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WK 1588/2024 INIT

LIMITE

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COPEN

DATAPROTECT

CODEC

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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and Regulation (EU) 2019/818 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 for the purpose of introducing a screening of third country nationals at the external borders - four-column table

Delegations will find in Annex the 4-column table on the above proposal.

WK 1588/2024 INIT

LIMITE

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Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and Regulation (EU) 2019/818 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 for the purpose of introducing a screening of third country nationals at the external borders)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0046 (COD)	2021/0046 (COD)	2021/0046 (COD)	2021/0046 (COD)
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and Regulation (EU) 2019/818 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 for the purpose of	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and Regulation (EU) 2019/818 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 for the purpose of	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and Regulation (EU) 2019/818 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 for the purpose of	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and Regulation (EU) 2019/818 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 for the purpose of

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	introducing a screening of third country nationals at the external borders	introducing a screening of third country nationals at the external borders	introducing a screening of third country nationals at the external borders	introducing a screening of third country nationals at the external borders
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 78(2)(e), Article 79(2)(c), Article 82(1), second subparagraph, point (d), Article 85(1), Article 87(2)(a) and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 78(2)(e), Article 79(2)(c), Article 82(1), second subparagraph, point (d), Article 85(1), Article 87(2)(a) and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Articles 78(2)(e) and Article 79(2)(c), Article 82(1), second subparagraph, point (d), Article 85(1), Article 87(2)(a) and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Articles 78(2)(e) and Article 79(2)(c), Article 82(1), second subparagraph, point (d), Article 85(1), Article 87(2)(a) and Article 88(2) thereof,
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 4				
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
Formula				
8	Whereas:	Whereas:	Whereas:	Whereas:
Recital 1				
9	(1) Regulation (EU) .../... [Regulation on Screening] ¹ provides for identity, security and health checks of third country nationals who are at the external border without fulfilling the entry conditions or who are apprehended within the territory, and where there are no indications that they have been subject to controls at external borders. Regulation (EU) .../... [Regulation on Screening] ² addresses the challenges of managing mixed flows of migrants and creates uniform rules allowing for a quick identification of third	(1) Regulation (EU) .../... [Screening Regulation on Screening] ¹ provides for identity, security, health and vulnerability and health checks of third country nationals who are at have crossed the external border without fulfilling the entry conditions or who are apprehended within the territory, and where there are no indications that they have been subject to controls irregularly, those who have applied for international protection at external borders. Regulation (EU) .../... [Regulation on Screening] ²	(1) Regulation (EU) .../... [Regulation on Screening] of the European Parliament and of the Council ¹ provides for identity, security and health checks of third country nationals who are at the external borders or within the territory of the Member States, who have not been subject of border checks at the external borders of the Member States, as well as of those who have made an application for international protection at border crossing points or in transit zones,	(1) Regulation (EU) .../... [Regulation on Screening] of the European Parliament and of the Council ³ provides for identity, security and preliminary health and vulnerability and health checks of third country nationals who are at the external borders or within the territory of the Member States, who have not been subject of border checks at the external borders of the Member States, as well as of those who have made an application for international protection at border crossing

¹ Regulation (EU) .../... of the European Parliament and of the Council introducing a screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ [...]).

³ Regulation (EU) .../... of the European Parliament and of the Council introducing a screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ [...]).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	country nationals and referral to the applicable procedures. 1. Regulation (EU) .../... of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ [...] 2. Op. cit. 15.	addresses the challenges of managing mixed flows of migrants and creates uniform rules allowing for a quick identification of third country nationals and referral to the applicable procedures border crossing points or in transit zones without fulfilling the entry conditions and those who have been disembarked following a search and rescue operation. 1. Regulation (EU) .../... of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ [...] 2. Op. cit. 15.	without fulfilling the entry conditions or who are apprehended within the territory, and where there are no indications that they have been subject to controls at external borders. Regulation (EU) .../... [Regulation on Screening]² addresses the challenges of managing mixed flows of migrants and creates uniform rules allowing for a swift quick identification of third country nationals and referral to the applicable procedures.	points or in transit zones, without fulfilling the entry conditions. Regulation (EU) .../... [Regulation on Screening]⁴ creates uniform rules allowing for a swift quick identification of third country nationals and referral to the applicable procedures.
Recital 2				
10	(2) The Regulation (EU) .../... [Regulation on Screening]¹ provides that verifications for security purposes in the framework of the screening should be carried out against the same systems as for applicants for visas or for travel authorisations under the European Travel Information and Authorisation System. In particular,	(2) The Regulation (EU) .../... [Regulation on Screening Regulation]¹ provides that verifications a verification for security purposes in the framework of the screening should be carried out against the same systems as for applicants for visas or for travel authorisations under the European Travel Information and	(2) The Regulation (EU) .../... [Regulation on Screening]⁵ provides that verifications for security purposes in the framework of the screening should be carried out against the same systems as for applicants for visas or for travel authorisations under the European Travel Information and	(2) The Regulation (EU) .../... [Regulation on Screening Screening Regulation]¹ provides that verifications a verification for security purposes in the framework of the screening should be carried out against the same systems as for applicants

² — ~~Op. cit. 15.~~

⁴ — ~~Op. cit. 15.~~

⁵ — ~~Op. cit. 15.~~

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	Regulation (EU) .../... [Regulation on Screening]² provides that the personal data of the persons submitted to the screening should be checked against Europol data, Interpol Stolen and Lost Travel Documents database (SLTD) and Interpol Travel Documents Associated with Notices database (TDAWN), as well as the European Criminal Records Information System for third country nationals (ECRIS-TCN) as regards persons convicted in relation to terrorist offences and other forms of serious criminal offences. 1. Op. cit. 15. 2. Op. cit. 15.	Authorisation System. In particular, Regulation (EU) .../... [Regulation on Screening]² provides that the personal data of the persons submitted to the screening should be checked against Europol data, Interpol Stolen and Lost Travel Documents database (SLTD) and Interpol Travel Documents Associated with Notices database (TDAWN), as well as the European Criminal Records Information System for third country nationals (ECRIS-TCN) as regards persons convicted in relation to terrorist offences and other forms of serious criminal offences. 1. Op. cit. 15. 2. Op. cit. 15.	Authorisation System (ETIAS). In particular, Regulation (EU) .../... [Regulation on Screening]⁶ provides that the personal data of the persons submitted to the screening should be checked against Europol data as defined in Regulation (EU) .../... [Regulation on Screening], the Interpol Stolen and Lost Travel Documents database (SLTD) and the Interpol Travel Documents Associated with Notices database (TDAWN), as well as the European Criminal Records Information System for - tThird-Country Nationals (ECRIS-TCN) as regards persons convicted in relation to terrorist offences or and other forms of serious criminal offences.	for visas or for travel authorisations under the European Travel Information and Authorisation System (ETIAS). In particular, Regulation (EU) .../... [Regulation on Screening]⁷ provides that the personal data of the persons submitted to the screening should be checked against the European Criminal Records Information System for third country nationals (ECRIS-TCN) as regards persons convicted in relation to terrorist offences or and other forms of serious criminal offences.
Recital 3				
11	(3) Access to the ECRIS-TCN is necessary for the authorities designated to carry out the screening provided for in Regulation (EU) .../... [Regulation	(3) Limited access to the ECRIS-TCN is necessary for the authorities designated to carry out the screening provided for in Regulation (EU) .../... [Regulation	(3) Access to the ECRIS-TCN is necessary for the authorities designated to carry out the screening provided for in Regulation (EU) .../... [Regulation on Screening]⁸ in	(3) Access to the ECRIS-TCN is necessary for the authorities designated to carry out the screening provided for in Regulation (EU) .../... [Regulation on Screening]⁹ in

⁶ — Op. cit. 15.

⁷ — Op. cit. 15.

⁸ — Op. cit. 15.

⁹ — Op. cit. 15.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on Screening] ¹ in order to establish whether a person could pose a threat to internal security or to public policy. 1. Op. cit. 15.	on Screening Regulation]¹ in order to establish whether a person could pose a threat to internal security or to public policy. 1. Op. cit. 15.	order to establish whether a person could pose a security risk threat to internal security or to public policy.	order to establish whether a person could might pose a threat to internal security or to public policy.
Recital 4				
			(3a) A hit indicated by ECRIS-TCN should not by itself be taken to mean that the third-country national concerned as defined in Regulation (EU) 2019/816 has been convicted in the Member States that are indicated. The existence of previous convictions should be confirmed only on the basis of information received from the criminal records of the Member States concerned.	(3a) A hit indicated by ECRIS-TCN should not by itself be taken to mean that the third-country national concerned as defined in Regulation (EU) 2019/816 has been convicted in the Member States that are indicated. The existence of previous convictions should be confirmed only on the basis of information received from the criminal records of the Member States concerned.
12	(4) Regulation (EU) .../... [Regulation on Screening] ¹ , which constitutes a development of the Schengen acquis regarding borders, amends Regulations (EC) No	(4) Regulation (EU) .../... [Regulation on Screening] Screening Regulation]¹, which constitutes a development of the Schengen acquis regarding borders, amends	(4) Regulation (EU) .../... [Regulation on Screening] ¹⁰ , which constitutes a development of the Schengen acquis regarding borders, amends Regulations (EC) No 767/2008 ¹¹ , (EU)	(4) Regulation (EU) .../... [Regulation on Screening] ¹⁶ , which constitutes a development of the Schengen acquis regarding borders, amends Regulations

¹⁰ — ~~Op. cit. 15.~~

¹¹ 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.

¹⁶ — ~~Op. cit. 15.~~

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	767/2008 ² , (EU) 2017/2226 ³ , (EU) 2018/1240 ⁴ and (EU) 2019/817 ⁵ , which likewise constitute developments of the Schengen acquis regarding borders, to grant access rights for the purposes of the screening to the data contained in the Visa Information System (VIS), to the Entry-Exit System (EES) and to European Travel Information and Authorisation System (ETIAS) respectively. However, the parallel amendment of Regulation (EU) No 2019/816 to grant access rights for the purposes of the screening to ECRIS-TCN could not be part of the same regulation for reasons of variable geometry, as the regulation	Regulations (EC) No 767/2008 ² , (EU) 2017/2226 ³ , (EU) 2018/1240 ⁴ and (EU) 2019/817 ⁵ , which likewise constitute developments of the Schengen acquis regarding borders, to grant access rights a right to consult , for the purposes of the screening to , the data contained in the Visa Information System (VIS), to the Entry-Exit System (EES) and to European Travel Information and Authorisation System (ETIAS) respectively. However, the parallel amendment of Regulation (EU) No 2019/816 to grant access rights a right to consult , for the purposes of the screening, the data contained in to ECRIS-TCN could not be part	2017/2226 ¹² , (EU) 2018/1240 ¹³ and (EU) 2019/817 of the European Parliament and of the Council ¹⁴ , which likewise constitute developments of the Schengen acquis regarding borders, to grant access rights for the purposes of the screening to the data contained in the Visa Information System (VIS), to in the Entry/Exit System (EES) and in to European Travel Information and Authorisation System (ETIAS) respectively. However, the parallel amendment of Regulation (EU) No 2019/816 of the European	(EC) No 767/2008 ¹⁷ , (EU) 2017/2226 ¹⁸ , (EU) 2018/1240 ¹⁹ and (EU) 2019/817 of the European Parliament and of the Council ²⁰ , which likewise constitute developments of the Schengen acquis regarding borders, to grant access rights for the purposes of the screening to the data contained in the Visa Information System (VIS), to in the Entry/Exit System (EES) and in to European Travel Information and Authorisation System (ETIAS) respectively. However, the parallel amendment of Regulation (EU)

- ¹² 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 (OJ L 327, 9.12.2017, p. 20).
- ¹³ 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).
- ¹⁴ 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).
- ¹⁷ 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.
- ¹⁸ 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 (OJ L 327, 9.12.2017, p. 20).
- ¹⁹ 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).
- ²⁰ 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).

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	establishing ECRIS-TCN does not constitute a development of the Schengen acquis. Regulation 2019/816 should therefore be amended by a distinct legal instrument. 1. Op. cit. 15. 2. 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. 3. 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, OJ L 327, 9.12.2017, p. 20. 4. 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).	of the same regulation for reasons of variable geometry, as the regulation establishing ECRIS-TCN does not constitute a development of the Schengen acquis. Regulation 2019/816 should therefore be amended by a distinct legal instrument. 1. Op. cit. 15. 2. 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. 3. 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, OJ L 327, 9.12.2017, p. 20. 4. 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,	Parliament and of the Council¹⁵ to grant access rights for the purposes of the screening to ECRIS-TCN could not be part of the same regulation for reasons of variable geometry, as the regulation establishing ECRIS-TCN does not constitute a development of the Schengen acquis. Regulation (EU) 2019/816 should therefore be amended by a distinct legal instrument.	No 2019/816 of the European Parliament and of the Council²¹ to grant access rights for the purposes of the screening to ECRIS-TCN could not be part of the same regulation for reasons of variable geometry, as the regulation establishing ECRIS-TCN does not constitute a development of the Schengen acquis. Regulation (EU) 2019/816 should therefore be amended by a distinct legal instrument.

¹⁵ Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).

²¹ Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).

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	5. 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.	(EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1). 5. 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.		
Recital 5				
13	(5) Since the objective of this Regulation, namely to enable access to the ECRIS-TCN for the purposes of the security checks established by Regulation (EU) .../... [Regulation on Screening] ¹ , which in turn aims at the strengthening of the control of persons who are about to enter the Schengen area and their referral to the appropriate procedures, cannot be sufficiently achieved by the Member States, but can only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance	(5) Since the objective of this Regulation, namely to enable access to the ECRIS-TCN for the purposes of the security checks established by Regulation (EU) .../... [Regulation on Screening] ¹ , which in turn aims at the strengthening of the control of persons who are about to enter the Schengen area and their referral to the appropriate procedures, cannot be sufficiently achieved by the Member States, but can only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance	(5) Since the objective of this Regulation, namely to enable access to the ECRIS-TCN for the purposes of the security checks established by Regulation (EU) .../... [Regulation on Screening] ²² , which in turn aims at the strengthening of the control of persons who are about to enter the Schengen area and their referral to the appropriate procedures, cannot be sufficiently achieved by the Member States, but can rather, by reasons of its scale and effects, only be better achieved	(5) Since the objective of this Regulation, namely to enable access to the ECRIS-TCN for the purposes of the security checks established by Regulation (EU) .../... [Regulation on Screening] ²³ , which in turn aims at the strengthening of the control of persons who are about to enter the Schengen area and to provide for the verification of identity or for the identification of all third-country nationals subject to the screening and for the consultation of the relevant databases in order to verify

²² — Op. cit. 15.

²³ — Op. cit. 15.

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	with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective. 1. Op. cit. 15.	and for the consultation of the relevant databases in order to verify whether the persons might pose a threat to internal security, cannot be sufficiently achieved by the Member States, but can only be rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective. 1. Op. cit. 15.	at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.	whether the persons might pose a threat to internal security and contribute to at the external borders and their referral to the appropriate procedures, cannot be sufficiently achieved by the Member States, but can rather, by reasons of its scale and effects, only be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
Recital 6				
14	(6) Regulation (EU) .../... [Regulation on Screening]¹ provides for specific rules concerning the identification of third-country nationals by means of consulting the Common Identity Repository (CIR) established by Regulations (EU) 2019/817 and (EU) 2019/818 of the	(6) Regulation (EU) .../... [Regulation on Screening]¹ provides for specific rules concerning the identification of third-country nationals by means of consulting the Common Identity Repository (CIR) established by Regulations (EU) 2019/817 and (EU) 2019/818 of the	(6) Regulation (EU) .../... [Regulation on Screening]²⁴ provides for specific rules concerning the identification of third-country nationals by means of consulting the Common Identity Repository ('CIR') established by Regulations (EU)	(6) Regulation (EU) .../... [Regulation on Screening]²⁶ provides for specific rules concerning the identification of third-country nationals by means of consulting the Common Identity Repository ('CIR') established by Regulations (EU)

²⁴ — Op. cit. 15.

²⁶ — Op. cit. 15.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council in order to facilitate and assist in the correct identification of persons registered in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, including of unknown persons who are unable to identify themselves. 1. Op. cit. 15.	European Parliament and of the Council in order to facilitate and assist in the correct identification of persons registered in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, including of unknown persons who are unable to identify themselves. 1. Op. cit. 15.	2019/817 and Regulation (EU) 2019/818 of the European Parliament and of the Council²⁵ in order to facilitate and assist in the correct identification or verification of identity of persons registered in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, including of unknown persons who are unable to identify themselves.	2019/817 and Regulation (EU) 2019/818 of the European Parliament and of the Council²⁷ in order to facilitate and assist in the correct identification or verification of identity of persons registered in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, including of unknown persons who are unable to identify themselves.
Recital 7				
15	(7) Since access to data stored in the Common Identity Repository (CIR) for identification purposes is necessary for the authorities designated to carry out the screening, the Regulation (EU) .../... [Regulation on Screening]¹ amends Regulation (EU) 2019/817. For reasons of variable geometry it was not possible to amend Regulation (EU) 2019/818 in the same Regulation, therefore Regulation (EU) 2019/818 should	(7) Since access to data stored in the Common Identity Repository (CIR) for identification purposes is necessary for the authorities designated to carry out the screening, the Regulation (EU) .../... [Regulation on Screening]¹ amends Regulation (EU) 2019/817. For reasons of variable geometry it was not possible to amend Regulation (EU) 2019/818 in the same Regulation, therefore Regulation (EU) 2019/818 should	(7) Since access to data stored in the Common Identity Repository (CIR) for identification or verification purposes is necessary for the authorities designated to carry out the screening, the Regulation (EU) .../... [Regulation on Screening]²⁸ amends Regulation (EU) 2019/817. For reasons of variable geometry it was not possible to amend Regulation (EU) 2019/818 in the same	(7) Since access to data stored in the Common Identity Repository (CIR) for identification or verification purposes is necessary for the authorities designated to carry out the screening, the Regulation (EU) .../... [Regulation on Screening]²⁹ amends Regulation (EU) 2019/817. For reasons of variable geometry it was not possible to amend Regulation (EU) 2019/818 in the same

²⁵ 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).

²⁷ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

²⁸ ~~Op. cit. 15.~~

²⁹ ~~Op. cit. 15.~~

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	be amended by a distinct legal instrument. <u>1. Op. cit. 15.</u>	be amended by a distinct legal instrument. <u>1. Op. cit. 15.</u>	Regulation, and therefore Regulation (EU) 2019/818 should be amended by a distinct separate legal instrument.	Regulation, and therefore Regulation (EU) 2019/818 should be amended by a distinct legal instrument.
Recital 8				
16	(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaties, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaties, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaties TEU and to the Treaty on the Functioning of the European Union (TFEU) , Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaties TEU and to the Treaty on the Functioning of the European Union (TFEU) , Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
Recital 9				
17	(9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of Ireland in respect of the area of freedom, security and justice, annexed to the Treaties, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,	(9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of Ireland in respect of the area of freedom, security and justice, annexed to the Treaties, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,	(9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU Treaties , and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,	(9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU Treaties , and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
18	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
Article 1				
19	Article 1 Amendments to Regulation (EU) 2019/816	Article 1 Amendments to Regulation (EU) 2019/816	Article 1 Amendments to Regulation (EU) 2019/816	Article 1 Amendments to Regulation (EU) 2019/816
Article 1, first paragraph				
20	Regulation (EU) 2019/816 is amended as follows:	Regulation (EU) 2019/816 is amended as follows:	Regulation (EU) 2019/816 is amended as follows:	Regulation (EU) 2019/816 is amended as follows:
Article 1, first paragraph, point (1)				
21	1. In Article 1, the following point (e) is added:	1. In Article 1, the following point (e) (f) is added:	(1) in Article 1, the following point (f) (e) is added:	In Article 1, the following point (e) (f) is added:
Article 1, first paragraph, point (1), amending provision, first paragraph				
22	‘ (e) the conditions under which ECRIS-TCN shall be used by the competent authorities in order to perform a security check in accordance with Regulation (EU) .../... ¹ [Regulation on Screening]*.’	‘ (e) (f) —the conditions under which ECRIS-TCN shall be used by the competent authorities in order to perform a security check in accordance with Articles 11 and 12 of Regulation (EU) .../... ⁺	" (e) (f) the conditions under which data in ECRIS-TCN shall may be used by the screening competent authorities as defined in the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for	(e) (f) the conditions under which data in ECRIS-TCN may be used by the competent screening authorities as defined under article 2(11) of Regulation (EU) XXX/XXX in order to perform a security check

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. OJ ...	[Regulation on Screening [Screening Regulation]*. 1. OJ ...	the purpose of in order to perform supporting the performance of a security check in order to assess whether a third-country national could pose a security risk as referred to in Article 11 of in accordance with Regulation (EU) .../...of the European Parliament and of the Council³⁰ [Regulation on Screening]*.	in accordance with Regulation (EU) .../...¹ [Regulation on Screening]*. to perform a security check in order to assess whether a third-country national might pose a threat to internal security as referred to in Article 11 of Regulation (EU) .../...of the European Parliament and of the Council³¹ [Regulation on Screening]*.
Article 1, first paragraph, point (1), amending provision, first paragraph, first paragraph				
23	_____	_____		
Article 1, first paragraph, point (1), amending provision, first paragraph, second paragraph				
24	* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...)	* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...)	* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...).";	
Article 1, first paragraph, point (2)				

³⁰ OJ ...

³¹ OJ ...

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
25	2. Article 2 is replaced by the following:	2. Article 2 is replaced by the following:	(2) in Article 2, is replaced by the following point (d) is added:	(2) in Article 2, is replaced by the following point (d) is added:
Article 1, first paragraph, point (2), amending provision, first paragraph				
26	“ Article 2 Scope	“ Article 2 Scope	“Article 2 Scope	
Article 1, first paragraph, point (2), amending provision, second paragraph				
27	This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down [as well as for the purposes of border management]¹. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States. ¹. COM/2019/3 final.	This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down [as well as for the purposes of border management]¹. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States. ¹. COM/2019/3 final.	This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down [as well as for the purposes of border management]³². With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been	deleted

³² COM/2019/3 final.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			subject to convictions in the Member States.	
Article 1, first paragraph, point (2), amending provision, third paragraph				
28	This Regulation also:	This Regulation also:	This Regulation also:	deleted
Article 1, first paragraph, point (2), amending provision, third paragraph, point (a)				
29	(a) facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818;	(a) (c) facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818;	(a) — facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818;	deleted
Article 1, first paragraph, point (2), amending provision, third paragraph, point (b)				
30	(b) supports the objectives of Regulation (EU) .../... [Regulation on Screening] as regards the carrying out of the security checks. “	(b) (d) supports the objectives of Regulation (EU) .../... [Regulation on Screening] as regards the carrying out of the security checks provided for in Articles 11 and 12 of that Regulation. “	(b) (d) enables access to the ECRIS-TCN for the purpose of supporting the performance of security checks established by Regulation (EU) .../... [Regulation on Screening], which in turn aims to strengthen the control of persons at the external borders and their referral to the appropriate procedures supports the objectives of Regulation (EU) .../... [Regulation on Screening] as regards the carrying out of the security checks.”;	(d) supports the objectives of Regulation (EU) .../... [Regulation on Screening] as regards the carrying out of a security check. “ (d) enables access to the ECRIS-TCN for the purpose of supporting the performance of security checks established by Regulation (EU) .../... [Regulation on Screening] ”
Article 1, first paragraph, point (3)				

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31	3. In Article 3, point 6 is replaced by the following:	3. In Article 3, point 6 is replaced by the following:	(3) in Article 3, point 6 is replaced by the following:	(3) in Article 3, point 6 is replaced by the following:
Article 1, first paragraph, point (3), amending provision, first subparagraph				
32	" (6) ‘competent authorities’ means the central authorities and Eurojust, Europol, the EPPO [the ETIAS Central Unit established within the European Border and Coast Guard Agency]¹ and the authorities referred to in Article 6(7) subparagraph 1 of Regulation (EU) .../... [Regulation on Screening], which are competent to access or query ECRIS-TCN in accordance with this Regulation; 1. Op. cit. 29. "	" (6) ‘competent authorities’ means the central authorities and Eurojust, Europol, the EPPO [the ETIAS Central Unit established within the European Border and Coast Guard Agency]¹, the VIS designated authorities as referred to in Article 9d and Article 22b(13) of Regulation (EC) No 767/2008, the ETIAS Central Unit established within the European Border and Coast Guard Agency]³³ and the screening authorities referred to in the first subparagraph of Article 6(7) subparagraph 1 of Regulation (EU) .../... [Regulation on Screening Regulation], which are competent to access or query ECRIS-TCN in accordance with this Regulation; 1. Op. cit. 29. "	"(6) ‘competent authorities’ means the central authorities, and Eurojust, Europol, the EPPO, [the VIS designated authorities as referred to in Article 9d and Article 22b(13) of Regulation (EC) No 767/2008, the ETIAS Central Unit established within the European Border and Coast Guard Agency]³³ and the screening authorities referred to in the first subparagraph of Article 6(7) subparagraph 1 of Regulation (EU) .../... [Regulation on Screening], which are competent to access or query ECRIS-TCN in accordance with this Regulation;"	(6) ‘competent authorities’ means the central authorities and Eurojust, Europol, the EPPO [the ETIAS Central Unit established within the European Border and Coast Guard Agency]¹, the VIS designated authorities as referred to in Article 9d and Article 22b(13) of Regulation (EC) No 767/2008, the ETIAS Central Unit and the screening authorities referred to in Article 6(7) subparagraph 1 of Regulation (EU) .../... [Regulation on Screening Regulation], which are competent to access or query ECRIS-TCN in accordance with this Regulation;
Article 1, first paragraph, point (4)				
33	4. Article 5 is amended as follows:	4. Article 5 is amended as follows:	(4) Article 5 is amended as follows:	(4) Article 5 is amended as follows:

³³ — Op. cit. 29.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (4)(a)				
34	(a) in paragraph 1, the following point is added:	(a) in paragraph 1, the following point is added:	(a) in paragraph 1 is replaced by the following , the following point is added:	(a) in paragraph 1 is replaced by the following , the following point is added:
Article 1, first paragraph, point (4)(a), amending provision, first paragraph				
35	‘ (c) a flag indicating, for the purpose of [Regulation (EU) 2018/1240 and of Article 11 and 12 of Regulation (EU) .../... [Regulation on Screening], that the third-country national concerned has been convicted for a terrorist offence or any other criminal offence listed in the annex to Regulation (EU) 2018/1240 if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years, and in those cases the code of the convicting Member State(s).’;	‘ (c) a flag indicating, for the purpose of [Regulation (EU) 2018/1240 and of Article 11 and 12 of Regulation (EU) .../... [Regulation on Screening] Regulations (EC) No 767/2008 and (EU) 2018/1240 and of Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] , that the third-country national concerned has been convicted for in the previous 25 years of a terrorist offence or in the previous 15 years of any other criminal offence listed in the Annex to Regulation (EU) 2018/1240 if they are it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years, and in those cases under national law, including the code of the convicting Member State(s).’;	"(c) a flag indicating, for the purpose of Regulations (EC) No 767/2008 and [Regulation (EU) 2018/1240 and of Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] , that the third-country national concerned has been convicted in the previous 25 years of for a terrorist offence or in the previous 15 years of any other criminal offence listed in the a Annex to Regulation (EU) 2018/1240 if they are it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years under national law, and in those cases including the code of the convicting Member State(s).";	(c) a flag indicating, for the purpose of Regulations (EC) No 767/2008 and [Regulation (EU) 2018/1240 and of Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] , that the third-country national concerned has been convicted in the previous 25 years of for a terrorist offence or in the previous 15 years of any other criminal offence listed in the a Annex to Regulation (EU) 2018/1240 if they are it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years under national law, and in those cases including the code of the convicting Member State(s).";
Article 1, first paragraph, point (4)(b)				
36	(b) the following paragraph 7 is added after paragraph 6:	(b) the following paragraph 7 is added after paragraph 6:	(b) the following in paragraph 7 the following point	(b) the following in paragraph 7 the following point

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			is inserted is added after paragraph 6:	is inserted is added after paragraph 6:
Article 1, first paragraph, point (4)(b), amending provision, numbered paragraph (7)				
37	7. Where hits are identified following the security checks referred to in Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] flags and the code(s) of convicting Member State(s) as referred to in point (c) of paragraph 1 of this article shall be accessible and searchable only, respectively, by the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose of that Regulation.'	78. Where hits are identified following the security checks referred to in Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] For the purpose of the screening Regulation flags and the code(s) of convicting Member State(s) as referred to in only data records to which a flag has been added in accordance with point (c) of paragraph 1 of this Article shall be accessible and searchable only, respectively, by the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose of that Regulation.''	"7. Where hits are identified following the security checks referred to in Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] flags and the code(s) of convicting Member State(s) as referred to in point (c) of paragraph 1 of this article shall be accessible and searchable only, respectively, by the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose of that Regulation." "(c) the screening authorities referred to in the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening], for the purpose of assessing whether a third-country national could pose a security risk where hits are reported following the security checks	7. Where hits are identified following the security checks referred to in Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] flags and the code(s) of convicting Member State(s) as referred to in point (c) of paragraph 1 of this article shall be accessible and searchable only, respectively, by the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose of that Regulation.' "(c) the screening authorities referred to in the first subparagraph of Article 2 (11) of Regulation (EU) .../... [Regulation on Screening], for the purpose of assessing whether a third-country national might pose a threat to internal security where hits are reported following the security checks referred to in Articles 11 and 12 of that Regulation.";

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Articles 11 and 12 of that Regulation.";	
Article 1, first paragraph, point (5)				
38	5. In Article 7, paragraph 7 is replaced by the following:	deleted	(5) in Article 7, paragraph 7, the follwoing point (e) is added replaced by the following:	(5) in Article 7, paragraph 7, the follwoing point (e) is added replaced by the following:
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7)				
39	7. In the event of a hit, the central system shall automatically provide the competent authority with information on the Member States holding criminal records information on the third country national, along with the associated reference numbers referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verifying the identity of the third country national concerned. The result of a search in the central system may only be used for the purposes of:	deleted	"7. In the event of a hit, the central system shall automatically provide the competent authority with information on the Member States holding criminal records information on the third country national, along with the associated reference numbers referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verifying the identity of the third country national concerned. The result of a search in the central system may only be used for the purposes of:	\
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), point (a)				
40		deleted	(a) making a request according to Article 6 of	\

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) making a request according to Article 6 of Framework Decision 2009/315/JHA;		Framework Decision 2009/315/JHA;	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), point (b)				
41	(b) making a request referred to in Article 17(3) of this Regulation;	deleted	(b) — making a request referred to in Article 17(3) of this Regulation;	\
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), point (c)				
42	(c) [border management] ¹ ; 1. Op. cit. 29.	deleted	(e) — [border management]³⁴;	\
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), point (d)				
43	(d) assessing whether a third country national subject to screening checks would pose a threat to public policy or public security, in accordance with Regulation (EU) .../... [Regulation on Screening].	deleted	(d) (e) supporting the objective of Regulation (EU) .../... [Regulation on Screening] of assessing whether a third-country national subject to screening a security checks would could pose a threat to public policy or public security risk, in accordance with Regulation (EU) .../... [Regulation on Screening]." ;	(e) — assessing whether a third country national subject to screening might pose a threat to internal security, in accordance with Regulation (EU) .../... [Regulation on Screening]. (e) supporting the screening objective of Regulation (EU) .../... [Regulation on Screening] of assessing whether a third-country national subject to a security check might pose a threat to

³⁴ — Op. cit. 29.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				internal security, in accordance with Regulation (EU) .../... [Regulation on Screening].";
43a		5a) In Article 7, a new paragraph is inserted: 7a. Following a search launched by the authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening], the central system shall inform the competent authority of a hit and shall automatically notify the central authority of the Member State holding criminal records information on the third country national concerned of a request for an opinion on whether the presence of that person on the territory of the Member States would pose a threat to internal security as referred to in Article 11 of that regulation. The result of a search in the central system shall only be used for the purposes of assessing whether the third country national subject to the screening might pose a threat to internal security in accordance with Articles 11 and 12 of Regulation (EU) .../... [Screening Regulation].		\
Article 1, first paragraph, point (6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
44	6. The following Article 7a is inserted after Article 7:	6. The following Article 7a is inserted after Article 7:	(6) the following Article 7 ac is inserted after Article 7 b :	(6) the following Article 7 ac is inserted after Article 7 b :
Article 1, first paragraph, point (6), amending provision, first paragraph				
45	‘ Article 7a	‘ Article 7a	"Article 7 ac	"Article 7 ac
Article 1, first paragraph, point (6), amending provision, second paragraph				
46	Use of ECRIS-TCN for the purposes of the Screening	Use of ECRIS-TCN for the purposes of the Screening	Use of ECRIS-TCN for the purposes of the S screening	Use of ECRIS-TCN for the purposes of the S screening
Article 1, first paragraph, point (6), amending provision, third paragraph				
47	‘The competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] shall have the right to access and search the European Criminal Records Information System for third country nationals (ECRIS-TCN) database using the European Search Portal provided for in Article 6 of Regulation (EU) 2019/818, for the purpose of performing the tasks conferred upon them by Article 11 of Regulation (EU) .../... [Regulation on Screening].	deleted	The competent screening authorities referred to in the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening] shall have the right to access and search the European Criminal Records Information System for third country nationals (ECRIS-TCN) database using the European Search Portal provided for in Article 6 of Regulation (EU) 2019/818, for the purpose of performing the tasks conferred upon them by Article 11 of	The competent screening authorities referred to in the first subparagraph of Article 6 (7) 2(11) of Regulation (EU) .../... [Regulation on Screening] shall have the right to access and search the European Criminal Records Information System for third country nationals (ECRIS-TCN) database using the European Search Portal provided for in Article 6 of Regulation (EU) 2019/818, for the purpose of performing the tasks conferred upon them by Article 11 of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation (EU) .../... [Regulation on Screening].	Regulation (EU) .../... [Regulation on Screening].
Article 1, first paragraph, point (6), amending provision, fourth paragraph				
48	For the purpose of the security check referred to in Article 11 of Regulation (EU) .../... [Regulation on Screening], the competent authorities referred to in the first subparagraph shall only have access to data records in the CIR to which a flag has been added in accordance with Article 5(1)(c) of this Regulation.	deleted	For the purpose of the security check referred to in Article 11 of Regulation (EU) .../... [Regulation on Screening], the competent screening authorities referred to in the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening] shall only have access to data records in the CIR to which a flag has been added in accordance with point (c) of Article 5(1)(e) of this Regulation.	For that purpose, the competent screening authorities shall only have access to data records in the CIR to which a flag has been added in accordance with point (c) of Article 5(1) of this Regulation.
Article 1, first paragraph, point (6), amending provision, fifth paragraph				
49	The consultation of national criminal records based on the flagged ECRIS-TCN data shall take place in accordance with national law and using national channels. The relevant national authorities shall provide an opinion to the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] within two days where the screening takes place on the territory of the	In the cases referred to in Article 7, paragraph 7a, the central authority of the Member State holding criminal records information on the third country The consultation of national criminal records based on the flagged ECRIS-TCN data shall take place in accordance with national law and using national channels. The relevant national authorities subject to the screening	The consultation of national criminal records based on the flagged ECRIS-TCN data in the event of a hit shall take place in accordance with national law and using national channels. The relevant national authorities of the convicting Member State shall provide an opinion to the competent screening authorities referred to in Article 6(7) of Regulation (EU) .../...	The consultation of national criminal records based on the flagged ECRIS-TCN data in the event of a hit shall take place in accordance with national law and using national channels. The relevant national authorities of the convicting Member State shall provide an opinion to the competent screening authorities referred to in Article 6(7) of Regulation (EU) .../...

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States or within four days where the screening takes place at external borders. The absence of opinion within these deadlines shall mean that there are no security grounds to be taken into account. ²	shall provide an opinion to the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] within two days where the screening takes place on the territory of the Member States or authorities within four days where the screening takes place at external borders. The absence of opinion within these deadlines four days shall mean that there are no security grounds to be taken into account. ²	[Regulation on Screening] within two days where the screening takes place on the territory of the Member States or within four three days where the screening takes place at external borders. Where the relevant national authorities do not provide such an The absence of opinion within these those deadlines, this shall mean that there are no security grounds to be taken into account.	[Regulation on Screening] within two days where the screening takes place on the territory of the Member States or within three days where the screening takes place at external borders. Where the relevant national authorities do not provide such an The absence of opinion within these those deadlines, this shall mean that there are no security grounds to be taken into account.
			National criminal records shall be consulted prior to providing an opinion to the screening authorities.	National criminal records shall be consulted prior to providing an opinion to the screening authorities.
			In the absence of an opinion, an entry shall be made in the screening form as referred to in Article 13 of Regulation (EU) .../... [Regulation on Screening].";	Where following a hit, no opinion has been provided and there are no security grounds to be taken into account, this shall be recorded in the screening form under point (ce) as referred to in Article 13 of Regulation (EU) .../... [Regulation on Screening].
Article 1, first paragraph, point (7)				
50	7. In Article 24, paragraph 1 is replaced by the following:		(7) in Article 24, paragraph 1, a point (d) is added is replaced by the following:	(7) in Article 24, paragraph 1, subparagraph 1, the following point is added:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		7. In Article 24, paragraph 1, subparagraph 1 , is replaced by the following point is added :		
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1)				
51	1. The data entered into the central system and the CIR shall only be processed for the purposes of:	1. The data entered into the central system and the CIR shall only be processed for the purposes of:	"1. The data entered into the central system and the CIR shall only be processed for the purposes of:	
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1), point (a)				
52	(a) the identification of the Member States holding the criminal records information of third-country nationals	(a) the identification of the Member States holding the criminal records information of third-country nationals	(a) — the identification of the Member States holding the criminal records information of third-country nationals	
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1), point (b)				
53	(b) [border management] ¹ or <u>1. Op. cit. 29.</u>	(b) [border management] ¹ or <u>1. Op. cit. 29.</u>	(b) — [border management] ³⁵; or	
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1), point (c)				
54	(c) screening pursuant to Article 11 of Regulation (EU) .../... [Regulation on Screening]. ²	(c) (d) screening pursuant to Article 11 Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening]	"(e)(d) supporting the objective of Regulation (EU) .../... [Regulation on Screening] of assessing whether a third	(d) screening pursuant to Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening].²

³⁵ — Op. cit. 29.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		on Screening Regulation].	country national subject to a security check could pose a security risk, in accordance with screening pursuant to Article 11 of Regulation (EU) .../... [Regulation on Screening]."	"(d) supporting the screening objective of assessing whether a third country national subject to a security check might pose threat to internal security, in accordance with screening pursuant to Article 11 of Regulation (EU) .../... [Regulation on Screening].
Article 2				
55	Article 2 Amendments to Regulation (EU) 2019/818	Article 2 Amendments to Regulation (EU) 2019/818	Article 2 Amendments to Regulation (EU) 2019/818	Article 2 Amendments to Regulation (EU) 2019/818
Article 2, first paragraph				
56	Regulation (EU) 2019/818 is amended as follows:	Regulation (EU) 2019/818 is amended as follows:	Regulation (EU) 2019/818 is amended as follows:	Regulation (EU) 2019/818 is amended as follows:
Article 2, first paragraph, point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
57	1. In Article 7, paragraph 2 is replaced by the following:	1. In Article 7, paragraph 2 is replaced by the following:	(1) in Article 7, paragraph 2 is replaced by the following:	(1) in Article 7, paragraph 2 is replaced by the following:
Article 2, first paragraph, point (1), amending provision, numbered paragraph (2)				
58	“ (2) The Member State authorities and Union agencies referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of Eurodac and ECRIS-TCN in accordance with their access rights as referred to in the legal instruments governing those EU information systems and in national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22. ”	“ (2) The Member State authorities and Union agencies referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of Eurodac and ECRIS-TCN in accordance with their access rights as referred to in the legal instruments governing those EU information systems and in national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22. ”	“(2) The Member State authorities and Union agencies referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of Eurodac and ECRIS-TCN in accordance with their access rights as referred to in the legal instruments governing those EU information systems and in national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22.”;	‘(2) The Member State authorities and Union agencies referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of Eurodac and ECRIS-TCN in accordance with their access rights as referred to in the legal instruments governing those EU information systems and in national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22.’
Article 2, first paragraph, point (2)				
59	2. Article 17 is amended as follows:	2. Article 17 is amended as follows:	(2) Article 17 is amended as follows:	(2) Article 17 is amended as follows:
Article 2, first paragraph, point (2)(a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
60	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:
Article 2, first paragraph, point (2)(a), amending provision, first paragraph				
61	“ A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Articles 20 and 20a of this Regulation, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22. ”	“ A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Articles 20 and 20a of this Regulation, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22. ”	“A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Articles 20 and 20a of this Regulation, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22.”;	“A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Articles 20 and 20a of this Regulation, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22.”

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (2)(b)				
62	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:
Article 2, first paragraph, point (2)(b), amending provision, first paragraph				
63	“ Where it is technically impossible because of a failure of the CIR to query the CIR for the purposes of identifying a person pursuant to Article 20 or of verifying or establishing the identity of a person pursuant to Article 20a of this Regulation, for the detection of multiple identities pursuant to Article 21 or for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences pursuant to Article 22, the CIR users shall be notified by eu-LISA in an automated manner. “	“ Where it is technically impossible because of a failure of the CIR to query the CIR for the purposes of identifying a person pursuant to Article 20 or of verifying or establishing the identity of a person pursuant to Article 20a of this Regulation, for the detection of multiple identities pursuant to Article 21 or for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences pursuant to Article 22, the CIR users shall be notified by eu-LISA in an automated manner. “	“Where it is technically impossible because of a failure of the CIR to query the CIR for the purposes of identifying a person pursuant to Article 20 or of verifying or establishing the identity of a person pursuant to Article 20a of this Regulation, for the detection of multiple identities pursuant to Article 21 or for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences pursuant to Article 22, the CIR users shall be notified by eu-LISA in an automated manner.”;	“Where it is technically impossible because of a failure of the CIR to query the CIR for the purposes of identifying a person pursuant to Article 20 or of verifying or establishing the identity of a person pursuant to Article 20a of this Regulation, for the detection of multiple identities pursuant to Article 21 or for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences pursuant to Article 22, the CIR users shall be notified by eu-LISA in an automated manner.”;
Article 2, first paragraph, point (3)				
64	3. In Article 18, paragraph 3 is replaced by the following:	3. In Article 18, paragraph 3 is replaced by the following:	(3) in Article 18, paragraph 3 is replaced by the following:	(3) in Article 18, paragraph 3 is replaced by the following:
Article 2, first paragraph, point (3), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
65	“(3) The authorities accessing the CIR shall do so in accordance with their access rights under the legal instruments governing the EU information systems, and under national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22.”	“(3) The authorities accessing the CIR shall do so in accordance with their access rights under the legal instruments governing the EU information systems, and under national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22.”	“(3) The authorities accessing the CIR shall do so in accordance with their access rights under the legal instruments governing the EU information systems, and under national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22.”;	“(3) The authorities accessing the CIR shall do so in accordance with their access rights under the legal instruments governing the EU information systems, and under national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22.”;
Article 2, first paragraph, point (4)				
66	4. The following Article 20a is inserted after Article 20:	4. The following Article 20a is inserted after Article 20:	(4) the following Article 20a is inserted after Article 20:	(4) the following Article 20a is inserted after Article 20:
Article 2, first paragraph, point (4), amending provision, first paragraph				
67	“Article 20a	“Article 20a	“Article 20a	“Article 20a
Article 2, first paragraph, point (4), amending provision, second paragraph				
68	Access to the common identity repository for identification according to Regulation (EU) .../... [Regulation on Screening]	Access to the common identity repository for identification according to Regulation (EU) .../... [Regulation on Screening]	Access to the common identity repository CIR for identification according to Regulation (EU) .../... [Regulation on Screening]	Access to the common identity repository for verification of identity or identification according to Regulation (EU) .../... [Regulation on Screening]
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
69	1. Queries of the CIR shall be carried out by the designated competent authority as referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening], solely for the purpose of verifying or establishing the identity of a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.	1. Queries of the CIR shall be carried out by the designated competent authority as referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening Regulation], solely for the purpose of verifying or establishing the identity verification of identity or identification of a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.	1. Queries of the CIR shall be carried out by the designated competent screening authority as referred to in the first subparagraph of Article 6(7) of Regulation (EU) .../... of the European Parliament and of the Council [Regulation on Screening] *, solely for the purpose of verifying or establishing the identity of a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.	1. Queries of the CIR shall be carried out by the screening authorities solely for the purpose of verifying the identity or designated competent authority as defined in Article 6(7) of Regulation (EU) 2020/XXX , solely for the purpose of identifying a person process according to Article 10 of that Regulation, provided that the procedure process was initiated in the presence of that person.
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2)				
70	2. Where the query indicates that data on that person are stored in the CIR, the competent authority referred to in paragraph 1 shall have access to consult the data referred to in Article 18(1) of this Regulation. „	2. Where the query indicates that data on that person are stored in the CIR, the competent authority referred to in paragraph 1 shall have access to consult the data referred to in Article 18(1) of this Regulation. „	2. Where the query indicates that data on that person are stored in the CIR, the competent authority referred to in paragraph 1 shall have access to the CIR to consult the data referred to in Article 18(1) of this Regulation.”;	2. Where the query indicates that data on that person are stored in the CIR, the competent screening authority shall have access to consult the data referred to in Article 18(1) of this Regulation as well as to the data referred to in Article 18(1) of Regulation (EU) 2019/817 of the European Parliament and the Council.”
			* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...).";	
Article 2, first paragraph, point (5)				
71	5. Article 24 is amended as follow:	5. Article 24 is amended as follow:	(5) Article 24 is amended as follows:	(5) Article 24 is amended as follows
Article 2, first paragraph, point (5)(a)				
72	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:
Article 2, first paragraph, point (5)(a), amending provision, numbered paragraph (1)				
73	‘1. Without prejudice to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations in the CIR in accordance with paragraphs 2, 2a, 3 and 4 of this Article.	‘1. Without prejudice to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations in the CIR in accordance with paragraphs 2, 2a, 3 and 4 of this Article.	"1. Without prejudice to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations in the CIR in accordance with paragraphs 2, 2a, 3 and 4 of this Article.";	‘1. Without prejudice to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations in the CIR in accordance with paragraphs 2, 2a, 3 and 4 of this Article.’
Article 2, first paragraph, point (5)(b)				
74	(b) the following paragraph 2a is inserted after paragraph 2:	(b) the following paragraph 2a is inserted after paragraph 2:	(b) the following paragraph 2a is inserted after paragraph 2:	(b) the following paragraph 2a is inserted after paragraph 2:
Article 2, first paragraph, point (5)(b), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
75	“ 2a. eu-LISA shall keep logs of all data processing operations pursuant to Article 20a in the CIR. Those logs shall include the following elements:	“ 2a. eu-LISA shall keep logs of all data processing operations pursuant to Article 20a in the CIR. Those logs shall include the following elements:	“2a. eu-LISA shall keep logs of all data processing operations pursuant to Article 20a in the CIR. Those logs shall include the following elements:	“2a. eu-LISA shall keep logs of all data processing operations pursuant to Article 20a in the CIR. Those logs shall include the following:
Article 2, first paragraph, point (5)(b), amending provision, first paragraph, point (a)				
76	(a) the Member State launching the query;	(a) the Member State launching the query;	(a) the Member State launching the query;	(a) the Member State launching the query;
Article 2, first paragraph, point (5)(b), amending provision, first paragraph, point (b)				
77	(b) the purpose of access of the user querying via the CIR;	(b) the purpose of access of the user querying via the CIR;	(b) the purpose of access of the user querying via the CIR;	(b) the purpose of access of the user querying via the CIR;
Article 2, first paragraph, point (5)(b), amending provision, first paragraph, point (c)				
78	(c) the date and time of the query;	(c) the date and time of the query;	(c) the date and time of the query;	(c) the date and time of the query;
Article 2, first paragraph, point (5)(b), amending provision, first paragraph, point (d)				
79	(d) the type of data used to launch the query;	(d) the type of data used to launch the query;	(d) the type of data used to launch the query;	(d) the type of data used to launch the query;
Article 2, first paragraph, point (5)(b), amending provision, first paragraph, point (e)				
80				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) the results of the query. ”	(e) the results of the query. ”	(e) the results of the query.”;	(e) the results of the query.”
Article 2, first paragraph, point (5)(c)				
81	(c) in paragraph 5, the first sub-paragraph is replaced by the following:	(c) in paragraph 5, the first sub-paragraph is replaced by the following:	(c) in paragraph 5, the first sub-paragraph is replaced by the following:	(c) in paragraph 5, the first sub-paragraph is replaced by the following:
Article 2, first paragraph, point (5)(c), amending provision, numbered paragraph (5)				
82	“ (5) Each Member State shall keep logs of queries that its authorities and the staff of those authorities duly authorised to use the CIR make pursuant to Articles 20, 20a, 21 and 22. Each Union agency shall keep logs of queries that its duly authorised staff make pursuant to Articles 21 and 22. ”	“ (5) Each Member State shall keep logs of queries that its authorities and the staff of those authorities duly authorised to use the CIR make pursuant to Articles 20, 20a, 21 and 22. Each Union agency shall keep logs of queries that its duly authorised staff make pursuant to Articles 21 and 22. ”	“(5) Each Member State shall keep logs of queries that its authorities and the staff of those authorities duly authorised to use the CIR make pursuant to Articles 20, 20a, 21 and 22. Each Union agency shall keep logs of queries that its duly authorised staff make pursuant to Articles 21 and 22.”.	“(5) Each Member State shall keep logs of queries that its authorities and the staff of those authorities duly authorised to use the CIR make pursuant to Articles 20, 20a, 21 and 22. Each Union agency shall keep logs of queries that its duly authorised staff make pursuant to Articles 21 and 22.”
Article 3				
83	Article 3	Article 3	Article 3	Article 3 Entry into force and application
Article 3, first paragraph				
84				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall start to apply 24 months from its entry into force.
Article 3, second paragraph				
85	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
Formula				
86	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
Formula				
87	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament
Formula				
88	The President	The President	The President	The President
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
89	For the Council	For the Council	For the Council	For the Council
Formula				
90	The President	The President	The President	The President