

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

2021/0046(COD) - 14/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Birgit SIPPÉL (S&D, DE) on the 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.

As a reminder, the overall objective of the Commission is to allow for the use of the Common Identity Repository (CIR) and European Criminal Records Information System for third country nationals ('ECRIS-TCN') during the Screening. However, according to Members, the provisions granting blanket access rights to the competent authorities are not considered necessary to allow for the screening to be carried out effectively.

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

Data entry in ECRIS-TCN

The amended text stated that for each convicted third-country national, the central authority of the convicting Member State should create a data record in the central system. The data record should include a **flag** indicating that the third-country national concerned has been convicted 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 it is punishable by a custodial sentence or a detention order for a maximum period of at least three years under national law, including the code of the convicting Member State.

For the purpose of the security checks, only data records to which a flag has been added should be searchable.

The use of ECRIS-TCN for identifying the Member States holding criminal records information

Following a search launched by the authorities, the central system should inform the competent authority of a hit and should 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. The result of a search in the central system should only be used for the purposes of assessing whether the third country national subject to the screening might pose a threat to internal security.

The central authority of the Member State holding criminal records information on the third country national subject to the screening should provide an opinion to the competent authorities within **four days**.

The absence of opinion within four days should mean that there are no security grounds to be taken into account.