




Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision 2016/0357B(COD) procedure)</p> <p>European Travel Information and Authorisation System (ETIAS): Europol tasks</p> <p>Amending Regulation (EU) No 2016/794 2013/0091(COD) See also 2016/0357A(COD)</p> <p>Subject 7.10.04 External borders crossing and controls, visas 7.30.05.01 Europol, CEPOL</p> <p>Legislative priorities Joint Declaration 2018</p>	<p>Procedure completed</p> <p>25/10/2017: Decision to enter into interinstitutional negotiations confirmed by plenary (Rule 69c)</p>

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	 GÁL Kinga	25/09/2017
Council of the European Union European Commission	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets	The committee decided not to give an opinion.	
	Commission DG Migration and Home Affairs Energy	Commissioner	

Key events			
16/11/2016	Initial legislative proposal published	COM(2016)0731	Summary
07/07/2017	Legislative proposal published	N8-0050/2017	Summary
14/09/2017	Committee referral announced in Parliament, 1st reading/single reading		
19/10/2017	Vote in committee, 1st reading/single reading		
19/10/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/10/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0323/2017	Summary
25/04/2018	Approval in committee of the text agreed at 2nd reading interinstitutional negotiations	PE622.110 GEDA/A/(2018)003214	
04/07/2018	Debate in Parliament		
05/07/2018	Results of vote in Parliament		

05/07/2018	Decision by Parliament, 1st reading/single reading	T8-0308/2018	Summary
12/09/2018	Act adopted by Council after Parliament's 1st reading		
12/09/2018	Final act signed		
12/09/2018	End of procedure in Parliament		
19/09/2018	Final act published in Official Journal		

Technical information

Procedure reference	2016/0357B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
	Amending Regulation (EU) No 2016/794 2013/0091(COD) See also 2016/0357A(COD)
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/10997

Documentation gateway

Legislative proposal	COM(2016)0731	16/11/2016	EC	Summary
Document attached to the procedure	N8-0027/2017 OJ C 162 23.05.2017, p. 0009	06/03/2017	EDPS	Summary
Legislative proposal	N8-0050/2017	07/07/2017	CSL	Summary
Committee draft report	PE610.900	03/10/2017	EP	
Amendments tabled in committee	PE612.038	05/10/2017	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0323/2017	23/10/2017	EP	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2018)003214	27/04/2018	CSL	
Text adopted by Parliament, 1st reading/single reading	T8-0308/2018	05/07/2018	EP	Summary
Commission response to text adopted in plenary	SP(2018)547	12/09/2018		
Draft final act	00022/2018/LEX	12/09/2018	CSL	

Final act

[Regulation 2018/1241](#)
[OJ L 236 19.09.2018, p. 0072](#) Summary

2016/0357B(COD) - 07/07/2017 Legislative proposal

PURPOSE: to revise the Europol Regulation (Regulation (EU) 2016/794) with regard to the European travel information and authorisation system (ETIAS).

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 Council.

BACKGROUND: on 9 June 2017, the Council agreed a general approach on ETIAS. The general approach constitutes the Council's position for negotiations with the European Parliament.

For legal reasons, it was decided to split the proposal into two texts ([2016/357A\(COD\)](#) and [2016/357B\(COD\)](#)) given that the proposal contains a formal amendment of the [Europol Regulation](#) in order to give Europol new tasks.

Europol does not belong to the Schengen acquis while ETIAS will fully belong to the Schengen acquis as regards external borders.

Given the differentiated geometry (Europol with 27 Member States, without Denmark and ETIAS 26 Members States, including Denmark but without the United Kingdom and Ireland), it is necessary to split the proposal into two texts to allow a differentiated participation and vote in the Council.

It should be stressed that this splitting shall not in any way affect the substance of ETIAS.

CONTENT: more specifically, as regards the amendment to the Europol Regulation which is the aim of this proposal, the tasks of Europol shall be extended to cover the following tasks:

- develop and host the ETIAS watchlist (people suspected to have committed, or be likely to commit a criminal offence);
- provide information to the ETIAS as regards terrorist offences or other serious criminal offences;
- provide an opinion following a consultation request from the ETIAS National Unit of the responsible Member State in cases falling under Europol's mandate.

As regards to information stored by Europol, the amended text stipulates that Europol shall take all appropriate measures to enable the European Border and Coast Guard Agency to have direct access on the basis of a hit/no hit system to information as regards the processing of personal data.

In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared and only to the extent that the data generating the hit are necessary for the performance of the European Border and Coast Guard Agency tasks related to ETIAS.

2016/0357B(COD) - 23/10/2017 Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Kinga GÁL (EPP, HU) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS).

The committee recommended that the European Parliaments position, adopted at first reading under the ordinary legislative procedure, should amend the Commission proposal as follows:

Processing of information for the purpose of the ETIAS watch list: Members proposed that the Management Board, after consulting the European Data Protection Supervisor (EDPS), shall adopt guidelines further specifying the procedures for the processing of information for the purpose of the ETIAS watch list.

Application: the Regulation shall apply from the date determined by the Commission in accordance with a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS).

2016/0357B(COD) - 05/07/2018 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 489 votes to 117, with 28 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS).

The European Parliaments position, adopted at first reading under the ordinary legislative procedure, amended the Commission proposal as follows:

Regulation (EU) 2016/794 of the European Parliament and of the Council on the European Union Agency for law enforcement cooperation (Europol) shall be amended to allocate new tasks assigned to Europol by the [Regulation](#) of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS), such as the management of the ETIAS watchlist, the entry of data related to terrorist offences or other serious criminal offences into that watchlist and the provision of opinions following consultation requests by the ETIAS National Units.

It is also specified that the United Kingdom, Ireland and Denmark shall not participating in the adoption of the Regulation.

2016/0357B(COD) - 12/09/2018 Final act

PURPOSE: to amend Regulation (EU) 2016/794 to implement the new tasks allocated to the European Union Agency for Law Enforcement Cooperation (Europol) in the framework of the establishment of a European Travel Information and Authorisation System (ETIAS).

LEGISLATIVE ACT: Regulation (EU) 2018/1241 of the European Parliament and of the Council amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS).

CONTENT: this Regulation amends [Regulation \(EU\) 2016/794](#) of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol) to enable the implementation of the new tasks assigned to Europol by [Regulation \(EU\) 2018/1241](#)

of the European Parliament and of the Council establishing a European Travel Information and Authorization System (ETIAS). These tasks include the management of the ETIAS watchlist, the entry of data related to terrorist offences or other serious criminal offences into that watchlist and the provision of opinions following consultation requests by the ETIAS National Units.

Europol must take all appropriate measures to enable the European Border and Coast Guard Agency, within its mandate and for the purposes of the ETIAS Regulation, to have indirect access on the basis of a hit/no hit system to the Europol database, without prejudice to any restrictions indicated by the Member State, Union body, third country or international organisation providing the information in question.

In the case of a hit, Europol will initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the provider of the information to Europol, and only to the extent that the data generating the hit are necessary for the performance of the European Border and Coast Guard Agency tasks related to ETIAS.

ENTRY INTO FORCE: 9.10.2018.