

European Travel Information and Authorisation System (ETIAS): Europol tasks

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.