

Centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN)

2021/0046(COD) - 02/03/2021 - Legislative proposal

PURPOSE: to allow access to the European Criminal Records Information System for third-country nationals (ECRIS-TCN) for the purpose of security checks introduced by the Regulation establishing screening of third-country nationals at external borders.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: one of the legislative proposals accompanying the Commission's Communication of 23 September 2020 on a new Pact on Migration and Asylum is the [proposal for a Regulation](#) of the European Parliament and of the Council establishing a screening of third-country nationals at the external borders for the purpose of determining whether a person is a threat to internal security or public policy.

The security checks as part of the screening should be at least of a similar level as the checks performed in respect of third country nationals that apply beforehand for an authorisation to enter the Union for a short stay, whether they are under a visa obligation or not.

Since access to the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), the Visa Information System (VIS) and the European Criminal Records Information System for third country nationals (ECRIS-TCN) is necessary for the authorities designated to carry out the screening, the regulations establishing those databases need to be amended to provide for this additional access right.

CONTENT: the purpose of this proposal is to amend [Regulation \(EU\) 2019/816](#) by adding a new provision allowing the designated authorities in the context of the screening to access and search the ECRIS-TCN database for records relating to persons who have been convicted for a terrorist offence or other serious criminal offences.

To this end, the proposal specifies the conditions of accessing the European Criminal Records Information System for third country nationals database which has been set up by an EU regulation with a view to ensure uniform application across the Union and legal certainty by avoiding divergent interpretations in the Member States with regard to the use of this central database.

In addition, the proposal complements the uniform rules on security checks during the screening as set out in the proposed Screening Regulation.

The proposal also amends Regulation (EU) 2019/818 by adding a new provision that allows designated authorities, in the context of screening, to access data stored in the common identity data repository (CIR).