

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

2021/0046(COD) - 22/05/2024 - Final act

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.

LEGISLATIVE ACT: Regulation (EU) 2024/1352 of the European Parliament and of the Council amending Regulations (EU) 2019/816 and (EU) 2019/818 for the purpose of introducing the screening of third-country nationals at the external borders.

CONTENT: this Regulation is a pillar of the Pact on Asylum and Migration. Its purpose is to **enable the screening authorities to access the data contained in the ECRIS-TCN or in the common identity repository (CIR)** for the purposes of identification or verification of identity and for the purposes of the security checks introduced by the Regulation establishing a system of screening of third-country nationals at the external borders.

The Regulation:

- establishes the conditions under which data in ECRIS-TCN may be used by the screening authorities as defined in the Regulation of the European Parliament and of the Council establishing a screening of third-country nationals at the external borders for the purpose of performing a security check in order to assess whether a third-country national might pose a threat to internal security;
- enables access to ECRIS-TCN for the purpose of supporting the performance of a security check established by the Regulation establishing a screening of third-country nationals at the external borders.

Data entry in ECRIS-TCN

The Regulation provides 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 will 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 establishing a European Travel Information and Authorisation System (ETIAS), 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.

Use of ECRIS-TCN for the purposes of the screening

The screening authorities will have the right to access and search ECRIS-TCN data using the European Search Portal provided for in 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, for the purpose of performing the tasks conferred upon them by Regulation (EU) 2024/1356 introducing the screening of third-country nationals at the external borders.

In the event of a hit, the consultation of national criminal records based on the flagged ECRIS-TCN data will take place in accordance with national law and using national channels of communication. The relevant national authorities of the convicting Member State will provide an opinion to the screening authorities, on whether the presence of that person on the territory of the Member States might pose a threat to internal security, within **two days** where the screening takes place on the territory of the Member State or within three days where the screening takes place at external borders.

Where the relevant national authorities of the convicting Member State do not provide such an opinion within those deadlines, it will be understood that there are no security grounds to be taken into account.

The Regulation contains provisions on access to the common identity repository for the identification or verification of identity in accordance with the Regulation establishing the screening of third-country nationals at the external borders.

eu-LISA will keep logs of all data processing operations in the CIR. Those logs will include the following: (a) the Member State launching the query; (b) the purpose of access of the user querying via the CIR; (c) the date and time of the query; (d) the type of data used to launch the query; (e) the results of the query.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 12.6.2026.