



Council of the
European Union

138917/EU XXVII. GP
Eingelangt am 27/04/23

Brussels, 27 April 2023
(OR. en)

8756/23

Interinstitutional File:
2021/0046(COD)

FRONT 148
IXIM 104
VISA 75
SIRIS 35
DATAPROTECT 116
COPEN 128
CODEC 717

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	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 - Four-column table

Delegations will find in the annex the four-column table regarding the above-mentioned proposal.

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1	2021/0046 (COD)	2021/0046 (COD)	2021/0046 (COD)	
2	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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	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	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	
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 78(2)(e), Article 79(2)(c), Article 82(1), second subparagraph, point (d), Article 85(1), Article 87(2)(a) and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 78(2)(e), Article 79(2)(c), Article 82(1), second subparagraph, point (d), Article 85(1), Article 87(2)(a) and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article Articles 78(2)(e), Article and 79(2)(c), Article 82(1), second subparagraph, point (d), Article 85(1), Article 87(2)(a) and Article 88(2) thereof,	
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
8	Whereas:	Whereas:	Whereas:	
9	(1) Regulation (EU) .../... [Regulation on Screening] ¹ provides for identity, security and health checks of third country nationals who are at the external border without fulfilling the entry conditions or who are apprehended within the territory, and where there are no indications that they have been subject to controls at external borders. Regulation (EU) .../... [Regulation on Screening] ² addresses the challenges of managing mixed flows of migrants and creates uniform rules allowing for a quick identification of third country nationals and referral to the applicable procedures.	(1) Regulation (EU) .../... [Screening Regulation on Screening] ¹ provides for identity, security, health and vulnerability and health checks of third country nationals who are at have crossed the external border without fulfilling the entry conditions or who are apprehended within the territory, and where there are no indications that they have been subject to controls irregularly, those who have applied for international protection at external borders. Regulation (EU) .../... [Regulation on Screening] ² addresses the challenges of managing mixed flows of migrants	(1) Regulation (EU) .../... [Regulation on Screening Regulation on Screening] of the European Parliament and of the Council ¹ provides for identity, security and health checks of third country nationals who are at the external border without fulfilling the entry conditions or who are apprehended within the territory, and where there are no indications that they have been subject to controls at external borders borders or within the territory of the Member States, who have not been subject of border checks at the external borders of the Member States, as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>1. Regulation (EU) .../... of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ [...]</p> <p>2. Op. cit. 15.</p>	<p>and creates uniform rules allowing for a quick identification of third country nationals and referral to the applicable procedures border crossing points or in transit zones without fulfilling the entry conditions and those who have been disembarked following a search and rescue operation.</p> <p>1. Regulation (EU) .../... of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ [...]</p> <p>2. Op. cit. 15.</p>	<p>well as of those who have made an application for international protection at border crossing points or in transit zones, without fulfilling the entry conditions . Regulation (EU) .../... [Regulation on Screening]² addresses the challenges of managing mixed flows of migrants and creates uniform rules allowing for a quick swift identification of third country nationals and referral to the applicable procedures.</p> <p>1. Regulation (EU) .../... of the European Parliament and of the Council introducing a screening of third country third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ 2019/817(OJ [...]).</p> <p>2. Op. cit. 15.</p>	
10	<p>(2) The Regulation (EU) .../... [Regulation on Screening]¹ provides that verifications for security purposes in the framework of the screening should be carried out against the same systems as for applicants for visas or for travel authorisations under the European</p>	<p>(2) The Regulation (EU) .../... [Regulation on Screening Screening Regulation]¹ provides that verifications a verification for security purposes in the framework of the screening should be carried out against the same systems as for applicants for</p>	<p>(2) The Regulation (EU) .../... [Regulation on Screening]¹ provides that verifications for security purposes in the framework of the screening should be carried out against the same systems as for applicants for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Travel Information and Authorisation System. In particular, Regulation (EU) .../... [Regulation on Screening]² provides that the personal data of the persons submitted to the screening should be checked against Europol data, Interpol Stolen and Lost Travel Documents database (SLTD) and Interpol Travel Documents Associated with Notices database (TDAWN), as well as the European Criminal Records Information System for third country nationals (ECRIS-TCN) as regards persons convicted in relation to terrorist offences and other forms of serious criminal offences.</p> <p>1. Op. cit. 15. 2. Op. cit. 15.</p>	<p>visas or for travel authorisations under the European Travel Information and Authorisation System. In particular, Regulation (EU) .../... [Regulation on Screening]² provides that the personal data of the persons submitted to the screening should be checked against Europol data, Interpol Stolen and Lost Travel Documents database (SLTD) and Interpol Travel Documents Associated with Notices database (TDAWN), as well as the European Criminal Records Information System for third country nationals (ECRIS-TCN) as regards persons convicted in relation to terrorist offences and other forms of serious criminal offences.</p> <p>1. Op. cit. 15. 2. Op. cit. 15.</p>	<p>visas or for travel authorisations under the European Travel Information and Authorisation System (ETIAS). In particular, Regulation (EU) .../... [Regulation on Screening]² provides that the personal data of the persons submitted to the screening should be checked against Europol data as defined in Regulation (EU) .../... [Regulation on Screening], the Interpol Stolen and Lost Travel Documents database (SLTD) and the Interpol Travel Documents Associated with Notices database (TDAWN), as well as the European Criminal Records Information System - Third-Country for third-country Nationals (ECRIS-TCN) as regards persons convicted in relation to terrorist offences and-or other forms of serious criminal offences.</p> <p>1. Op. cit. 15. 2. Op. cit. 15.</p>	
11	(3) Access to the ECRIS-TCN is necessary for the authorities designated to carry out the	(3) Limited access to the ECRIS-TCN is necessary for the authorities designated to carry out	(3) Access to the ECRIS-TCN is necessary for the authorities designated to carry out the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>screening provided for in Regulation (EU) .../... [Regulation on Screening]¹ in order to establish whether a person could pose a threat to internal security or to public policy.</p> <p>¹ Op. cit. 15.</p>	<p>the screening provided for in Regulation (EU) .../... [Regulation on Screening] Regulation¹ in order to establish whether a person could pose a threat to internal security or to public policy.</p> <p>¹ Op. cit. 15.</p>	<p>screening provided for in Regulation (EU) .../... [Regulation on Screening]¹ in order to establish whether a person could pose a threat to internal security or to public policy. risk .</p> <p>¹ Op. cit. 15.</p>	
11a			<p>(3a) A hit indicated by ECRIS-TCN should not by itself be taken to mean that the third-country national concerned as defined in Regulation (EU) 2019/816 has been convicted in the Member States that are indicated. The existence of previous convictions should be confirmed only on the basis of information received from the criminal records of the Member States concerned.</p>	
12	<p>(4) Regulation (EU) .../... [Regulation on Screening]¹, which constitutes a development of the Schengen acquis regarding borders, amends Regulations (EC) No</p>	<p>(4) Regulation (EU) .../... [Regulation on Screening] Screening Regulation¹, which constitutes a development of the Schengen acquis regarding</p>	<p>(4) Regulation (EU) .../... [Regulation on Screening]¹, which constitutes a development of the Schengen</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>767/2008², (EU) 2017/2226³, (EU) 2018/1240⁴ and (EU) 2019/817⁵, which likewise constitute developments of the Schengen acquis regarding borders, to grant access rights for the purposes of the screening to the data contained in the Visa Information System (VIS), to the Entry-Exit System (EES) and to European Travel Information and Authorisation System (ETIAS) respectively. However, the parallel amendment of Regulation (EU) No 2019/816 to grant access rights for the purposes of the screening to ECRIS-TCN could not be part of the same regulation for reasons of variable geometry, as the regulation establishing ECRIS-TCN does not constitute a development of the Schengen acquis. Regulation 2019/816 should therefore be amended by a distinct legal instrument.</p> <p>1. Op. cit. 15. 2. Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) OJ L 218, 13.8.2008, p. 60–81. 3. Regulation (EU) 2017/2226 of the</p>	<p>borders, amends Regulations (EC) No 767/2008², (EU) 2017/2226³, (EU) 2018/1240⁴ and (EU) 2019/817⁵, which likewise constitute developments of the Schengen acquis regarding borders, to grant access rights a right to consult, for the purposes of the screening to, the data contained in the Visa Information System (VIS), to the Entry-Exit System (EES) and to European Travel Information and Authorisation System (ETIAS) respectively. However, the parallel amendment of Regulation (EU) No 2019/816 to grant access rights a right to consult, for the purposes of the screening, the data contained in to ECRIS-TCN could not be part of the same regulation for reasons of variable geometry, as the regulation establishing ECRIS-TCN does not constitute a development of the Schengen acquis. Regulation 2019/816 should therefore be amended by a distinct legal instrument.</p> <p>1. Op. cit. 15. 2. Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States</p>	<p>acquis regarding borders, amends Regulations (EC) No 767/2008², (EU) 2017/2226³, (EU) 2018/1240⁴ and (EU) 2019/817 of the European Parliament and of the Council⁵, which likewise constitute developments of the Schengen acquis regarding borders, to grant access rights for the purposes of the screening to the data contained in the Visa Information System (VIS), to the Entry-Exit System (EES) and to European Travel Information and Authorisation System (in ETIAS) in the Entry/Exit System (EES) and to European Travel Information and Authorisation System respectively. However, the parallel amendment of Regulation (EU) 2019/816 of the European Parliament and of the Council⁶ No 2019/816 to grant access rights for the purposes of the screening to ECRIS-TCN could not be part of the same regulation for reasons of variable geometry, as the regulation establishing ECRIS-TCN does not constitute a development of the Schengen acquis. Regulation 2019/816 Regulation (EU) 2019/816 should therefore be amended by a distinct legal instrument.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, OJ L 327, 9.12.2017, p. 20.</p> <p>4. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).</p> <p>5. Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27.</p>	<p>on short-stay visas (VIS Regulation) OJ L 218, 13.8.2008, p. 60–81.</p> <p>3. Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, OJ L 327, 9.12.2017, p. 20.</p> <p>4. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).</p> <p>5. Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27.</p>	<p>1. Op. cit. 15.</p> <p>2. Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60–81) p. 60.</p> <p>3. Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, (OJ L 327, 9.12.2017, p. 20).</p> <p>4. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).</p> <p>5. Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, (OJ L 135, 22.5.2019, p. 27).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			6. Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 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 amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).	
13	(5) Since the objective of this Regulation, namely to enable access to the ECRIS-TCN for the purposes of the security checks established by Regulation (EU) .../... [Regulation on Screening] ¹ , which in turn aims at the strengthening of the control of persons who are about to enter the Schengen area and their referral to the appropriate procedures, cannot be sufficiently achieved by the Member States, but can only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to	(5) Since the objective of this Regulation, namely to enable access to the a consultation of ECRIS-TCN for the purposes of the security checks established by Regulation (EU) .../... [Regulation on Screening Screening Regulation] ¹ , which in turn aims to strengthen the border checks at the strengthening of the control of persons who are about to enter the Schengen area and their referral to the appropriate procedures external borders and to provide for the verification of identity or for the identification of all third-country nationals subject to the screening and for the consultation of the relevant databases in order to verify whether the persons might pose a threat to internal security , cannot	(5) Since the objective of this Regulation, namely to enable access to the ECRIS-TCN for the purposes of the security checks established by Regulation (EU) .../... [Regulation on Screening Regulation on Screening] ¹ , which in turn aims at the strengthening of to strengthen the control of persons who are about to enter the Schengen area at the external borders and their referral to the appropriate procedures, cannot be sufficiently achieved by the Member States, but can only be rather, by reasons of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>achieve that objective.</p> <p>1. Op. cit. 15.</p>	<p>be sufficiently achieved by the Member States, but can only be rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p> <p>1. Op. cit. 15.</p>	<p>European Union TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.</p> <p>1. Op. cit. 15.</p>	
14	<p>(6) Regulation (EU) .../... [Regulation on Screening]¹ provides for specific rules concerning the identification of third-country nationals by means of consulting the Common Identity Repository (CIR) established by Regulations (EU) 2019/817 and (EU) 2019/818 of the European Parliament and of the Council in order to facilitate and assist in the correct identification of persons registered in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, including of unknown persons who are unable to identify themselves.</p>	<p>(6) Regulation (EU) .../... [Regulation on Screening]¹ provides for specific rules concerning the identification of third-country nationals by means of consulting the Common Identity Repository (CIR) established by Regulations (EU) 2019/817 and (EU) 2019/818 of the European Parliament and of the Council in order to facilitate and assist in the correct identification of persons registered in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, including of unknown persons who are unable to identify themselves.</p>	<p>(6) Regulation (EU) .../... [Regulation on Screening]¹ provides for specific rules concerning the identification of third-country nationals by means of consulting the Common Identity Repository ('CIR'CIR) established by Regulations Regulation (EU) 2019/817 and Regulation (EU) 2019/818 of the European Parliament and of the Council² in order to facilitate and assist in the correct identification or verification of identity of persons registered in EES, VIS, ETIAS,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>1. Op. cit. 15.</p>	<p>1. Op. cit. 15.</p>	<p>Eurodac and ECRIS-TCN, including of unknown persons who are unable to identify themselves.</p> <p>1. Op. cit. 15.</p> <p>2. Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 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 (OJ L 135, 22.5.2019, p. 85).</p>	
15	<p>(7) Since access to data stored in the Common Identity Repository (CIR) for identification purposes is necessary for the authorities designated to carry out the screening, the Regulation (EU) .../... [Regulation on Screening]¹ amends Regulation (EU) 2019/817. For reasons of variable geometry it was not possible to amend Regulation (EU) 2019/818 in the same Regulation, therefore Regulation (EU) 2019/818 should be amended by a distinct legal instrument.</p> <p>1. Op. cit. 15.</p>	<p>(7) Since access to data stored in the Common Identity Repository (CIR) for identification purposes is necessary for the authorities designated to carry out the screening, the Regulation (EU) .../... [Regulation on Screening]¹ amends Regulation (EU) 2019/817. For reasons of variable geometry it was not possible to amend Regulation (EU) 2019/818 in the same Regulation, therefore Regulation (EU) 2019/818 should be amended by a distinct legal instrument.</p> <p>1. Op. cit. 15.</p>	<p>(7) Since access to data stored in the Common Identity Repository (CIR) CIR for identification or verification purposes is necessary for the authorities designated to carry out the screening, the Regulation (EU) .../... [Regulation on Screening]¹ amends Regulation (EU) 2019/817. For reasons of variable geometry it was not possible to amend Regulation (EU) 2019/818 in the same Regulation, and therefore Regulation (EU) 2019/818 should be amended by a distinct separate legal instrument.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1. [1] Op. cit. 15.	
16	(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaties, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaties, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU) -Treaties, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	
17	(9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of Ireland in respect of the area of freedom, security and justice, annexed to the Treaties, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,	(9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of Ireland in respect of the area of freedom, security and justice, annexed to the Treaties, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,	(9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaties TEU and to the TFEU , and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,	
18	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
19	Article 1 Amendments to Regulation (EU) 2019/816	Article 1 Amendments to Regulation (EU) 2019/816	Article 1 Amendments to Regulation (EU) 2019/816	
20	Regulation (EU) 2019/816 is amended as follows:	Regulation (EU) 2019/816 is amended as follows:	Regulation (EU) 2019/816 is amended as follows:	
21	1. In Article 1, the following point (e) is added:	1. In Article 1, the following point (e) (f) is added:	1. in Article 1, the following point (e) (f) is added:	
22	‘ (e) the conditions under which ECRIS-TCN shall be used by the competent authorities in order to perform a security check in accordance with Regulation (EU) .../... ¹ [Regulation on Screening]*.’ 1. OJ ...	‘ (e) (f) —the conditions under which ECRIS-TCN shall be used by the competent authorities in order to perform a security check in accordance with Articles 11 and 12 of Regulation (EU) .../...¹ [Regulation on Screening [Screening Regulation]]* .’ ¹ . OJ ...	‘ (e) (f) —the conditions under which data in ECRIS-TCN shall may be used by the competent authorities screening authorities as defined in the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose of supporting the performance of a security check in order to perform assess whether a third-country national could pose a security check in accordance with risk as referred to in Article 11 of Regulation (EU) .../... of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Parliament and of the Council¹ [Regulation on Screening] [Regulation on Screening] *. ² <hr/> 1. OJ ...	
23	<hr/>	<hr/>	<hr/>	
24	* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...) ‘	* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...) ‘	* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...)-."; ‘	
25	2. Article 2 is replaced by the following:	2. Article 2 is replaced by the following:	2. in Article 2, the following point (d) is added -is replaced by the following:	
26	“ Article 2 Scope	“ Article 2 Scope	“ Article 2 Scope	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
27	<p>This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down [as well as for the purposes of border management]¹. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States.</p> <p>¹. COM/2019/3 final.</p>	<p>This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down [as well as for the purposes of border management]¹. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States.</p> <p>¹. COM/2019/3 final.</p>	<p>This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down [as well as for the purposes of border management]¹. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States.</p> <p>¹. COM/2019/3 final.</p>	
28	This Regulation also:	This Regulation also:	This Regulation also:	
29	(a) facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818;	(a) (c) facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818;	(a) facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
30	(b) supports the objectives of Regulation (EU) .../... [Regulation on Screening] as regards the carrying out of the security checks. “	(b) (d) supports the objectives of Regulation (EU) .../... [Regulation on Screening] as regards the carrying out of the security checks provided for in Articles 11 and 12 of that Regulation. “	(b) (d) supports the objectives of enables access to the ECRIS-TCN for the purpose of supporting the performance of security checks established by Regulation (EU) .../... [Regulation on Screening], which in turn aims to strengthen the control of persons at the external borders and their referral to the appropriate procedures as regards the carrying out of the security checks.”; “	
31	3. In Article 3, point 6 is replaced by the following:	3. In Article 3, point 6 is replaced by the following:	3. in Article 3, point 6 is replaced by the following:	
32	" (6) ‘competent authorities’ means the central authorities and Eurojust, Europol, the EPPO [, the ETIAS Central Unit established within the European Border and Coast Guard Agency] ¹ and the authorities referred to in Article 6(7) subparagraph 1 of Regulation (EU)	" (6) ‘competent authorities’ means the central authorities and Eurojust, Europol, the EPPO [, the ETIAS Central Unit established within the European Border and Coast Guard Agency] ¹ , the VIS designated authorities as referred to in Article 9d and Article 22b(13) of	" (6) ‘competent authorities’ means the central authorities and, Eurojust, Europol, the EPPO [, the ETIAS Central Unit established within the European Border and Coast Guard Agency] ¹ , the VIS designated authorities as referred to in Article 9d and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>.../... [Regulation on Screening], which are competent to access or query ECRIS-TCN in accordance with this Regulation;</p> <p>1. Op. cit. 29.</p>	<p>Regulation (EC) No 767/2008 , the ETIAS Central Unit and the authorities referred to in Article 6(7) subparagraph 1first subparagraph of Regulation (EU) .../... [Regulation on ScreeningScreening Regulation], which are competent to access or query ECRIS-TCN in accordance with this Regulation;</p> <p>1. Op. cit. 29.</p>	<p>Article 22b(13) of Regulation (EC) No 767/2008, the ETIAS Central Unit and the screening authorities referred to in Article 6(7)the first subparagraph 1 of Article 6(7) of Regulation (EU) .../... [Regulation on ScreeningRegulation on Screening], which are competent to access or query ECRIS-TCN in accordance with this Regulation;";</p> <p>1. Op. cit. 29.</p>	
33	4. Article 5 is amended as follows:	4. Article 5 is amended as follows:	4. Article 5 is amended as follows:	
34	(a) in paragraph 1, the following point is added:	(a) in paragraph 1, the following point is added:	(a) in paragraph 1, the following point is added is replaced by the following:	
35	<p>‘</p> <p>(c) a flag indicating, for the purpose of [Regulation (EU) 2018/1240 and of Article 11 and 12 of Regulation (EU) .../... [Regulation on Screening], that the third-country national concerned</p>	<p>‘</p> <p>(c) a flag indicating, for the purpose of [RegulationRegulations (EC) No 767/2008 and (EU) 2018/1240 and of Article 11 and 12 of Regulation (EU) .../... [Regulation on Screening</p>	<p>‘</p> <p>(c) a flag indicating, for the purpose of [RegulationRegulations (EC) No 767/2008 and (EU) 2018/1240 and of ArticleArticles 11 and 12 of Regulation (EU) .../... [Regulation on</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	has been convicted for a terrorist offence or 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 three years, and in those cases the code of the convicting Member State(s).’;	Regulation] , that the third-country national concerned has been convicted for 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 it is 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 under national law, including the code of the convicting Member State(s).’;’;	Screening Regulation on Screening] , that the third-country national concerned has been convicted for 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 if they 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 under national law, including the code of the convicting Member State(s).’;’;	
36	(b) the following paragraph 7 is added after paragraph 6:	(b) the following paragraph 7 is added after paragraph 6:	(b) the following in paragraph 7 the following point is inserted :	
37	7. Where hits are identified following the security checks referred to in Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] flags and the code(s) of convicting Member State(s) as referred to in point (c) of paragraph 1 of this article shall be accessible	78. Where hits are identified following For the purpose of the security checks referred to in Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening] Screening Regulation] flags and the code(s) of convicting Member State(s) as referred to in	7.(c) Where hits are identified following the security checks the screening authorities referred to in Articles 11 and 12 the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening], for the purpose of assessing whether a third-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and searchable only, respectively, by the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose of that Regulation.’	only data records to which a flag has been added in accordance with point (c) of paragraph 1 of this Article shall be accessible and searchable only, respectively, by the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose of that Regulation.’	country national could pose a security risk where hits are reported following the security checks flags and the code(s) of convicting Member State(s) as referred to in point (c) of paragraph 1 of this article shall be accessible and searchable only, respectively, by the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] for the purpose Articles 11 and 12 of that Regulation.’;	
38	5. In Article 7, paragraph 7 is replaced by the following:	5. In Article 7, paragraph 7 is replaced by the following:	5. in Article 7, paragraph 7, the following point (e) is added is replaced by the following:	
39	7. In the event of a hit, the central system shall automatically provide the competent authority with information on the Member States holding criminal records information on the third country national, along with the associated reference numbers referred to in Article 5(1) and any corresponding	7. In the event of a hit, the central system shall automatically provide the competent authority with information on the Member States holding criminal records information on the third country national, along with the associated reference numbers referred to in Article 5(1) and any corresponding	7. In the event of a hit, the central system shall automatically provide the competent authority with information on the Member States holding criminal records information on the third country national, along with the associated reference numbers referred to in Article 5(1) and any corresponding	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	identity information. Such identity information shall only be used for the purpose of verifying the identity of the third country national concerned. The result of a search in the central system may only be used for the purposes of:	identity information. Such identity information shall only be used for the purpose of verifying the identity of the third country national concerned. The result of a search in the central system may only be used for the purposes of:	identity information. Such identity information shall only be used for the purpose of verifying the identity of the third country national concerned. The result of a search in the central system may only be used for the purposes of:	
40	(a) making a request according to Article 6 of Framework Decision 2009/315/JHA;	(a) making a request according to Article 6 of Framework Decision 2009/315/JHA;	(a) making a request according to Article 6 of Framework Decision 2009/315/JHA;	
41	(b) making a request referred to in Article 17(3) of this Regulation;	(b) making a request referred to in Article 17(3) of this Regulation;	(b) making a request referred to in Article 17(3) of this Regulation;	
42	(c) [border management] ¹ ; <u>1. Op. cit. 29.</u>	(c) [border manage¹ment]; <u>1. Op. cit. 29.</u>	(c) [border management]¹; <u>1. Op. cit. 29.</u>	
43	(d) assessing whether a third country national subject to screening checks would pose a threat to public policy or public security, in accordance with Regulation (EU) .../... [Regulation on Screening].	(d) assessing whether a third country national subject to screening checks would pose a threat to public policy or public security, in accordance with Regulation (EU) .../... [Regulation on Screening].	(d) (e) assessing whether a third country national subject to supporting the objective of Regulation (EU) .../... [Regulation on Screening] of assessing whether a third-country national subject to a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>security check could pose a echecks would pose a threat to public policy or public security risk, in accordance with Regulation (EU) .../... <i>[Regulation on</i> ScreeningRegulation on Screening].-";</p>	
43a		<p>(5a) In Article 7, a new paragraph is inserted:</p> <p>7a. Following a search launched by the authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening], the central system shall inform the competent authority of a hit and shall 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 as referred to in Article 11 of that regulation. The result of a search in the central system shall only be used for the</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		purposes of assessing whether the third country national subject to the screening might pose a threat to internal security in accordance with Articles 11 and 12 of Regulation (EU) .../... [Screening Regulation].		
44	6. The following Article 7a is inserted after Article 7:	6. The following Article 7a is inserted after Article 7:	6. the following Article 7a 7c is inserted after Article 7b :	
45	Article 7a	Article 7a	"Article 7a 7c	
46	Use of ECRIS-TCN for the purposes of the Screening	Use of ECRIS-TCN for the purposes of the Screening	Use of ECRIS-TCN for the purposes of the screening	
47	‘The competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] shall have the right to access and search the European Criminal Records Information System for third country nationals (ECRIS-TCN) database using the European Search Portal provided	‘The competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] shall have the right to access and search the European Criminal Records Information System for third country nationals (ECRIS-TCN) database using the European Search Portal provided	‘The competent The screening authorities referred to in the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening] shall have the right to access and search the European Criminal Records Information	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for in Article 6 of Regulation (EU) 2019/818, for the purpose of performing the tasks conferred upon them by Article 11 of Regulation (EU) .../... [Regulation on Screening].	for in Article 6 of Regulation (EU) 2019/818, for the purpose of performing the tasks conferred upon them by Article 11 of Regulation (EU) .../... [Regulation on Screening].	System for third country nationals (ECRIS-TCN) database- using the European Search Portal provided for in Article 6 of Regulation (EU) 2019/818, for the purpose of performing the tasks conferred upon them by Article 11 of Regulation (EU) .../... [Regulation on Screening]. Regulation on Screening	
48	For the purpose of the security check referred to in Article 11 of Regulation (EU) .../... [Regulation on Screening], the competent authorities referred to in the first subparagraph shall only have access to data records in the CIR to which a flag has been added in accordance with Article 5(1)(c) of this Regulation.	For the purpose of the security check referred to in Article 11 of Regulation (EU) .../... [Regulation on Screening], the competent authorities referred to in the first subparagraph shall only have access to data records in the CIR to which a flag has been added in accordance with Article 5(1)(c) of this Regulation.	For the purpose of the security check referred to in Article 11 of Regulation (EU) .../... [Regulation on Screening] , the competent screening authorities referred to in the first subparagraph of Article 6(7) of Regulation (EU) .../... [Regulation on Screening] shall only have access to data records in the CIR to which a flag has been added in accordance with point (c) of Article 5(1)(e)5(1) of this Regulation.	
49	The consultation of national criminal records based on the	In the cases referred to in Article 7, paragraph 7a, the central	The consultation of national criminal records based on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>flagged ECRIS-TCN data shall take place in accordance with national law and using national channels. The relevant national authorities shall provide an opinion to the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] within two days where the screening takes place on the territory of the Member States or within four days where the screening takes place at external borders. The absence of opinion within these deadlines shall mean that there are no security grounds to be taken into account.¹</p>	<p>authority of the Member State holding criminal records information on the third country The consultation of national criminal records based on the flagged ECRIS-TCN data shall take place in accordance with national law and using national channels. The relevant national authorities subject to the screening shall provide an opinion to the competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] within two days where the screening takes place on the territory of the Member States or authorities within four days where the screening takes place at external borders. The absence of opinion within these deadlines four days shall mean that there are no security grounds to be taken into account.²</p>	<p>flagged ECRIS-TCN data in the event of a hit shall take place in accordance with national law and using national channels. The relevant national authorities of the convicting Member State shall provide an opinion to the screening authorities within three days . Where the relevant national authorities do not provide such an opinion competent authorities referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening] within those deadlines, this shall mean that there are no security grounds to be taken into account. National criminal records shall be consulted prior to providing an opinion to the screening authorities two days where the screening takes place on the territory of the Member States or within four days where the screening takes place at external borders. In the absence of an opinion, an entry shall be made in the screening form as referred to in Article 13 of Regulation (EU) .../... [Regulation on Screening]."; within these deadlines shall mean that there are</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			no security grounds to be taken into account. ²	
50	7. In Article 24, paragraph 1 is replaced by the following:	7. In Article 24, paragraph 1, subparagraph 1, is replaced by the following point is added:	7. in Article 24, paragraph 1, a point (d) is added is replaced by the following:	
51	‘ 1. The data entered into the central system and the CIR shall only be processed for the purposes of:	‘ 1. The data entered into the central system and the CIR shall only be processed for the purposes of:	‘ 1. The data entered into the central system and the CIR shall only be processed for the purposes of:	
52	(a) the identification of the Member States holding the criminal records information of third-country nationals	(a) the identification of the Member States holding the criminal records information of third-country nationals	(a) the identification of the Member States holding the criminal records information of third-country nationals	
53	(b) [border management] ¹ or <u>1. Op. cit. 29.</u>	(b) [border management] ¹ or <u>1. Op. cit. 29.</u>	(b) [border management] ¹ or <u>1. Op. cit. 29.</u>	
54	(c) screening pursuant to Article	(c) (d) screening pursuant to	(c) (d) supporting the objective of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	11 of Regulation (EU) .../... [Regulation on Screening].’	Article 11 Articles 11 and 12 of Regulation (EU) .../... [Regulation on Screening Screening Regulation].’	Regulation (EU) .../... [Regulation on Screening] of assessing whether a third country national subject to a security check could pose a security risk, in accordance with pursuant to Article 11 of Regulation (EU) .../... [Regulation on Screening Regulation on Screening].’	
55	Article 2 Amendments to Regulation (EU) 2019/818	Article 2 Amendments to Regulation (EU) 2019/818	Article 2 Amendments to Regulation (EU) 2019/818	
56	Regulation (EU) 2019/818 is amended as follows:	Regulation (EU) 2019/818 is amended as follows:	Regulation (EU) 2019/818 is amended as follows:	
57	1. In Article 7, paragraph 2 is replaced by the following:	1. In Article 7, paragraph 2 is replaced by the following:	1. in Article 7, paragraph 2 is replaced by the following:	
58	“ (2) The Member State authorities and Union agencies referred to in	“ (2) The Member State authorities and Union agencies referred to in	“ (2) The Member State authorities and Union agencies referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of Eurodac and ECRIS-TCN in accordance with their access rights as referred to in the legal instruments governing those EU information systems and in national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22. ”	paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of Eurodac and ECRIS-TCN in accordance with their access rights as referred to in the legal instruments governing those EU information systems and in national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22. ”	paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of Eurodac and ECRIS-TCN in accordance with their access rights as referred to in the legal instruments governing those EU information systems and in national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22." ”	
59	2. Article 17 is amended as follows:	2. Article 17 is amended as follows:	2. Article 17 is amended as follows:	
60	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	
61	“ A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data	“ A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data	“ "A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Articles 20 and 20a of this Regulation, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22. ”	referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Articles 20 and 20a of this Regulation, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22. ”	referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Articles 20 and 20a of this Regulation, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22." ; ”	
62	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	
63	“ Where it is technically impossible because of a failure of the CIR to query the CIR for the purposes of identifying a person pursuant to Article 20 or of verifying or	“ Where it is technically impossible because of a failure of the CIR to query the CIR for the purposes of identifying a person pursuant to Article 20 or of verifying or	“ "Where it is technically impossible because of a failure of the CIR to query the CIR for the purposes of identifying a person pursuant to Article 20 or of verifying or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	establishing the identity of a person pursuant to Article 20a of this Regulation, for the detection of multiple identities pursuant to Article 21 or for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences pursuant to Article 22, the CIR users shall be notified by eu-LISA in an automated manner. “	establishing the identity of a person pursuant to Article 20a of this Regulation, for the detection of multiple identities pursuant to Article 21 or for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences pursuant to Article 22, the CIR users shall be notified by eu-LISA in an automated manner. “	establishing the identity of a person pursuant to Article 20a of this Regulation, for the detection of multiple identities pursuant to Article 21 or for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences pursuant to Article 22, the CIR users shall be notified by eu-LISA in an automated manner.”; “	
64	3. In Article 18, paragraph 3 is replaced by the following:	3. In Article 18, paragraph 3 is replaced by the following:	3. in Article 18, paragraph 3 is replaced by the following:	
65	“ (3) The authorities accessing the CIR shall do so in accordance with their access rights under the legal instruments governing the EU information systems, and under national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22. ”	“ (3) The authorities accessing the CIR shall do so in accordance with their access rights under the legal instruments governing the EU information systems, and under national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22. ”	“ (3) The authorities accessing the CIR shall do so in accordance with their access rights under the legal instruments governing the EU information systems, and under national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 20a, 21 and 22.”; ”	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
66	4. The following Article 20a is inserted after Article 20:	4. The following Article 20a is inserted after Article 20:	4. the following Article 20a is inserted after Article 20:	
67	“ Article 20a	“ Article 20a	“ Article 20a	
68	Access to the common identity repository for identification according to Regulation (EU) .../... [Regulation on Screening]	Access to the common identity repository for identification according to Regulation (EU) .../... [Regulation on Screening]	Access to the common identity repository for to the CIR for identification according to Regulation (EU) .../... [Regulation on Screening]	
69	1. Queries of the CIR shall be carried out by the designated competent authority as referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening], solely for the purpose of verifying or establishing the identity of a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.	1. Queries of the CIR shall be carried out by the designated competent authority as referred to in Article 6(7) of Regulation (EU) .../... [Regulation on Screening Regulation], solely for the purpose of verifying or establishing the identity verification of identity or identification of a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.	1. Queries of the CIR shall be carried out by the designated competent screening authority as referred to in the first subparagraph of Article 6(7) of Regulation (EU) .../... of the European Parliament and of the Council [Regulation on Screening Regulation on Screening]*, solely for the purpose of verifying or establishing the identity of a person according to Article 10 of that Regulation,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>provided that the procedure was initiated in the presence of that person.</p> <p>* Regulation (EU) .../... [Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817] (OJ ...)."; "</p>	
70	<p>2. Where the query indicates that data on that person are stored in the CIR, the competent authority referred to in paragraph 1 shall have access to consult the data referred to in Article18(1) of this Regulation.</p> <p>„</p>	<p>2. Where the query indicates that data on that person are stored in the CIR, the competent authority referred to in paragraph 1 shall have access to consult the data referred to in Article18(1) of this Regulation.</p> <p>„</p>	<p>2. Where the query indicates that data on that person are stored in the CIR, the competent authority referred to in paragraph 1 shall have access to the CIR to consult the data referred to in Article18(1) of this Regulation.";</p> <p>„</p>	
71	<p>5. Article 24 is amended as follow:</p>	<p>5. Article 24 is amended as follow:</p>	<p>5. Article 24 is amended as followfollows:</p>	
72	<p>(a) paragraph 1 is replaced by the following:</p>	<p>(a) paragraph 1 is replaced by the following:</p>	<p>(a) paragraph 1 is replaced by the following:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
73	1. Without prejudice to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations in the CIR in accordance with paragraphs 2, 2a, 3 and 4 of this Article.	1. Without prejudice to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations in the CIR in accordance with paragraphs 2, 2a, 3 and 4 of this Article.	1. Without prejudice to Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations in the CIR in accordance with paragraphs 2, 2a, 3 and 4 of this Article.";	
74	(b) the following paragraph 2a is inserted after paragraph 2:	(b) the following paragraph 2a is inserted after paragraph 2:	(b) the following paragraph 2a is inserted after paragraph 2:	
75	2a. eu-LISA shall keep logs of all data processing operations pursuant to Article 20a in the CIR. Those logs shall include the following elements:	2a. eu-LISA shall keep logs of all data processing operations pursuant to Article 20a in the CIR. Those logs shall include the following elements:	2a. eu-LISA shall keep logs of all data processing operations pursuant to Article 20a in the CIR. Those logs shall include the following elements:	
76	(a) the Member State launching the query;	(a) the Member State launching the query;	(a) the Member State launching the query;	
77	(b) the purpose of access of the	(b) the purpose of access of the	(b) the purpose of access of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	user querying via the CIR;	user querying via the CIR;	user querying via the CIR;	
78	(c) the date and time of the query;	(c) the date and time of the query;	(c) the date and time of the query;	
79	(d) the type of data used to launch the query;	(d) the type of data used to launch the query;	(d) the type of data used to launch the query;	
80	(e) the results of the query. „	(e) the results of the query. „	(e) the results of the query."; „	
81	(c) in paragraph 5, the first subparagraph is replaced by the following:	(c) in paragraph 5, the first subparagraph is replaced by the following:	(c) in paragraph 5, the first subparagraph is replaced by the following:	
82	“ (5) Each Member State shall keep logs of queries that its authorities and the staff of those authorities duly authorised to use the CIR make pursuant to Articles 20, 20a, 21 and 22. Each Union agency shall keep logs of queries that its duly authorised staff make pursuant to Articles 21 and 22.	“ (5) Each Member State shall keep logs of queries that its authorities and the staff of those authorities duly authorised to use the CIR make pursuant to Articles 20, 20a, 21 and 22. Each Union agency shall keep logs of queries that its duly authorised staff make pursuant to Articles 21 and 22.	“ (5) Each Member State shall keep logs of queries that its authorities and the staff of those authorities duly authorised to use the CIR make pursuant to Articles 20, 20a, 21 and 22. Each Union agency shall keep logs of queries that its duly authorised staff make pursuant to Articles 21 and 22.”.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	”	”	”	
83	Article 3	Article 3	Article 3 <i>Entry into force</i>	
84	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> Official Journal of the European Union.	
85	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	
86	Done at Brussels,	Done at Brussels,	Done at Brussels,	
87	For the European Parliament	For the European Parliament	For the European Parliament	
88	The President	The President	The President	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
89	For the Council	For the Council	For the Council	
90	The President	The President	The President	