the purposes laid down in Article (1)(1)(a), and (b) , (bc) , (f) and (g) , each Member State shall take the necessary measures in order to achieve the objectives set out in paragraphs 1, 1a, 1b and 2 of this Article in relation to its national system. In addition each Member State shall keep record of the staff duly authorised to enter or retrieve the data.’;		‘3. For the purposes laid down in Article (1)(1)(a), (b), (c), (f), (g) and (h) , each Member State shall take the necessary measures in order to achieve the objectives set out in paragraphs 1, 1a, 1b and 2 of this Article in relation to its national system. In addition each Member State shall keep record of the staff duly authorised to enter or retrieve the data.’;	<i>To be confirmed by trilogue:</i> ‘3. For the purposes laid down in Article (1)(1)(a), (b), (c), (f), (g) [and (h)], each Member State shall take the necessary measures in order to achieve the objectives set out in paragraphs 1, 1a, 1b and 2 of this Article in relation to its national system. In addition each Member State shall keep record of the staff duly authorised to enter or retrieve the data.’;

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432a				<i>(26a) Article 30, is amended as follows:</i>
432b				<i>(a) the following point (ba) is inserted under paragraph 1:</i>
432c				<i>ES PRES suggestion:</i> <i>(ba) in relation to a person covered by Articles 10(1), 13(1), 14(1) or 14a(1), the fact that if a security check as referred to in Articles 12(1a)(g), 13(2a)(c), 14(2a)(e) shows that he or she could pose a threat to internal security, the Member State of origin shall register that in Eurodac.</i>
432d				<i>(26b) Article 31, is amended as follows:</i>
432e				<i>(b) paragraph 2 is replaced by the following:</i>
432f				<i>ES PRES suggestion:</i> <i>2. The right of access of the data subject in each Member</i>

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				<i>State shall include the right to obtain communication of the data relating to him or her recorded in Eurodac, including any record that the person could pose a threat to internal security, and of the Member State which transmitted them to the Eurodac. Such access to data may be granted only by a Member State.</i>
433.		<i>(26a) Article 34(1), is amended as follows:</i>		
434.		<i>1. The national supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, cooperate actively in the framework of their responsibilities and shall ensure the coordinated supervision of Eurodac. The national supervisory authorities and the European Data Protection Supervisor shall apply a single model of</i>		<i>Confirmed by trilogue of 12 September 2023</i> <i>(to be read in conjunction with lines 34e and 34f)</i> 1. In accordance with Article 62 of Regulation 2018/1725, the national supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, cooperate actively in the framework of

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		<i>coordinated supervision, as provided for in Article 62 of Regulation (EU) 2018/1725, for joint operations of supervisory authorities.</i>		their responsibilities and shall ensure the coordinated supervision of Eurodac. 2. Member States shall ensure that every year an audit of the processing of personal data for the purposes laid down in Article 1(1)(c) is carried out by an independent body, in accordance with Article 35(1), including an analysis of a sample of reasoned electronic requests. The audit shall be attached to the annual report of the Member States referred to in Article 42(8). 3. The national supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application

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				of this Regulation, study problems with the exercise of independent supervision or in the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary. 4. For the purpose laid down in paragraph 3, the national supervisory authorities and the European Data Protection Supervisor shall meet at least twice a year within the framework of the European Data Protection Board. The costs and servicing of these meetings shall be for the account of the European Data Protection Board. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary. A joint report of activities shall be sent by the European Data Protection

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				Board to the European Parliament, the Council and the Commission every two years. This report shall include a chapter of each Member State prepared by the National Supervisory Authority of that Member State.
435.	(27) in Article 39(2), the following point (i) is inserted:			
436.	<u>‘(i) where relevant, a reference to the use of the European search portal to query Eurodac as referred to in Article 7(2) of the Regulation (EU) 2019/818.’;</u>		‘(i) where applicable [...], a reference to the use of the European search portal to query Eurodac as referred to in Article 7(2) of the Regulation (EU) 2019/818.’;	<i>To be confirmed by trilogue::</i> ‘(i) where applicable [...], a reference to the use of the European search portal to query Eurodac as referred to in Article 7(2) of the Regulation (EU) 2019/818.’;
437.			(27a) In Article 47, a last sentence is inserted :	
438.			‘This Regulation shall not apply to those persons benefiting from temporary protection pursuant to Council Implementing	

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			Decision 2022/382, and any other equivalent national protection taken pursuant thereto, any future amendments to Council Implementing Decision 2022/382, and any extensions thereto.'	
439.	(28) the following Chapter VIIIa is inserted after Article 40:			
440.	<u>'CHAPTER VIIIa</u>			
441.	<u>AMENDMENTS TO REGULATIONS (EU) 2018/1240 AND (EU) 2019/818</u>		AMENDMENTS TO REGULATIONS (EU) 2018/1240, (EU) 2019/818 <u>AND (EU) 2017/2226</u>	AMENDMENTS TO REGULATIONS (EU) 2018/1240, (EU) 2019/818 <u>AND (EU) 2017/2226</u>
442.	<i>Article 40a</i>			
443.	<u>Amendments to Regulation (EU) 2018/1240</u>			

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444.	Regulation (EU) 2018/1240 is amended as follows:			Confirmed by trilogue of 12 September 2023 Regulation (EU) 2018/1240 is amended as follows:
445.	(1) in Article 11 the following paragraph 6a is inserted:			
446.	<u>‘6a. For the purpose of proceeding to the verifications referred to in point (k) of Article 20(2), the automated processing referred to in paragraph 1 of this Article, shall enable the ETIAS Central System to query Eurodac established by [Regulation (EU) XXX/XXX], with the data referred to in Article 17(2), points (a) to (d):</u>			Confirmed by trilogue of 12 September 2023 ‘6a. For the purpose of proceeding to the verifications referred to in point (k) of Article 20(2), the automated processing referred to in paragraph 1 of this Article, shall enable the ETIAS Central System to query Eurodac established by [Regulation (EU) XXX/XXX], with the data referred to in Article 17(2), points (a) to (d):

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447.	<u>(a) surname (family name), surname at birth, first name(s) (given name(s)), date of birth, place of birth, sex, current nationality;</u>			<i>Confirmed by trilogue of 12 September 2023</i> (a) surname (family name), surname at birth, first name(s) (given name(s)), date of birth, place of birth, sex, current nationality;
448.	<u>(b) other names (alias(es), artistic name(s), usual name(s)), if any;</u>			<i>Confirmed by trilogue of 12 September 2023</i> (b) other names (alias(es), artistic name(s), usual name(s)), if any;
449.	<u>(c) other nationalities (if any);</u>			<i>Confirmed by trilogue of 12 September 2023</i> (c) other nationalities (if any);
450.	<u>(d) type, number, the country of issue of the travel document.';</u>			<i>Confirmed by trilogue of 12 September 2023</i>

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				(d) type, number, the country of issue of the travel document.’;
451.	(2) in Article 25a(1), the following point (e) is inserted:			
452.	<u>‘(e) Articles 12, 13, 14 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation].’;</u>		‘(e) Articles 12, 13, 14, 14a and 14c [...] of Regulation (EU) XXX/XXX [Eurodac Regulation].’;	<i>To be confirmed by trilogue:</i> ‘(e) Articles 12, 13, 14, 14a [and 14c] of Regulation (EU) XXX/XXX [Eurodac Regulation].’
453.	(3) in Article 88, paragraph 6 is replaced by the following:			
454.	<u>‘6. ETIAS’ operations shall start irrespective of whether interoperability with Eurodac or ECRIS-TCN is put in place.’;</u>			<i>Confirmed by trilogue of 12 September 2023</i> ‘6. ETIAS’ operations shall start irrespective of whether interoperability with Eurodac or ECRIS-TCN is put in place.’;
455.	<u>Article 40b</u>			
456.	<u>Amendments to Regulation (EU) 2019/818</u>			<i>Confirmed by trilogue of 12 September 2023</i>

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				Amendments to Regulation (EU) 2019/818
457.	Regulation (EU 2019/818 is amended as follows:			<i>Confirmed by trilogue of 12 September 2023</i> Regulation (EU 2019/818 is amended as follows:
458.	(1) in Article 4, point (20) is replaced by the following:			
459.	<u>‘(20). ‘designated authorities’ means the Member State designated authorities as defined in Article 6 of the Regulation (EU) XXX/XXX [Eurodac Regulation], in point (26) of Article 3(1) of Regulation (EU) 2017/2226 of the European Parliament and the Council, in point (3a) of Article 4 of Regulation (EC) 767/2008, and point (21) of Article 3(1) of Regulation (EU) 2018/1240 of the</u>			<i>Confirmed by trilogue of 12 September 2023</i> ‘(20). ‘designated authorities’ means the Member State designated authorities as defined in Article 6 of the Regulation (EU) XXX/XXX [Eurodac Regulation], in point (26) of Article 3(1) of Regulation (EU) 2017/2226 of the European Parliament and the Council, in point (3a) of Article 4 of Regulation

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	<u>European Parliament and of the Council;</u>			(EC) 767/2008, and point (21) of Article 3(1) of Regulation (EU) 2018/1240 of the European Parliament and of the Council;
460.	(2) in paragraph 1 of Article 10, the introductory wording is replaced by the following:			
461.	<u>‘Without prejudice to Article 39 of Regulation (EU) XXX/XXX [Eurodac Regulation], Articles 12 and 18 of Regulation (EU) 2018/1862, Article 29 of Regulation (EU) 2019/816 and Article 40 of Regulation (EU) 2016/794, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, in particular, the following:’;</u>			<i>Confirmed by trilogue of 12 September 2023</i> ‘Without prejudice to Article 39 of Regulation (EU) XXX/XXX [Eurodac Regulation], Articles 12 and 18 of Regulation (EU) 2018/1862, Article 29 of Regulation (EU) 2019/816 and Article 40 of Regulation (EU) 2016/794, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, in particular, the following:’;

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462.	(3) paragraph 1 of Article 13 is amended as follows:			
463.	(a) point (b) is replaced by the following:			<i>Confirmed by trilogue of 12 September 2023</i> (a) point (b) is replaced by the following:
464.	<u>‘(b) the data referred to in Article 5(1), point (b), and (2) of Regulation (EU) 2019/816;’;</u>			<i>Confirmed by trilogue of 12 September 2023</i> ‘(b) the data referred to in Article 5(1), point (b), and (2) of Regulation (EU) 2019/816;’;
465.	(b) the following point (c) is added:			
466.	<u>‘(c) the data referred to in Articles 12, points (a) and (b), 13(2), points (a) and (b), 14(2), points (a) and (b) and 14a(2), points (a) and (b) of Regulation (EU) XXX/XXX [Eurodac Regulation].’;</u>		‘(c) the data referred to in Articles 12(1), points (a) and (b), 13(2), points (a) and (b), 14(2), points (a) and (b), 14a(2), points (a) and (b) and 14c(2), points (a) and (b) [...] of Regulation (EU)	<i>To be confirmed by trilogue:</i> (c) the data referred to in Articles 12(1), points (a) and (b), 12c(1), points a and b, 12f points (a) and (b) , 13(2), points (a) and (b), 14(2), points (a) and (b), 14a(2), points (a) and (b) and 14c(2),

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			XXX/XXX [<i>Eurodac Regulation</i>].’;	points (a) and (b)] of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>].’;
467.	(4). Article 14 is replaced by the following:			
468.	<i>‘Article 14</i>			<i>Confirmed by trilogue of 12 September 2023</i> <i>‘Article 14</i>
469.	Searching biometric data with the shared biometric matching service			<i>Confirmed by trilogue of 12 September 2023</i> Searching biometric data with the shared biometric matching service
470.	<u>In order to search the biometric data stored within the CIR and SIS, the CIR and SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in</u>			<i>Confirmed by trilogue of 12 September 2023</i> In order to search the biometric data stored within the CIR and SIS, the CIR and SIS shall use the biometric templates stored in the shared

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	<u>this Regulation and in Regulations (EC) No 767/2008, (EU) 2017/2226, Regulation (EU) XXX/XXX [Eurodac Regulation], Regulations (EU) 2018/1860, (EU) 2018/1861, (EU) 2018/1862 and (EU) 2019/816.</u> ;			BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in Regulations (EC) No 767/2008, (EU) 2017/2226, Regulation (EU) XXX/XXX [Eurodac Regulation], Regulations (EU) 2018/1860, (EU) 2018/1861, (EU) 2018/1862 and (EU) 2019/816.';
471.	(5) In Article 16, the introductory wording of paragraph 1 is replaced by the following:			
472.	<u>'Without prejudice to Article 39 of Regulation (EU) XXX/XXX [Eurodac Regulation], Article 12 and 18 of Regulation (EU) 2018/1862 and to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data</u>			<i>Confirmed by trilogue of 12 September 2023</i> <u>'Without prejudice to Article 39 of Regulation (EU) XXX/XXX [Eurodac Regulation], Article 12 and 18 of Regulation (EU) 2018/1862 and to Article 29 of Regulation</u>

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	<u>processing operations within the shared BMS.’;</u>			(EU) 2019/816, eu-LISA shall keep logs of all data processing operations within the shared BMS.’;
473.	(6) In Article 18, paragraph 1 is replaced by the following:			
474.	<u>‘1. The CIR shall store the following data, logically separated according to the information system from which the data have originated:</u>			Confirmed by trilogue of 12 September 2023 ‘1. The CIR shall store the following data, logically separated according to the information system from which the data have originated:
475.	<u>a) the data referred to in Article 12, points (a) to (f), (h) and (i), Article 13(2), points (a) to (f), (h) and (i), Article 14(2), points (a) to (f), (h) and (i) and Article 14a, points (a) to (f), (h) and (i) of Regulation (EU) XXX/XXX [Eurodac Regulation];</u>		a) the data referred to in Article 12(1), points (a) to (f), (h) and (1a) point (a) [...], Article 13(2), points (a) to (f) and (h) and (2a) point (a) [...], Article 14(2), points (a) to (f) and (h) and (2a) point (a), Article 14a (2), points (a) to (f), (h) and (2a) point (a) and Article 14c, points (a) to (f), (h) and (i) [...] of	To be confirmed by trilogue:a) the data referred to in Article 12(1), points (a) to (f), (h) and (1a) point (a), [Article 12c points (a) to (e) and (g), Article 12f points (a) to (e) and (g)], Article 13(2), points (a) to (f) and (h) and (2a) point (a) [...], Article 14(2), points (a) to (f) and (h) and (2a) point (a),

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			Regulation (EU) XXX/XXX [Eurodac Regulation];	Article 14a (2), points (a) to (f), (h) and (2a) point (a) and Article 14c, points (a) to (f), (h) and (i) of Regulation (EU) XXX/XXX [Eurodac Regulation];
476.	<u>b) the data referred to in Article 5(1), point (b), and (2) and the following data listed in Article 5(1), point (a) of Regulation (EU) 2019/816: surname (family name), first names (given names), date of birth, place of birth (town and country), nationality or nationalities, gender, previous names, if applicable, where available pseudonyms or aliases, as well as, where available, information on travel documents.’;</u>			<i>Confirmed by trilogue of 12 September 2023</i> b) the data referred to in Article 5(1), point (b), and (2) and the following data listed in Article 5(1), point (a) of Regulation (EU) 2019/816: surname (family name), first names (given names), date of birth, place of birth (town and country), nationality or nationalities, gender, previous names, if applicable, where available pseudonyms or aliases, as well as, where available, information on travel documents.’;
477.	(7) In Article 23, paragraph 1 is replaced by the following:			

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478.	<u>‘1. The data referred to in Article 18(1), (2) and (2a) shall be deleted from the CIR in an automated manner in accordance with the data retention provisions of Regulation (EU) XXX/XXX [Eurodac Regulation] and of Regulation (EU) 2019/816.’;</u>			Confirmed by trilogue of 12 September 2023 ‘1. The data referred to in Article 18(1), (2) and (2a) shall be deleted from the CIR in an automated manner in accordance with the data retention provisions of Regulation (EU) XXX/XXX [Eurodac Regulation] and of Regulation (EU) 2019/816.’;
479.	(8) Article 24, is replaced by the following:		(8) Article 24 (1) , is replaced by the following:	Confirmed by trilogue on 13 April (8) Article 24 (1) , is replaced by the following:
480.	‘Article 24			
481.	Keeping of logs			
482.	<u>Without prejudice to Article 39 of Regulation (EU) XXX/XXX [Eurodac Regulation] and Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all</u>			Confirmed by trilogue of 12 September 2023 Without prejudice to Article 39 of Regulation (EU)

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	<u>data processing operations within the CIR in accordance with paragraphs 2, 3 and 4 of this Article.’;</u>			XXX/XXX [<i>Eurodac Regulation</i>] and Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations within the CIR in accordance with paragraphs 2, 3 and 4 of this Article.’;
483.	(9) In Article 26(1), points (aa), (ab), (ac) and (ad) are inserted:		(9) In Article 26(1), points (aa), (ab), (ac), (ad) and (ae) are inserted:	
484.	<u>‘(aa) the authorities competent to assess a request for international protection when assessing a new request for international protection;</u>			<i>Confirmed by trilogue of 12 September 2023</i> ‘(aa) the authorities competent to assess a request for international protection when assessing a new request for international protection;
485.	<u>(ab) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>] when</u>			<i>To be confirmed by trilogue:</i> <u>(ab) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) XXX/XXX [<i>Eurodac</i></u>

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	<u>transmitting data to Eurodac;</u>			<u>Regulation] when transmitting data to Eurodac;</u>
486.	<u>(ac) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) XXX/XXX [Eurodac Regulation] when transmitting data to Eurodac;</u>			Confirmed by trilogue of 12 September 2023 (ac) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) XXX/XXX [Eurodac Regulation] when transmitting data to Eurodac;
487.	<u>(ad) the authorities competent to collect the data provided for in Chapter IVA of Regulation (EU) XXX/XXX [Eurodac Regulation] when transmitting data to Eurodac;';</u>			Confirmed by trilogue of 12 September 2023 (ad) the authorities competent to collect the data provided for in Chapter IVA of Regulation (EU) XXX/XXX [Eurodac Regulation] when transmitting data to Eurodac;';
488.			(ae) the authorities competent to collect the data provided for in	

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			Chapter IVC of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>] when transmitting data to Eurodac;	
489.	(10) Article 27 is amended as follows:			
490.	(a) the following point (aa) is inserted in paragraph 1:			
491.	<u>‘(aa) a data set is transmitted to Eurodac in accordance with Articles 10, 13, 14 and 14a of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>];’;</u>		‘(aa) a data set is transmitted to Eurodac in accordance with Articles 12 [...], 13, 14, 14a and 14c [...] of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>];’;	<i>To be confirmed by trilogue:</i> ‘(aa) a data set is transmitted to Eurodac in accordance with Articles 12, [12c, 12f], 13, 14, 14a [and 14c] of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>];’;
492.	(b) the following point (aa) is inserted in paragraph 3:			
493.	<u>‘(aa) surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 12 to 14a of</u>		‘(aa) surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 12, 13, 14, 14a and 14c [...] of	<i>To be confirmed by trilogue:</i> ‘(aa) surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 12, [12c,

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	<u>Regulation (EU) XXX/XXX [Eurodac Regulation];</u> ;		Regulation (EU) XXX/XXX [Eurodac Regulation];	12f], 13, 14, 14a [and 14c] [...] of Regulation (EU) XXX/XXX [Eurodac Regulation];
494.	(11) in Article 29(1), the following point (aa) is inserted:		(11) in Article 29(1), the following points (aa), (ab), (ac), (ad) and (ae) are inserted:	<i>To be confirmed by trilogue:</i> (11) in Article 29(1), the following points (aa), (ab), (ac), (ad) and [(ae)] are inserted:
495.	<u>‘(aa) the authority assessing a request for international protection as provided for in Regulation (EU) XXX/XXX [Eurodac Regulation] for hits that occurred when assessing such request;’</u> ;		‘(aa) the authorities competent to collect the data provided for in Chapter II of Regulation (EU) XXX/XXX [Eurodac Regulation] when transmitting data to Eurodac for matches that occurred when transmitting such data [...];	<i>To be confirmed by trilogue:</i> ‘(aa) the authorities competent to collect the data provided for in Chapter II of Regulation (EU) XXX/XXX [Eurodac Regulation] when transmitting data to Eurodac for matches that occurred when transmitting such data [...];
496.			(ab) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) XXX/XXX [Eurodac Regulation] for matches that	<i>To be confirmed by trilogue:</i> (ab) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) XXX/XXX [Eurodac Regulation] for matches that

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			occurred when transmitting such data;	occurred when transmitting such data;
497.			(ac) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>] for matches that occurred when transmitting such data;	<i>To be confirmed by trilogue:</i> (ac) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>] for matches that occurred when transmitting such data;
498.			(ad) the authorities competent to collect the data provided for in Chapter IVA of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>] when transmitting data to Eurodac for matches that occurred when transmitting such data [...];	<i>To be confirmed by trilogue:</i> (ad) the authorities competent to collect the data provided for in Chapter IVA of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>] when transmitting data to Eurodac for matches that occurred when transmitting such data [...];
499.			(ae) the authorities competent to collect the data provided for in Chapter IVC of Regulation	<u>Linked to TPD category</u>

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			(EU) XXX/XXX [<i>Eurodac Regulation</i>] when transmitting data to Eurodac for matches that occurred when transmitting such data [...];	
500.	(12) in Article 39, paragraph 2 is replaced by the following:			
501.	<u>‘2. Eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 42(8) of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. Access to the repository CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in</u>		‘2. Eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Articles 9 and 42(8) of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. Access to the repository CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in	<i>Confirmed by trilogue on 13 April 2023</i> ‘2. Eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Articles 9 of Regulation (EU) XXX/XXX [<i>Eurodac Regulation</i>], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. Access to the repository CRRS shall be granted by means of controlled, secured access and specific user profiles, solely

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	<u>Article 42(8) of Regulation (EU) XXX/XXX [Eurodac Regulation], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816.</u> ;		Articles 9 and 42(8) of Regulation (EU) XXX/XXX [Eurodac Regulation], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816.	for the purpose of reporting and statistics, to the authorities referred to in Articles 9 of Regulation (EU) XXX/XXX [Eurodac Regulation], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816.
502.	(13) in Article 47, the following new indent is inserted in paragraph 3:			
503.	<u>‘Persons whose data are recorded in the Eurodac shall be informed about the processing of personal data for the purposes of this Regulation in accordance with paragraph 1 when a new data set is transmitted to Eurodac in accordance with Articles 10, 12, 13, 14 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation].’;</u>		‘Persons whose data are recorded in the Eurodac shall be informed about the processing of personal data for the purposes of this Regulation in accordance with paragraph 1 when a new data set is transmitted to Eurodac in accordance with Articles 10, 13, 14, 14a and 14c [...] of Regulation (EU) XXX/XXX [Eurodac Regulation].’;	<i>To be confirmed by trilogue:</i> ‘Persons whose data are recorded in the Eurodac shall be informed about the processing of personal data for the purposes of this Regulation in accordance with paragraph 1 when a new data set is transmitted to Eurodac in accordance with Articles 10, [12a, 12d] , 13, 14, 14a [and 14c] of Regulation (EU) XXX/XXX [Eurodac Regulation].’;

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504.	(14) Article 50 is replaced by the following:			
505.	<i>'Article 50</i>			
506.	Communication of personal data to third countries, international organisations and			<i>Confirmed by trilogue of 12 September 2023</i> Communication of personal data to third countries, international organisations and
507.	private parties			<i>Confirmed by trilogue of 12 September 2023</i> private parties
508.	<u>Without prejudice to Article 31 of Regulation (EC) No 767/2008, Articles 25 and 26 of Regulation (EU) 2016/794, Articles 37 and 38 of Regulation (EU) XXX/XXX [Eurodac Regulation], Article 41 of Regulation (EU) 2017/2226, Article 65 of Regulation (EU) 2018/1240</u>			<i>Confirmed by trilogue of 12 September 2023</i> <u>Without prejudice to Article 31 of Regulation (EC) No 767/2008, Articles 25 and 26 of Regulation (EU) 2016/794, Articles 37 and 38 of Regulation (EU) XXX/XXX</u>

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	<u>and the querying of Interpol databases through the ESP in accordance with Article 9(5) of this Regulation which comply with the provisions of Chapter V of Regulation (EU) 2018/1725 and Chapter V of Regulation (EU) 2016/679, personal data stored in, processed or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.’;</u>			<u>[Eurodac Regulation], Article 41 of Regulation (EU) 2017/2226, Article 65 of Regulation (EU) 2018/1240 and the querying of Interpol databases through the ESP in accordance with Article 9(5) of this Regulation which comply with the provisions of Chapter V of Regulation (EU) 2018/1725 and Chapter V of Regulation (EU) 2016/679, personal data stored in, processed or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.’;</u>
509.			<i>Article 40c</i>	
510.			Amendments to Regulation (EU) 2017/2226	<i>Discussed at the trilogue on 2 March 2023 (lines 509-530)</i>
511.			Regulation (EU) 2017/2226 is amended as follows:	

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512.			(1) in Article 1, the following new paragraph (1a) is added:	
513.			‘1a. For the purposes of facilitating the application of Regulation 604/2013 and of Directive 2013/32/EU, this Regulation also lays down the conditions under which Member States’ asylum authorities may obtain access to the EES for consultation.’;	<i>Discussed at technical meeting on 19 September</i> <i>PRES suggestion on relinking:</i> ‘1a. For the purposes of facilitating the application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Asylum Procedure Regulation], this Regulation also lays down the conditions under which Member States’ asylum authorities may obtain access to the EES for consultation.’;
514.			(2) in Article 3(1), the following point (34) is added:	
515.			‘(34) ‘asylum authorities’ means an authority responsible for carrying out	

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			any of the obligations imposed on Member States	
516.			(i) pursuant to Regulation 604/2013 and	<i>Discussed at technical meeting on 19 September</i> <i>PRES suggestion on relinking:</i> (i) pursuant to Regulation (EU) XXX/XXX [<i>Regulation on Asylum and Migration Management</i>] and
517.			(ii) pursuant to Directive 2013/32/EU’;	<i>Discussed at technical meeting on 19 September</i> <i>PRES suggestion on relinking:</i> (ii) pursuant to Regulation (EU) XXX/XXX [<i>Asylum Procedure Regulation</i>];
518.			(3) in Article 6, the following paragraph (1a) is added:	
519.			‘1a. By granting access to asylum authorities in accordance with the	

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			conditions set out in this Regulation, the objectives of the EES shall be to:	
520.			(a) facilitate the examination of an application for international protection;	
521.			(b) facilitate the determination of the responsibility for asylum applications.’;	
522.			(4) in Chapter III, the following articles are inserted:	
523.			<i>‘Article 25c</i>	
524.			<i>Access to data for examining the application for international protection</i>	
525.			1. For the sole purpose of facilitation of examining an application for international protection, the asylum authorities referred to in Article 3(34)(ii) shall have access to search the EES	

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			with the data referred to in Articles 16(1) and 17(1)(a), (b) and (c).	
526.			2. If the search with the data listed in paragraph 1 indicates that the data of the third country national is recorded in the EES, the asylum authorities shall be given access to consult the data referred to in Article 16 (1), (2), (3)(a), (3)(b) and (4) as well as in Article 17 (1)(a), (b), (c) and (2), for the sole purpose referred to in paragraph 1.	
527.			<i>Art. 25d</i>	
528.			<i>Access to data for determining the responsibility for asylum applications</i>	
529.			1. For the sole purpose of determining the Member State responsible for an application for international protection, the asylum	

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			authorities referred to in Article 3 (34)(i) shall have access to search in the EES with the data referred to in Article 16 (1) and Art. 17 (1)(a), (b) and (c).	
530.			2. If the search with the data listed in paragraph 1 indicates that the data of a third country national is recorded in the EES, the asylum authorities of the respective Member State shall be given access to consult the data referred to in Article 16 (1), (2)(a) and (2)(b) as well as in Article 17 (1)(a), (b), (c) and (2), for the sole purpose referred to in paragraph 1.'	
531.	(29) the following Article 41a is inserted:			

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532.	<u>Article 41a</u>			Confirmed by trilogue of 12 September 2023 <u>Article 41a</u>
533.	<u>Committee Procedure</u>			Confirmed by trilogue of 12 September 2023 <u>Committee Procedure</u>
534.	<u>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) 182/2011.</u>			Confirmed by trilogue of 12 September 2023 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) 182/2011.
535.	<u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) 182/2011 shall apply.</u>			Confirmed by trilogue of 12 September 2023 2. Where reference is made to this paragraph, Article 5 of

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
				Regulation (EU) 182/2011 shall apply.
536.	<u>3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) 182/2011 shall apply.</u>			<i>Confirmed by trilogue of 12 September 2023</i> 3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) 182/2011 shall apply.
537.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.			<i>To be confirmed by trilogue:</i> This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

	COM proposal (614 final) of 23 September 2020 (11205/20+ADD1)	EP position of 14 December 2022 (PE739.726)	Council mandate for negotiations with the European Parliament of 22 June 2022 (doc. ST 10583/22)	
538.	Done at Brussels,			
539.	<i>For the European Parliament, The President For the Council, The President For the Council</i>			