











Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) 2019/0001B(COD)	Procedure completed
ETIAS consequential amendments: ECRIS-TCN Amending Regulation 2018/1862 2016/0409(COD)	
Subject 7.10.04 External borders crossing and controls, visas 7.30.05 Police cooperation 7.40.04 Judicial cooperation in criminal matters	
Legislative priorities Joint Declaration 2021	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 LENAERS Jeroen	08/03/2021
		Shadow rapporteur	
		 VITANOV Petar	
		 TUDORACHE Dragos	
		 BREYER Patrick	
		 BERG Lars Patrick	
		 BUXADÉ VILLALBA Jorge	
		 PELLETIER Anne-Sophie	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs	The committee decided not to give an opinion.	
	 Transport and Tourism	The committee decided not to give an opinion.	
Council of the European Union			
European Commission	Commission DG Migration and Home Affairs	Commissioner AVRAMOPOULOS Dimitris	

Key events			
07/12/2020	Vote in committee, 1st reading		
08/03/2021	Committee referral announced in Parliament, 1st reading		

30/03/2021	Committee report tabled for plenary, 1st reading	A9-0083/2021	Summary
13/04/2021	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
07/06/2021	Decision by Parliament, 1st reading	T9-0265/2021	
07/06/2021	End of procedure in Parliament		
08/06/2021	Results of vote in Parliament		
28/06/2021	Act adopted by Council after Parliament's 1st reading		
07/07/2021	Final act signed		
14/07/2021	Final act published in Official Journal		

Technical information

Procedure reference	2019/0001B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
	Amending Regulation 2018/1862 2016/0409(COD)
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/05491

Documentation gateway

Legislative proposal	COM(2019)0003	07/01/2019	EC	
For information	A9-0254/2020	11/12/2020	EP	
Committee draft report	PE691.129	25/03/2021	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0083/2021	30/03/2021	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T9-0269/2021	07/06/2021	EP	Summary
Draft final act	00016/2021/LEX	07/07/2021	CSL	
Commission response to text adopted in plenary	SP(2021)472	26/07/2021	EC	

Final act

[Regulation 2021/1151](#)
[OJ L 249 14.07.2021, p. 0007](#)

ETIAS consequential amendments: ECRIS-TCN

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 amending Regulations (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System.

On 11 February 2021, the Conference of Presidents took the decision to authorise the Committee on Civil Liberties, Justice and Home Affairs to split the Commission proposal into two parts and to draw up two separate legislative reports on this basis.

As a reminder, Regulation (EU) 2018/1240 of the European Parliament and of the Council established the European Travel Information and Authorisation System (ETIAS) for third-country nationals exempt from the requirement to be in possession of a visa when crossing external borders. It laid down the conditions and procedures for issuing or refusing a travel authorisation under that system.

ETIAS enables consideration of whether the presence of those third-country nationals in the territory of the Member States would pose a security, illegal immigration or high epidemic risk.

In order to enable the processing of application files by the ETIAS Central System, the proposed amending regulation defines the modalities of interoperability between the ETIAS information system, other EU information systems and Europol data, as well as the conditions for the consultation of data stored in other EU information systems and Europol data should be implemented in the ETIAS automated processing for the purpose of identifying hits.

Accordingly, this regulation amends Regulations (EU) 2019/816 and (EU) 2019/818 of the European Parliament and of the Council in order to connect the ETIAS Central System to the other EU information systems and to Europol data and to specify the data that will be sent to and from those EU information systems and Europol data.

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:

Subject matter of Regulation (EU) 2019/816

The amendments introduced clarify that Regulation (EU) 2019/816 establishes the conditions under which data contained in the European Criminal Records Information System for third-country nationals (ECRIS-TCN) may be used by the ETIAS Central Unit in order to allow for a thorough assessment of the security risks posed by applicants before their arrival at external border crossing points.

Entry of data in the ECRIS-TCN

For each convicted third-country national, the central authority of the convicting Member State is required to create a data file in the Central System.

This file should contain a flag indicating that the third-country national concerned has been convicted in the past 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, 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, and in those cases the code of the convicting Member State(s).

Flags and the code of the convicting Member State(s) should be accessible and searchable only by the Visa Information System (VIS) and the ETIAS system for verification purposes.

Retention period of stored data

The flags should be erased automatically upon the expiry of the retention period referred to in paragraph 1 of this Article or at the latest, 25 years after the creation of the flag, as far as convictions related to terrorist offences are concerned, and 15 years after the creation of the flag, as far as convictions related to other serious criminal offences are concerned. Each ECRIS-TCN data processing operation in the Common Identity Records (CIR) and ETIAS should be recorded.

ETIAS consequential amendments: ECRIS-TCN

The European Parliament adopted a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System (ETIAS).

Regulation (EU) 2018/1240 of the European Parliament and of the Council established the European Travel Information and Authorisation System (ETIAS) for third-country nationals exempt from the visa requirement when crossing the external borders of the Union. ETIAS makes it possible to assess whether the presence of such third-country nationals on the territory of the Member States would pose a security or illegal immigration risk or a high epidemic risk.

This Regulation amends Regulations (EU) 2018/816 and (EU) 2019/818 in order to connect the ETIAS central system to other EU information systems and to Europol data and specifies the data that will be exchanged between these EU information systems and Europol data.

Amendments to Regulation (EU) 2019/816

The amendments introduced clarify that Regulation (EU) 2019/816 establishes the conditions under which data in the European Criminal Records Information System for third-country nationals (ECRIS-TCN) can be used by the ETIAS Central Unit, established within the European Border and Coast Guard Agency, in order to support the objective of ETIAS by allowing a thorough assessment of the security risks posed by applicants, prior to their arrival at external border crossing points, with a view to determining whether there are factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a security risk.

Entry of data in the ECRIS-TCN

For each convicted third-country national, the central authority of the convicting Member State should be required to create a data file in the Central System.

This data record should have to contain 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 they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least 3 years, and in these cases the code of the convicting Member State(s).

The flags and the code of the convicting Member State(s) should only be accessible and searchable by the Visa Information System (VIS) and the ETIAS system for verification purposes.

A hit in the ECRIS-TCN should not in itself mean that the third-country national concerned has been convicted in the Member States indicated. The existence of previous convictions would have to be confirmed solely on the basis of information from the criminal records of the Member States concerned.

Duration of storage of stored data

Flags should be automatically deleted at the end of the retention period referred to in the Regulation or, at the latest, 25 years after the flag was created, as regards convictions for terrorist offences, and 15 years after the flag was created, as regards convictions for other serious criminal offences.

Each processing operation of ECRIS-TCN data in the Common Identity Records (CIR) and ETIAS will have to be recorded.

Statistics

Every month eu-LISA should submit to the Commission statistics relating to the recording, storage and exchange of information extracted from criminal records through ECRIS-TCN.

eu-LISA should ensure that it is not possible to identify individuals on the basis of those statistics. At the request of the Commission, eu-LISA should provide it with statistics on specific aspects related to the implementation of this Regulation.