

ETIAS consequential amendments: borders and visa

2019/0002(COD) - 11/12/2020 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jeroen LENAERS (EPP, NL) on the proposal for a regulation of the European Parliament and of the Council establishing the conditions for accessing other EU information systems for ETIAS purposes and amending Regulation (EU) 2018/1240, Regulation (EC) No 767/2008, Regulation (EU) 2017/2226 and Regulation (EU) 2018/1861.

As a reminder, the proposal for a regulation defines the technical amendments necessary to fully set up the European Travel Information and Authorisation System (ETIAS). It amends the legal acts establishing the EU information systems that are necessary for establishing their relation with ETIAS.

The committee considered that, following the recommendations of the substitute impact assessment by the European Parliament Research Services, improvements were needed as regards certain articles.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Automated processing

The ETIAS Central System should compare the relevant data to the data present in a record, file or alert registered in the ETIAS Central System, SIS, the EES, VIS, Eurodac, ECRIS-TCN, Europol data and Interpol SLTD and TDAWN databases.

In particular, the ETIAS Central System should verify:

- whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN for a conviction in the past 20 years for terrorists offences or a conviction in the past 10 years for any other serious criminal offences as listed in the Annex to Regulation (EU) 2018/1240 where those criminal offences are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;
- whether the applicant is subject to an alert on return entered in SIS.

ETIAS Central Unit

Members proposed that the ETIAS Central Unit should provide periodical reports to the Commission and eu-Lisa concerning false hits generated during the automated processing. The Central Unit should seek the cooperation of and information from ETIAS National Units in that regard.

Manual processing of applications by the ETIAS National Units

In the event of hits on SIS Return, the ETIAS national Unit of the Member State that is processing the application should:

- where the return decision is accompanied by an entry ban, immediately inform the issuing Member State through the exchange of supplementary information. The issuing Member State should immediately delete the alert on return and enter an alert for refusal of entry and stay;

- where the return decision is not accompanied by an entry ban, immediately inform the issuing Member State through the exchange of supplementary information, in order that the issuing Member State delete the alert on return without delay.

Where hits are identified, the European Search Portal should provide temporary read-only access to the results of the automated processing in the application file to the ETIAS Central Unit, until the end of the manual process. Where the data made available correspond to those of the applicant or where doubts remain, the unique ID code of the data having triggered a hit should be kept in the application file.

Fallback procedures in the case of a technical impossibility to access data by carriers

Members stressed that the ETIAS Central Unit should provide operational support to carriers. The ETIAS Central Unit should establish procedures to provide such support in Standard Operational Procedures. The Commission should, by means of implementing acts, specify the nature and the extent of the support to be provided and the means to provide such support.