

Amended proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on establishing a framework for interoperability between EU information systems (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the eu-LISA Regulation]**

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#1.	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,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
#2.	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 77(2)(a) (b) (d) and (e) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 77(2)(a) (b) (d) and (e) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 77(2)(a) (b) (d) and (e) thereof,	<u>Provisionally agreed</u> Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 74, Article 77(2)(a) (b) (d) and (e) thereof,
#3.	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,	<u>Provisionally agreed</u> Having regard to the proposal from the European Commission,
#4.	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national	<u>Provisionally agreed</u>

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	parliaments,	parliaments,	parliaments,	After transmission of the draft legislative act to the national parliaments,
#5.	After consulting the European Data Protection Supervisor,	After consulting the European Data Protection Supervisor,	After consulting the European Data Protection Supervisor,	<u>Provisionally agreed</u> After consulting the European Data Protection Supervisor,
#6.	Having regard to the opinion of the European Economic and Social Committee, <sup>1</sup>	Having regard to the opinion of the European Economic and Social Committee, <sup>2</sup>	Having regard to the opinion of the European Economic and Social Committee, <sup>3</sup>	<u>Provisionally agreed</u> Having regard to the opinion of the European Economic and Social Committee, <sup>4</sup>
#7.	Having regard to the opinion of the Committee of the Regions, <sup>5</sup>	Having regard to the opinion of the Committee of the Regions, <sup>6</sup>	Having regard to the opinion of the Committee of the Regions, <sup>7</sup>	<u>Provisionally agreed</u> [...]
#8.	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	<u>Provisionally agreed</u> Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

<sup>3</sup> OJ C , , p. .

<sup>4</sup> OJ C , , p. .

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	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#9.	Whereas:	Whereas:	Whereas:	<u>Provisionally agreed</u> Whereas:
#10.	(1) In its Communication of 6 April 2016 entitled <i>Stronger and Smarter Information Systems for Borders and Security</i> <sup>8</sup> , the Commission underlined the need to improve the Union's data management architecture for border management and security. The Communication initiated a process towards achieving the interoperability between EU information systems for security, border and migration management, with the aim to address the structural shortcomings related to these systems that impede the work of national authorities and to ensure that border guards, customs	(1) In its Communication of 6 April 2016 entitled <i>Stronger and Smarter Information Systems for Borders and Security</i> <sup>9</sup> , the Commission underlined the need to improve the Union's data management architecture for border management and security. The Communication initiated a process towards achieving the interoperability between EU information systems for security, border and migration management, with the aim to address the structural shortcomings related to these systems that impede the work of national authorities and to ensure that border guards, customs	(1) In its Communication of 6 April 2016 entitled <i>Stronger and Smarter Information Systems for Borders and Security</i> <sup>10</sup> , the Commission underlined the need to improve the Union's data management architecture for border management and security. The Communication initiated a process towards achieving the interoperability between EU information systems for security, border and migration management, with the aim to address the structural shortcomings related to these systems that impede the work of national authorities and to ensure that border guards, customs	<u>Provisionally agreed</u> (1) In its Communication of 6 April 2016 entitled <i>Stronger and Smarter Information Systems for Borders and Security</i> <sup>11</sup> , the Commission underlined the need to improve the Union's data management architecture for border management and security. The Communication initiated a process towards achieving the interoperability between EU information systems for security, border and migration management, with the aim to address the structural shortcomings related to these systems that impede the work of national authorities and to ensure

<sup>8</sup> COM(2016)205, 6.4.2016.

<sup>9</sup> COM(2016)205, 6.4.2016.

<sup>10</sup> COM(2016)205, 6.4.2016.

<sup>11</sup> COM(2016)205, 6.4.2016.

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	authorities, police officers and judicial authorities have the necessary information at their disposal.	authorities, police officers and judicial authorities have the necessary information at their disposal.	authorities, police officers and judicial authorities have the necessary information at their disposal.	that border guards, customs authorities, police officers and judicial authorities have the necessary information at their disposal.
#11.	(2) In its Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area of 6 June 2016 <sup>12</sup> , the Council identified various legal, technical and operational challenges in the interoperability of EU information systems and called for the pursuit of solutions.	(2) In its Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area of 6 June 2016 <sup>13</sup> , the Council identified various legal, technical and operational challenges in the interoperability of EU information systems and called for the pursuit of solutions.	(2) In its Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area of 6 June 2016 <sup>14</sup> , the Council identified various legal, technical and operational challenges in the interoperability of EU information systems and called for the pursuit of solutions.	<u>Provisionally agreed</u> (2) In its Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area of 6 June 2016 <sup>15</sup> , the Council identified various legal, technical and operational challenges in the interoperability of EU information systems and called

<sup>12</sup> Roadmap of 6 June 2016 to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area — 9368/1/16 REV 1.

<sup>13</sup> Roadmap of 6 June 2016 to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area — 9368/1/16 REV 1.

<sup>14</sup> Roadmap of 6 June 2016 to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area — 9368/1/16 REV 1.

<sup>15</sup> Roadmap of 6 June 2016 to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area — 9368/1/16 REV 1.

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				for the pursuit of solutions.
#12.	(3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 <sup>16</sup> , the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards.	(3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 <sup>17</sup> , the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards.	(3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 <sup>18</sup> , the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards.	<u>Provisionally agreed</u> (3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 <sup>19</sup> , the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards.
#13.	(4) The European Council of 15 December 2016 <sup>20</sup> called for	(4) The European Council of 15 December 2016 <sup>21</sup> called for	(4) The European Council of 15 December 2016 <sup>22</sup> called for	<u>Provisionally agreed</u>

<sup>16</sup> European Parliament resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 ([2016/2773\(RSP\)](#)).

<sup>17</sup> European Parliament resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 ([2016/2773\(RSP\)](#)).

<sup>18</sup> European Parliament resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 ([2016/2773\(RSP\)](#)).

<sup>19</sup> European Parliament resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 ([2016/2773\(RSP\)](#)).

<sup>20</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>.

<sup>21</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>.

<sup>22</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	continued delivery on the interoperability of EU information systems and databases.	continued delivery on the interoperability of EU information systems and databases.	continued delivery on the interoperability of EU information systems and databases.	(4) The European Council of 15 December 2016 <sup>23</sup> called for continued delivery on the interoperability of EU information systems and databases.
#14.	(5) In its final report of 11 May 2017 <sup>24</sup> , the high-level expert group on information systems and interoperability concluded that it is necessary and technically feasible to work towards practical solutions for interoperability and that they can, in principle, both deliver operational gains and be established in compliance with data protection requirements.	(5) In its final report of 11 May 2017 <sup>25</sup> , the high-level expert group on information systems and interoperability concluded that it is necessary and technically feasible to work towards practical solutions for interoperability and that they can, in principle, both deliver operational gains and be established in compliance with data protection requirements.	(5) In its final report of 11 May 2017 <sup>26</sup> , the high-level expert group on information systems and interoperability concluded that it is necessary and technically feasible to work towards practical solutions for interoperability and that they can, in principle, both deliver operational gains and be established in compliance with data protection requirements.	<u>Provisionally agreed</u> (5) In its final report of 11 May 2017 <sup>27</sup> , the high-level expert group on information systems and interoperability concluded that it is necessary and technically feasible to work towards practical solutions for interoperability and that they can, in principle, both deliver operational gains and be established in compliance with data protection requirements.
#15.	(6) In its Communication of 16 May 2017 entitled <i>Seventh</i>	(6) In its Communication of 16 May 2017 entitled <i>Seventh</i>	(6) In its Communication of 16 May 2017 entitled <i>Seventh</i>	<u>Provisionally agreed</u> (6) In its Communication of

<sup>23</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>.

<sup>24</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&cid=32600&no=1>.

<sup>25</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&cid=32600&no=1>.

<sup>26</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&cid=32600&no=1>.

<sup>27</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&cid=32600&no=1>.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	<i>progress report towards an effective and genuine Security Union<sup>28</sup></i> , the Commission set out, in line with its Communication of 6 April 2016 and confirmed by the findings and recommendations of the high-level expert group on information systems and interoperability, a new approach to the management of data for borders, security and migration where all EU information systems for security, border and migration management are interoperable in full respect of fundamental rights.	<i>progress report towards an effective and genuine Security Union<sup>29</sup></i> , the Commission set out, in line with its Communication of 6 April 2016 and confirmed by the findings and recommendations of the high-level expert group on information systems and interoperability, a new approach to the management of data for borders, security and migration where all EU information systems for security, border and migration management are interoperable in full respect of fundamental rights.	<i>progress report towards an effective and genuine Security Union<sup>30</sup></i> , the Commission set out, in line with its Communication of 6 April 2016 and confirmed by the findings and recommendations of the high-level expert group on information systems and interoperability, a new approach to the management of data for borders, security and migration where all EU information systems for security, border and migration management are interoperable in full respect of fundamental rights.	16 May 2017 entitled <i>Seventh progress report towards an effective and genuine Security Union<sup>31</sup></i> , the Commission set out, in line with its Communication of 6 April 2016 and confirmed by the findings and recommendations of the high-level expert group on information systems and interoperability, a new approach to the management of data for borders, security and migration where all EU information systems for security, border and migration management are interoperable in full respect of fundamental rights.
#16.	(7) In its Conclusions of 9 June 2017 <sup>32</sup> on the way forward	(7) In its Conclusions of 9 June 2017 <sup>33</sup> on the way forward	(7) In its Conclusions of 9 June 2017 <sup>34</sup> on the way forward	<u>Provisionally agreed</u>

<sup>28</sup> COM(2017) 261 final, 16.5.2017.

<sup>29</sup> COM(2017) 261 final, 16.5.2017.

<sup>30</sup> COM(2017) 261 final, 16.5.2017.

<sup>31</sup> COM(2017) 261 final, 16.5.2017.

<sup>32</sup> <http://www.consilium.europa.eu/media/22186/st10136en17-vf.pdf>.

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	to improve information exchange and ensure the interoperability of EU information systems, the Council invited the Commission to pursue the solutions for interoperability as proposed by the high-level expert group.	to improve information exchange and ensure the interoperability of EU information systems, the Council invited the Commission to pursue the solutions for interoperability as proposed by the high-level expert group.	to improve information exchange and ensure the interoperability of EU information systems, the Council invited the Commission to pursue the solutions for interoperability as proposed by the high-level expert group.	(7) In its Conclusions of 9 June 2017 <sup>35</sup> on the way forward to improve information exchange and ensure the interoperability of EU information systems, the Council invited the Commission to pursue the solutions for interoperability as proposed by the high-level expert group.
#17.	(8) The European Council of 23 June 2017 <sup>36</sup> underlined the need to improve the interoperability between databases and invited the Commission to prepare, as soon as possible, draft legislation enacting the proposals made by the high-level expert group on	(8) The European Council of 23 June 2017 <sup>37</sup> underlined the need to improve the interoperability between databases and invited the Commission to prepare, as soon as possible, draft legislation enacting the proposals made by the high-level expert group on	(8) The European Council of 23 June 2017 <sup>38</sup> underlined the need to improve the interoperability between databases and invited the Commission to prepare, as soon as possible, draft legislation enacting the proposals made by the high-level expert group on	<u>Provisionally agreed</u> (8) The European Council of 23 June 2017 <sup>39</sup> underlined the need to improve the interoperability between databases and invited the Commission to prepare, as soon as possible, draft legislation enacting the proposals made by

<sup>33</sup> <http://www.consilium.europa.eu/media/22186/st10136en17-vf.pdf>.

<sup>34</sup> <http://www.consilium.europa.eu/media/22186/st10136en17-vf.pdf>.

<sup>35</sup> <http://www.consilium.europa.eu/media/22186/st10136en17-vf.pdf>.

<sup>36</sup> [European Council conclusions](#), 22-23 June 2017.

<sup>37</sup> [European Council conclusions](#), 22-23 June 2017.

<sup>38</sup> [European Council conclusions](#), 22-23 June 2017.

<sup>39</sup> [European Council conclusions](#), 22-23 June 2017.



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	information systems and interoperability.	information systems and interoperability.	information systems and interoperability.	the high-level expert group on information systems and interoperability.
#18.		<i>(8a) In his Opinion 4/2018 of 16 April 2018<sup>40</sup>, the European Data Protection Supervisor emphasised that the decision to make large-scale IT systems interoperable would not only permanently and profoundly affect their structure and their way of operating, but would also change the way legal principles have been interpreted in this area so far and would as such mark a ‘point of no return’.</i>		<u>Provisionally agreed</u> [...]
#19.		<i>(8b) In its Opinion of 11 April 2018<sup>41</sup>, the Article 29 Data Protection Working Party reiterated that the process towards interoperability of systems raises fundamental questions regarding the purpose,</i>		<u>Provisionally agreed</u> [...]

<sup>40</sup> [http://edps.europa.eu/sites/edp/files/publication/2018-04-16\\_interoperability\\_opinion\\_en.pdf](http://edps.europa.eu/sites/edp/files/publication/2018-04-16_interoperability_opinion_en.pdf)

<sup>41</sup> [http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc\\_id=51517](http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc_id=51517)

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		<i>necessity, proportionality of the data processing as well as concerns regarding the principles of purpose limitation, data minimization, data retention and clear identification of a data controller.</i>		
#20.	(9) With a view to improve the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States, interoperability between EU information systems, namely [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen	(9) <del>With a view</del> <b><i>In order</i></b> to improve the management of the external borders, <b><i>to facilitating regular border crossings</i></b> , to contribute to preventing and combating irregular migration and to contribute to a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States, <b><i>to improve the implementation of the common visa policy and to assist in examining applications for international protection, and to assist in the prevention, detection and investigation of</i></b>	(9) With a view to improve the <b><i>effectiveness and efficiency of checks at management</i></b> of the external borders, to contribute to preventing and combating <del>irregular</del> <b><i>illegal immigration</i></b> and to contribute to a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States, <b><i>to improve the implementation of the common visa policy, to assist in examining applications lodged in a Member State</i></b> , interoperability between EU	<u>Provisionally agreed</u> (9) With a view to improve the <b><i>effectiveness and efficiency of checks at management</i></b> of the external borders, to contribute to preventing and combating <del>irregular</del> <b><i>illegal immigration</i></b> and to contribute to a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States, <b><i>to improve the implementation of the common visa policy, to assist in examining applications for international protection, to contribute in the prevention,</i></b>

	<p><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
	<p>Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)] should be established in order for these EU information systems and their data to supplement each other. To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.</p>	<p><i>terrorist offences or other serious criminal offences, in order to maintain public trust in the Union migration and asylum system, Union security measures and Union capabilities to manage the external border,</i> interoperability between EU <i>Union</i> information systems, namely the <del>{Entry/Exit System (the EES)}</del>, the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)] should be established in order for these EU <i>Union</i> information systems and their data to supplement each other <i>so far as that is possible while respecting the fundamental rights of the individual, in particular the right to protection of personal data.</i> To achieve this, a European</p>	<p>information systems, namely {the Entry/Exit System (EES)}, the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)] should be established in order for these EU information systems and their data to supplement each other. To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.</p>	<p><i>detection and investigation of terrorist offences or other serious criminal offences, to aid in the identificaton of unknown persons who are unable to identify themselves or unidentified human remains in cases of natural disasters, accidents or terrorist attacks, <u>in order to maintain public trust in the Union migration and asylum system, Union security measures and Union capabilities to manage the external border,</u></i> interoperability between EU information systems, namely the Entry/Exit System (EES), the Visa Information System (VIS), the European Travel Information and Authorisation System (ETIAS), Eurodac, the Schengen Information System (SIS), and the European Criminal Records Information System for third-country nationals (ECRIS-TCN) should be established in order for these EU information systems</p>

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		search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.		and their data to supplement each other <u><i>while respecting the fundamental rights of the individual, in particular the right to protection of personal data</i></u> . To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.
#21.	(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems,	(10) The interoperability between the <del>EU</del> <b>Union</b> information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, <b><i>for the purpose of applications of international protection or in the context of the prevention, detection and investigation of serious criminal offences - including terrorist offences, to</i></b> contribute to fighting identity fraud, improve and harmonise	(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, <b><i>including unknown persons who are not able to identify themselves or unidentified remains,</i></b> contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems,	<u>Provisionally agreed</u> (10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, <b><i>including unknown persons who are not able to identify themselves or unidentified remains,</i></b> contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective

	<b>Amended Commission proposal</b> <b>(ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate</b> <b>(ST 11312/18)</b>	<b>Compromise text proposals</b>
	<p>strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].</p>	<p>data quality requirements of the respective <del>EU</del> <b>Union</b> information systems, <del>facilitate the technical and operational implementation by Member States of existing and future EU</del> <b>to contribute to ensuring the effective use of Union information systems, Europol data and Interpol databases by facilitating access to them by the authorities in accordance with their access rights and the objectives and purposes as laid down in the legal instruments governing the respective systems, to strengthen and simplify and harmonise the data security and data protection safeguards that govern the respective Union information systems, in particular by ensuring that all Union data protection rules are applicable to all the EU information systems, and to streamline the law enforcement and simplify designated authorities access to the EES, the VIS, the [ETIAS]</b></p>	<p>facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access <b>for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences</b> to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].</p>	<p>EU information systems, facilitate the technical and operational implementation by Member States of <del>existing and future</del> EU information systems, strengthen <del>and simplify</del> the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access <b>for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences</b> to the EES, the VIS, the ETIAS and Eurodac, and support the purposes of the EES, the VIS, the ETIAS, Eurodac, the SIS and the ECRIS-TCN system.</p>

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		and Eurodac, and support the purposes of the EES, <del>the VIS, the</del> [ETIAS], Eurodac, <del>the SIS and the</del> [ECRIS-TCN system].		
#22.	(11) The interoperability components should cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system]. They should also cover the Europol data to the extent of enabling it to be queried simultaneously with these EU information systems.	(11) The interoperability components should cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system]. They should also cover the Europol data <i>only</i> to the extent of enabling <del>it</del> <i>that data</i> to be queried simultaneously with these <del>EU</del> <i>Union</i> information systems.	(11) The interoperability components should cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system]. They should also cover the Europol data to the extent of enabling it to be queried simultaneously with these EU information systems.	<u>Provisionally agreed</u> (11) The interoperability components should cover the EES, the VIS, the ETIAS, Eurodac, the SIS, and the ECRIS-TCN system. They should also cover the Europol data <i>only</i> to the extent of enabling <del>it</del> <i>these data</i> to be queried simultaneously with these EU information systems.
#23.	(12) The interoperability components should concern persons in respect of whom personal data may be processed in the EU information systems and by Europol, namely third-country nationals whose personal data is processed in the EU information systems and by Europol, and to EU citizens whose personal data is processed	(12) The interoperability components should concern persons in respect of whom personal data may be processed in the EU information systems and by Europol, namely third-country nationals whose personal data is processed in the EU information systems and by Europol, and to EU citizens whose personal data is processed	(12) The interoperability components should concern persons in respect of whom personal data may be processed in the EU information systems and by Europol, namely <del>third-country nationals</del> <i>persons</i> whose personal data <del>is</del> <i>are</i> processed in the EU information systems and by Europol, <del>and to</del> <i>including</i> EU citizens whose personal data <del>is</del> <i>are</i> processed in the SIS and by	<u>Provisionally agreed</u> (12) The interoperability components should concern persons in respect of whom personal data may be processed in the EU information systems and by Europol, namely <del>third-country nationals</del> <i>persons</i> whose personal data <del>is</del> <i>are</i> processed in the EU information systems and by Europol, <del>and to</del> <i>including</i> EU

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	in the SIS and by Europol.	in the SIS and by Europol.	Europol.	<del>citizens whose personal data is are processed in the SIS and by Europol.</del>
#24.		<i>(12a) Children and vulnerable persons merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. The interoperability components should be designed so that particular attention is paid to the protection of children and that their rights and integrity are fully respected.</i>		<u>Provisionally agreed</u> [...]
#25.	(13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies to have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases needed to perform their	(13) The European search portal (ESP) should be established to facilitate technically the ability of <i>the authorised</i> Member State authorities and EU bodies <i>Union agencies</i> to have fast, seamless, efficient, systematic and controlled access to the <i>relevant Union</i> EU information systems,	(13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies <i>agencies</i> to have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases	<u>Provisionally agreed</u> (13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies <i>Union agencies</i> to have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	tasks, in accordance with their access rights, and to support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.	the Europol data and the Interpol databases <i>insofar as this is</i> needed to perform their tasks, in accordance with their access rights, and to support the objectives of the EES, <del>the</del> VIS, <del>the</del> [ETIAS], Eurodac, <del>the</del> SIS, <del>the</del> [ECRIS-TCN system] and <del>the</del> Europol data. Enabling the simultaneous querying of all relevant <del>EU</del> <i>Union</i> information systems in parallel, as well as of <del>the</del> Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.	needed to perform their tasks, in accordance with their access rights, and to support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.	data and the Interpol databases <i>insofar as this is</i> needed to perform their tasks, in accordance with their access rights, and to support the objectives of the EES, the VIS, the ETIAS, Eurodac, the SIS, the ECRIS-TCN system and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.
#26.			<i>(13a) When querying the Interpol databases, the design of the ESP should ensure that the data used by the user of the ESP to launch a query is not shared</i>	<u>Provisionally agreed</u> <i>(13a) When querying the Interpol databases, the design of the ESP should ensure that the data used by the user of the ESP</i>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>with the owners of Interpol data. The result of the query should not be shared in an automated manner with the owner of the Interpol data and a positive result should only be shared following the assessment of the competent authorities including the Interpol National Central Bureau of the Member State querying the Interpol databases.</i>	<i>to launch a query is not shared with the owners of Interpol data. The result of the query should not be shared in an automated manner with the owner of the Interpol data and a positive result should only be shared following the assessment of the competent authorities including the Interpol National Central Bureau of the Member State querying the Interpol databases. The design of the ESP shall also ensure that the Interpol databases are only queried in accordance with applicable Union and national law.</i>
#27.	(14) The International Criminal Police Organisation (Interpol) database of Stolen and Lost Travel Documents (SLTD) enables authorised law enforcement entities in Member States, including immigration and border control officers, to establish the validity of a travel	<del>(14) The International Criminal Police Organisation (Interpol) database of Stolen and Lost Travel Documents (SLTD) enables authorised law enforcement entities in Member States, including immigration and border control officers, to establish the validity of a travel</del>	(14) The International Criminal Police Organisation (Interpol) database of Stolen and Lost Travel Documents (SLTD) enables authorised law enforcement entities <i>responsible for preventing, detecting or investigating terrorist offences or other serious criminal</i>	<u>Provisionally agreed</u> (14) The International Criminal Police Organisation (Interpol) database of Stolen and Lost Travel Documents (SLTD) enables authorised law enforcement entities <i>responsible for preventing, detecting or investigating terrorist offences</i>

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	document. The [ETIAS] queries the SLTD and Interpol's Travel Documents Associated with Notices (TDAWN) database in the context of assessing whether a person applying for a travel authorisation is likely for instance to migrate irregularly or could pose a threat to security. The centralised European search portal (ESP) should enable the query against the SLTD and TDAWN databases using an individual's identity data. Where personal data are transferred from the Union to Interpol through the ESP, the provisions on international transfers in Chapter V of Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>42</sup> , or the national provisions transposing Chapter V of Directive (EU) 2016/680 of the	<del>document. The [ETIAS] queries the SLTD and Interpol's Travel Documents Associated with Notices (TDAWN) database in the context of assessing whether a person applying for a travel authorisation is likely for instance to migrate irregularly or could pose a threat to security. The centralised European search portal (ESP) should enable the query against the SLTD and TDAWN databases using an individual's identity data. Where personal data are transferred from the Union to Interpol through the ESP, the provisions on international transfers in Chapter V of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>46</sup>, or the national provisions transposing Chapter V of Directive (EU) 2016/680 of the</del>	<i>offences</i> in Member States, including immigration and border control officers, to establish the validity of a travel document. The [ETIAS] queries the SLTD and Interpol's Travel Documents Associated with Notices (TDAWN) database in the context of assessing whether a person applying for a travel authorisation is likely for instance to migrate irregularly or could pose a threat to security. The centralised European search portal (ESP) should enable the query against the SLTD and TDAWN databases using an individual's identity data <i>or travel document data</i> . Where personal data are transferred from the Union to Interpol through the ESP, the provisions on international transfers in Chapter	<i>or other serious criminal offences</i> in Member States, including immigration and border control officers, to establish the validity of a travel document. The ETIAS queries the SLTD and Interpol's Travel Documents Associated with Notices (TDAWN) database in the context of assessing whether a person applying for a travel authorisation is likely for instance to migrate irregularly or could pose a threat to security. The centralised European search portal (ESP) should enable the query against the SLTD and TDAWN databases using an individual's identity data <i>or travel document data</i> . Where personal data are transferred from the Union to Interpol through the ESP, the provisions

<sup>42</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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	European Parliament and of the Council <sup>43</sup> should apply. This should be without prejudice to the specific rules laid down in Council Common Position 2005/69/JHA <sup>44</sup> and Council Decision 2007/533/JHA <sup>45</sup> .	<del>European Parliament and of the Council<sup>47</sup> should apply. This should be without prejudice to the specific rules laid down in Council Common Position 2005/69/JHA<sup>48</sup> and Council Decision 2007/533/JHA<sup>49</sup>.</del>	V of Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>50</sup> , or the national provisions transposing Chapter V of Directive (EU) 2016/680 of the European Parliament and of the Council <sup>51</sup> should apply. This	on international transfers in Chapter V of Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>54</sup> , or the national provisions transposing Chapter V of Directive (EU) 2016/680 of the

<sup>46</sup> ~~Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).~~

<sup>43</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

<sup>44</sup> Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).

<sup>45</sup> Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

<sup>47</sup> ~~Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).~~

<sup>48</sup> ~~Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).~~

<sup>49</sup> ~~Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).~~

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			should be without prejudice to the specific rules laid down in Council Common Position 2005/69/JHA <sup>52</sup> and Council Decision 2007/533/JHA <sup>53</sup> .	European Parliament and of the Council <sup>55</sup> should apply. This should be without prejudice to the specific rules laid down in Council Common Position 2005/69/JHA <sup>56</sup> and Council Decision 2007/533/JHA <sup>57</sup> .

<sup>50</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>51</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

<sup>54</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>52</sup> Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).

<sup>53</sup> Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

<sup>55</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

<sup>56</sup> Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#28.	(15) The European search portal (ESP) should be developed and configured in such a way that it does not allow the use of fields of data for the query that are not related to persons or travel documents or that are not present in an EU information system, in the Europol data or in the Interpol database.	(15) The European search portal (ESP) should be developed and configured in such a way that it does not allow the use of fields of data for the query that are not related to persons or travel documents or that are not present in an EU information system, in the Europol data or in the Interpol database.	(15) The European search portal (ESP) should be developed and configured in such a way that it does not allow the use of fields of data for the query that are not related to persons or travel documents or that are not present in an EU information system, in the Europol data or in the Interpol database.	<u>Provisionally agreed</u> (15) The European search portal (ESP) should be developed and configured in such a way that it does not allow the use of fields of data for the query that are not related to persons or travel documents or that are not present in an EU information system, in the Europol data or in the Interpol database.
#29.	(16) To ensure fast and systematic use of all EU information systems, the European search portal (ESP) should be used to query the common identity repository, the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. However, the national connection to the different EU information systems should	(16) To ensure fast and <del>systematic</del> <i>seamless</i> use of all <del>EU</del> <b>relevant Union</b> information systems, the <del>European search portal (ESP)</del> should be used to query the common identity repository, the EES, <del>the</del> VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. <b>A central Union backup ESP should be established in order to provide</b>	(16) To ensure fast and systematic use of all EU information systems, the European search portal (ESP) should be used to query the common identity repository, the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. However, the national connection to the different EU information systems should	<u>Provisionally agreed</u> (16) To ensure <del>fast and</del> <b>the</b> systematic use of <del>all</del> <b>the relevant</b> EU information systems, the European search portal (ESP) should be used to query the common identity repository, the EES, the VIS, the ETIAS, Eurodac and the ECRIS-TCN system. However, the national connection to the

<sup>57</sup> Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
	<p>remain in order to provide a technical fall back. The ESP should also be used by Union bodies to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.</p>	<p><i>all the functionalities of the principal ESP and a similar level of performance as it in the event of its failure.</i> However, the national connection to the different <i>relevant Union</i> EU information systems should remain in order to provide a technical fall back. The ESP should also be used by Union <del>bodies</del> <i>agencies</i> to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, <del>the</del> Europol data and the Interpol systems, complementing the existing dedicated interfaces.</p>	<p>remain in order to provide a technical fall back. The ESP should also be used by Union <del>bodies</del> <i>agencies</i> to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.</p>	<p>different EU information systems should remain in order to provide a technical fall back. The ESP should also be used by Union <del>bodies</del> <i>agencies</i> to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.</p>
<p>#30.</p>	<p>(17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and</p>	<p>(17) Biometric data, <i>that in the content of this regulation entails</i> <del>such as</del> fingerprints and facial images <i>only and therefore excludes hand palm prints</i>, are unique and therefore much more reliable than alphanumeric data for identifying a person.</p>	<p>(17) Biometric data, such as <del>fingerprints</del> <i>dactyloscopic data</i> and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to</p>	<p><u>Provisionally agreed</u> (17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be</p>

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of data derived from a feature extraction of actual biometric</p>	<p><i>However, biometric data constitute sensitive personal data. This Regulation should therefore lay down the basis of and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned. The shared biometric matching service (Shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU Union information systems, the effective use of Europol data and the other interoperability components. The SBMS should replace the Automated Fingerprint Identification Systems of respectively the EES, VIS, SIS, Eurodac and [ECRIS-TCN ] and should therefore not duplicate either the storage of the biometric data nor the storage of biometric templates. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in</i></p>	<p>reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of data derived from a feature</p>	<p>a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of data derived from a feature</p>

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
	<p>samples. The shared BMS should regroup and store all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.</p>	<p>different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of data derived from a feature extraction of actual biometric samples. The shared BMS should regroup and store all these biometric templates – <i>logically separated according to the information system from which the data originated</i> – in one single location, <i>thereby</i></p>	<p>extraction of actual biometric samples. The shared BMS should regroup and store all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.</p>	<p>extraction of actual biometric samples. The shared BMS should regroup and store all these biometric templates – <i>logically separated according to the information system from which the data originated</i> - in one single location, facilitating cross-system comparisons using biometric <u>templates</u> <del>data</del> and enabling economies of scale in developing and maintaining the EU central systems.</p>



	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
		<p>facilitating cross-system comparisons using biometric <del>data</del> <b>templates</b> and enabling economies of scale in developing and maintaining the <del>EU</del> <b>Union</b> central systems.</p>		
<p>#31.</p>		<p><i>(17a) The biometric templates stored in the shared BMS which are comprised of data derived from a feature extraction of actual biometric samples should be obtained in such a way that reverting the process is not possible. Indeed, biometric templates should be obtained from biometric data but it should not be possible to obtain that same biometric data from the biometric templates.</i></p>		<p><u>Provisionally agreed</u>  <i>(17a) The biometric templates stored in the shared BMS which are comprised of data derived from a feature extraction of actual biometric samples should be obtained in such a way that reverting the process is not possible. Biometric templates should be obtained from biometric data but it should not be possible to obtain that same biometric data from the biometric templates.</i></p> <p><i>As palm print data and DNA profiles are only stored in the SIS, are only used for SIS purposes and cannot be used to be cross-checked with data present in other information</i></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>systems, in line with the principles of necessity and proportionality, the shared BMS should not store DNA profiles or biometric templates obtained from palm print data.</i>
#32.	(18) Biometric data constitute sensitive personal data. This regulation should lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.	<del>(18) Biometric data constitute sensitive personal data. This regulation should lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.</del>	(18) Biometric data constitute sensitive personal data. This Regulation should lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.	<u>Provisionally agreed</u> (18) Biometric data constitute sensitive personal data. This Regulation should lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.
#33.	(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council <sup>58</sup> , Regulation (EC)	(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council <sup>60</sup> , Regulation (EC)	(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council <sup>62</sup> , Regulation (EC)	<u>Provisionally agreed</u> (19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and

<sup>58</sup> 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, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	No 767/2008 of the European Parliament and of the Council <sup>59</sup> , [the ETIAS Regulation] for the management of the borders of the Union, the system established by [the Eurodac Regulation] to	No 767/2008 of the European Parliament and of the Council <sup>61</sup> , [the ETIAS Regulation] for the management of the borders of the Union, the system established by [the Eurodac Regulation] to	No 767/2008 of the European Parliament and of the Council <sup>63</sup> , [the ETIAS Regulation] for the management of the borders of the Union, the system established by [the Eurodac Regulation] to	of the Council <sup>64</sup> , Regulation (EC) No 767/2008 of the European Parliament and of the Council <sup>65</sup> , the ETIAS Regulation for the management of the borders of the Union, the system

<sup>60</sup> 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, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

<sup>62</sup> 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, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

<sup>59</sup> 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).

<sup>61</sup> 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).

<sup>63</sup> 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).

<sup>64</sup> 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, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

<sup>65</sup> 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).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	identify the applicants for international protection and combat irregular migration, and the system established by [the ECRIS-TCN system Regulation] require in order to be effective to rely on the accurate identification of the third-country nationals whose personal data are stored therein.	identify the applicants for international protection and combat irregular migration, and the system established by [the ECRIS-TCN system Regulation] require <del>in order to be effective to rely on</del> the accurate identification of <i>those</i> the third-country nationals whose personal data are stored therein.	identify the applicants for international protection and combat <del>irregular</del> <i>illegal immigration</i> , and the system established by [the ECRIS-TCN system Regulation] require in order to be effective to rely on the accurate identification of the <del>third-country nationals</del> <i>persons</i> whose personal data are stored therein.	established by the Eurodac Regulation <del>to identify the applicants for international protection and combat irregular migration</del> , and the system established by the ECRIS-TCN system Regulation require <del>in order to be effective to rely on</del> the accurate identification of the <del>third-country nationals</del> <i>persons</i> whose personal data are stored therein.
#34.	(20) The common identity repository (CIR) should therefore facilitate and assist in the correct identification of persons registered in the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system].	(20) The common identity repository (CIR) should therefore facilitate and assist in the correct identification of persons registered in the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system].	(20) The common identity repository (CIR) should therefore facilitate and assist in the correct identification of persons registered in the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system].	<u>Provisionally agreed</u> (20) The common identity repository (CIR) should therefore facilitate and assist in the correct identification of persons registered in the EES, the VIS, the ETIAS, Eurodac and the ECRIS-TCN system.
#35.	(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent	(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent	(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent	<u>Provisionally agreed</u> (21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning third-country nationals present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying</p>	<p>residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning third-country nationals present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying</p>	<p>residents in their territory, but the same is not true for <i>other categories of persons</i> <del>third-country nationals</del>. The interoperability between EU information systems should contribute to the correct identification of <i>those persons</i> <del>third-country nationals</del>. The common identity repository (CIR) should store the personal data concerning <del>third-country nationals</del> <i>those persons</i> present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the purposes of the underlying</p>	<p>dispose of efficient ways to identify their citizens or registered permanent residents in their territory. <del>but the same is not true for other categories of persons</del> <del>third-country nationals</del>. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning third-country nationals present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	systems in accordance with their logical separation.	systems in accordance with their logical separation.	systems and should be automatically deleted when the data <i>are</i> is deleted in the underlying systems in accordance with their logical separation. <i>However, for the purpose of fighting identity fraud, where a red link is stored in the MID, the linked identity and travel document data should be stored in the CIR for as long as the corresponding data are stored in at least one of the EU information systems from which the linked data originates.</i>	for the purposes of the underlying systems and should be automatically deleted when the data <i>are</i> is deleted in the underlying systems in accordance with their logical separation.
#36.	(22) The new processing operation consisting in the storage of such data in the common identity repository (CIR) instead of the storage in each of the separate systems is necessary to increase the accuracy of the identification that is made possible by the automated comparison and matching of such data. The fact that the identity and biometric	(22) The new processing operation consisting in the storage of such data in the common identity repository (CIR) instead of the storage in each of the separate systems is necessary to increase the accuracy of the identification that is made possible by the automated comparison and matching of such data. The fact that the identity and biometric	(22) The new processing operation consisting in the storage of such data in the common identity repository (CIR) instead of the storage in each of the separate systems is necessary to increase the accuracy of the identification that is made possible by the automated comparison and matching of such data. The fact that <del>the</del> identity, <i>travel document</i>	<u>Provisionally agreed</u> (22) The new processing operation consisting in the storage of such data in the common identity repository (CIR) instead of the storage in each of the separate systems is necessary to increase the accuracy of the identification that is made possible by the automated comparison and matching of such data. The fact

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	data of third-country nationals is stored in the CIR should not hinder in any way the processing of data for the purposes of the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system Regulations, as the CIR should be a new shared component of those underlying systems.	data of third-country nationals is stored in the CIR should not hinder in any way the processing of data for the purposes of the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system Regulations, as the CIR should be a new shared component of those underlying systems.	and biometric data of <del>third-country nationals</del> <b>are</b> stored in the CIR should not hinder in any way the processing of data for the purposes of the EES, the VIS, <del>the ETIAS</del> , Eurodac or the ECRIS-TCN system Regulations, as the CIR should be a new shared component of those underlying systems.	that <del>the</del> identity, <b>travel document</b> and biometric data of <del>third-country nationals</del> <b>is are</b> stored in the CIR should not hinder in any way the processing of data for the purposes of the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system Regulations, as the CIR should be a new shared component of those underlying systems.
#37.	(23) In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system, is necessary to achieve the purpose of correct identification of third-country nationals within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity fraud. The individual file should store in one	(23) In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system, is necessary to achieve the purpose of correct identification of third-country nationals within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity fraud. The individual file should store in one	(23) In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, <del>the ETIAS</del> , Eurodac or <del>the ECRIS-TCN system</del> , is necessary to achieve the purpose of correct identification of <b>each person</b> <del>third-country nationals</del> within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity fraud. The	<u>Provisionally agreed</u> (23) In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system, is necessary to achieve the purpose of correct identification of <b>each person</b> <del>third-country nationals</del> within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	single place and make accessible to the duly authorised end-users all the possible identities linked to a person.	single place and make accessible to the duly authorised end-users all the possible identities linked to a person.	individual file should store in one single place and make accessible to the duly authorised end-users all the possible identities linked to a person.	fraud. The individual file should store in one single place and make accessible to the duly authorised end-users all the possible identities linked to a person.
#38.	(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by law enforcement authorities to the EU information systems that are not established exclusively for purposes of prevention, investigation, detection or prosecution of serious crime.	(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by law enforcement authorities to the EU information systems that are not established exclusively for purposes of prevention, investigation, detection or prosecution of serious crime.	(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by <del>law enforcement</del> authorities <b>responsible for preventing, detecting or investigating terrorist offences or other serious criminal offences</b> to the EU information systems that are not established exclusively for purposes of prevention, investigation or detection <del>or prosecution</del> of serious crime.	<u>Provisionally agreed</u> (24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by <del>law enforcement</del> authorities <b>responsible for preventing, detecting or investigating terrorist offences or other serious criminal offences</b> to the EU information systems that are not established exclusively for purposes of prevention, investigation or detection <del>or prosecution</del> of serious crime.
#39.	(25) The common identity repository (CIR) should provide for a shared container for identity and biometric data of third-country nationals registered in the	(25) The <del>common identity repository (CIR)</del> should provide for a shared container for identity and biometric data of third-country nationals registered in the	(25) The common identity repository (CIR) should provide for a shared container for identity, <b>travel document</b> and biometric data of <del>third-country</del>	<u>Provisionally agreed</u> (25) The common identity repository (CIR) should provide for a shared container for



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	EES, the VIS, [the ETIAS], Eurodac and the [ECRIS-TCN system], serving as the shared component between these systems for storage of this data, and to allow its querying.	EES, <del>the</del> VIS, [ <del>the</del> ETIAS], Eurodac and [ <del>the</del> ECRIS-TCN system], serving as the shared component between these systems for storage of this data, and to allow its querying. <b>A central Union backup CIR should be established in order to provide all the functionalities of the principal CIR and a similar level of performance as it in the event of its failure.</b>	<del>nationals</del> <b>persons</b> registered in the EES, the VIS, [the ETIAS], Eurodac and the [ECRIS-TCN system]. <b><i>It should be part of the technical architecture of these systems and serve</i></b> <del>serv</del> ing as the shared component between these systems <del>them</del> for storage of <del>this</del> <b>the identity, travel document and biometric</b> data, and to allow its <del>its</del> <b>their</b> querying.	identity, <b><i>travel document</i></b> and biometric data of <del>third-country</del> <b>nationals persons</b> registered in the EES, the VIS, the ETIAS, Eurodac and the ECRIS-TCN system. <b><i>It should be part of the technical architecture of these systems and serve</i></b> <del>serv</del> ing as the shared component between these systems <del>them</del> for storage of <del>this</del> <b>the identity, travel document and biometric</b> data, and to allow its <del>its</del> <b>their</b> querying.
#40.	(26) All records in the common identity repository (CIR) should be logically separated by automatically tagging each record with the underlying system owning that record. The access control of the CIR should use these tags to allow the record to be accessible or not.	(26) All records in the common identity repository (CIR) should be logically separated by automatically tagging each record with the underlying system owning that record. The access control of the CIR should use these tags to allow the record to be accessible or not.	(26) All records in the common identity repository (CIR) should be logically separated by automatically tagging each record with the underlying system owning that record. The access control of the CIR should use these tags to allow the record to be accessible or not.	<u>Provisionally agreed</u> (26) All records in the common identity repository (CIR) should be logically separated by automatically tagging each record with the underlying system owning that record. The access control of the CIR should use these tags to allow the record to be accessible or not.
#41.	(27) In order to ensure the correct identification of a person, Member State authorities	(27) In order to <b><i>assist in</i></b> <del>ensure</del> the correct identification of a person, <b><i>where a</i></b> Member State	(27) In order to ensure the correct identification of a person, <b><i>police authorities empowered by</i></b>	<u>Provisionally agreed</u> (27) <b><i>Where a Member State</i></b>

	<p align="center"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p>competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check.</p>	<p><del>authorities competent for preventing and combating irregular migration and</del> <b>police authority has been unable to identify that person on the basis of a query of the CIR using a travel document or the identity data provided by that person, or where there are doubts as to the authenticity of the travel document or the identity of its holder, or where the person is unable or refuses to cooperate, a Member State</b> competent authorities within the meaning of Article 3(7) of Directive 2016/680, <b>following rules and procedures provided for in national law</b>, should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check, <b>provided always that the person concerned is physically present during such a check.</b></p>	<p><del>national law</del> Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check.</p>	<p><del>police authority is unable to identify a person due to the lack of a travel document or <u>any</u> <del>another</del> <u>credible document</u> proving that person's identity, or where there are doubts about the identity data provided by that person or as to the authenticity of the travel document or the identity of its holder, or where the person is unable or refuses to cooperate, that police authority should be able to query the CIR <u>in order to for the purposes of identifying the person. With the exception of identifying unknown persons who are not able to identify themselves or unidentified human remains in case of a natural disaster, an accident or a terrorist attack, For those purposes, police authorities should capture fingerprints for the purposes of querying the CIR using live-scan fingerprinting techniques and provide that the procedure was</u></del></p>

	<p style="text-align: center;"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
				<p><i>initiated in the presence of that person. Such queries of the CIR should not be permitted for the purposes of identifying minors under the age of 12 years old, unless in the best interest of the child.</i></p>
<p>#42.</p>	<p>(28) Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities should have access to consult the identity data of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.</p>	<p><del>(28) — Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities should have access to consult the identity data of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.</del></p>	<p>(28) Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities should have access to consult the identity data <b>and travel document data</b> of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.</p>	<p><u>Provisionally agreed</u></p> <p>(28) Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities should have access to consult the identity data <b>and travel document data</b> of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#43.	(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national legislative measures.	(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national legislative measures.	(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national <i>law</i> <del>legislative measures</del> .	<u>Provisionally agreed</u> (29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national <i>law</i> <del>legislative measures</del> .
#44.	(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated law enforcement authorities and Europol. Data,	(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, <del>the</del> VIS, [the ETIAS] or Eurodac by Member State designated <del>law enforcement</del> authorities and Europol. Data,	(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data <i>or travel document data</i> present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated <del>law enforcement</del>	<u>Provisionally agreed</u> (30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data <i>or travel document data</i> present in the EES, the VIS, the ETIAS or Eurodac by Member State

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case.	including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case <i>where there are reasonable grounds to consider that consultation will substantially contribute to the prevention, detection or investigation of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third-country nationals whose data are stored in the EES, VIS, ETIAS and Eurodac. Such streamlined access should be provided after a prior search in the national databases has been carried out and a query of the automated fingerprint identification system of the other</i>	authorities <i>responsible for preventing, detecting or investigating terrorist offences or other serious criminal offences</i> and Europol. Data, including data other than identity data <i>or travel document data</i> contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case.	designated law enforcement authorities <i>responsible for preventing, detecting or investigating terrorist offences or other serious criminal offences</i> and Europol. Data, including data other than identity data <i>or travel document data</i> contained in those systems, may be necessary for the prevention, detection <u>or</u> investigation <del>and</del> prosecution of terrorist offences or <u>other</u> serious criminal offences in a specific case <i>where there are reasonable grounds to believe <del>consider</del> that consultation will contribute to the prevention, detection or investigation of the criminal offences or other serious criminal offences in question, in particular where there is a suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence is a person whose data are stored in the EES, VIS, ETIAS <del>and</del> or</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>Member States under Council Decision 2008/615/JHA<sup>66</sup> has been launched.</i>		<i>Eurodac.</i>
#45.	(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data covered under common identity repository (CIR) obtained using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated law enforcement authorities and Europol do not know in advance which of the EU information systems contains data of the persons they need to	(31) Full access to the necessary data contained in the <del>Union</del> EU-information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data covered under <del>common identity repository (CIR)</del> obtained using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated <del>law enforcement</del> authorities and Europol do not know in advance which of the <del>Union</del> EU information systems contains data of the persons they	(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting <del>and or</del> investigating terrorist offences or other serious criminal offences, beyond the relevant identity data <b>or travel document data</b> covered under common identity repository (CIR) <del>obtained using biometric data of that person taken during an identity check,</del> should continue to be governed by the provisions in the respective legal instruments. The designated <del>law enforcement</del> authorities <b>responsible for preventing, detecting or investigating terrorist offences or other</b>	<u>Provisionally agreed</u> (31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting <del>and or</del> investigating terrorist offences or other serious criminal offences, beyond the relevant identity data <b>or travel document data</b> covered under common identity repository (CIR) <del>obtained using biometric data of that person taken during an identity check,</del> should continue to be governed by the provisions in the respective legal instruments. The designated <del>law enforcement</del> authorities <b>responsible for preventing, detecting or</b>

<sup>66</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	<p>inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).</p>	<p>need to inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the <del>EU</del> <b>Union</b> information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality) <b>after necessary checks in national databases and after a query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched.</b></p>	<p><i>serious criminal offences</i> and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a <b>match hit</b> in the system (a so-called <del>hit</del><b>match</b>-flag functionality).</p>	<p><i>investigating terrorist offences or other serious criminal offences</i> and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a <b>match hit</b> in the system (a so-called <del>hit</del><b>match</b>-flag functionality).</p>
#46.			<p><i>(31a) The reply will not be interpreted and used as a ground or reason to draw conclusions on or undertake measures towards a person, but may be used only for the purpose of</i></p>	<p><u>Provisionally agreed</u> <i>(31a) The reply will not be interpreted and used as a ground or reason to draw conclusions on or undertake measures towards a person, but</i></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			<p><i>submitting an access request to the underlying EU information systems, subject to the conditions and procedures laid down in the respective legislative instruments governing such access. Any such act will be subject to measures set out in Chapter VII and measures in Regulation (EU) 2016/679, Directive 2016/680 or Regulation (EC) No 45/2001.</i></p>	<p><i><del>may</del> <u>should</u> be used only for the purpose of submitting an access request to the underlying EU information systems, subject to the conditions and procedures laid down in the respective legislative instruments governing such access. Any such act will be subject to measures set out in Chapter VII and measures in Regulation (EU) 2016/679, Directive 2016/680 or Regulation (EC) No 45/2001.</i></p> <p><i><u>(31b) As a general rule, where a match-flag indicates that the data are recorded in the EES, ETIAS or VIS, the designated authorities or Europol should request full access to at least one of the EU information systems concerned. Where exceptionally such full access is not requested, for example because designated authorities or Europol have already obtained the data by other means, or obtaining the data is</u></i></p>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<b><u>no longer permitted under national law, the justification for not requesting access should be recorded and traceable to the national file.</u></b>
#47.	(32) The logs of the queries of the common identity repository should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences.	(32) The logs of the queries of the common identity repository should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences.	(32) The logs of the queries of the common identity repository should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting <del>and</del> <b>or</b> investigating terrorist offences or other serious criminal offences.	<u>Provisionally agreed</u> (32) The logs of the queries of the common identity repository should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting <del>and</del> <b>or</b> investigating terrorist offences or other serious criminal offences.
#48.	(33) The query of the common identity repository (CIR) by Member State designated authorities and Europol in order to obtain a hit-flag type of response indicating the data is	(33) The query of the <del>common identity repository (CIR)</del> by Member State designated authorities and Europol in order to obtain a hit-flag type of response indicating the data is	(33) The query of the common identity repository (CIR) by Member State designated authorities and Europol in order to obtain a <del>hit</del> <b>match</b> -flag type of response indicating the data <b>are</b>	<u>Provisionally agreed</u> (33) The query of the common identity repository (CIR) by Member State designated authorities and Europol in order

	<p align="center"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p>recorded in the EES, the VIS, [the ETIAS] or Eurodac requires automated processing of personal data. A hit-flag would not reveal personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag. Access by the end-user of a hit-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access for personal data more effectively directly to the system that was flagged as containing it.</p>	<p>recorded in the EES, <del>the</del> VIS, <del>[the</del> ETIAS] or Eurodac requires automated processing of personal data. A hit-flag <del>would not</del> reveal <i>only</i> personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems, <i>provided the authority making the search has access to that system</i>. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag, <i>and the hit-flag should be used by the relevant authorities only for the purpose of deciding which database to query</i>. Access by the end-user of a hit-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access for personal data more effectively</p>	<p>is recorded in the EES, the VIS, [the ETIAS] or Eurodac requires automated processing of personal data. A <del>hit</del>match-flag would not reveal personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a <del>hit</del>match-flag. Access by the end-user <del>to</del> of a <del>hit</del>match-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access <del>to</del> <del>for</del> personal data more effectively directly to the system that was flagged as containing it.</p>	<p>to obtain a <del>hit</del>match-flag type of response indicating the data <del>is</del> <b>are</b> recorded in the EES, the VIS, the ETIAS or Eurodac requires automated processing of personal data. A <del>hit</del>match-flag would not reveal personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a <del>hit</del>match-flag. Access by the end-user <del>to</del> of a <del>hit</del>match-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access <del>to</del> <del>for</del> personal data more effectively directly to the system that was flagged as containing it. <u><i>As a general practice, Member</i></u></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		directly to the system that was flagged as containing it.		<u><i>States' end-users carry out searches in relevant national databases prior or in parallel to querying European databases.</i></u>
#49.	(34) The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases the common identity repository (CIR) should enable identifying the information system that knows the person in one single search. By creating the obligation to use this new law enforcement access approach in these cases, access to the personal data stored in the EES, the VIS, [the ETIAS] and Eurodac should take place without the requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA. The	(34) The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases the <del>common identity repository (CIR)</del> <b>the relevant designated authority to identify</b> identifying the information system that knows the person in one single search. <del>By creating the obligation to use this new law enforcement access approach in these cases, access to the personal data stored in the EES, the VIS, [the ETIAS] and Eurodac should take place without the requirements of a prior search,</del> <b>following the necessary checks</b> in national databases and <del>the launch of a</del>	(34) The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases the common identity repository (CIR) should enable identifying the information system that knows the person in one single search. By creating the obligation to use this new <del>law enforcement</del> access approach <b>for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences</b> in these cases, access to the personal data stored in the EES <del>the VIS, [the ETIAS]</del> and Eurodac should take place without the requirements of a prior search in national databases and the launch	<u>Provisionally agreed</u> [...]

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>principle of prior search effectively limits the possibility of Member State' authorities to consult systems for justified law enforcement purposes and could thereby result in missed opportunities to uncover necessary information. The requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA should only cease to apply once the alternative safeguard of the two-step approach to law enforcement access through the CIR has become operational.</p>	<p><del>prior search in</del> <b><i>once a query of</i></b> the automated fingerprint identification system of other Member States under Decision 2008/615/JHA <b><i>has been launched for the justified purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences</i></b> should only cease to apply once the alternative safeguard of the two-step approach to law enforcement access through the CIR has become operational.</p>	<p>of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA. The principle of prior search effectively limits the possibility of Member States' authorities to consult <b><i>centralised</i></b> systems for <b><i>the justified law enforcement purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences</i></b> and could thereby result in missed opportunities to uncover necessary information. The requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA should only cease to apply once the alternative safeguard of the two-step approach to law enforcement access <b><i>for the purposes of preventing, detecting or investigating terrorist offences</i></b></p>	

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			<i>or other serious criminal offences</i> through the CIR has become operational.	
#50.	(35) The multiple-identity detector (MID) should be established to support the functioning of the common identity repository and to support the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system]. In order to be effective in fulfilling their respective objectives, all of these EU information systems require the accurate identification of the persons whose personal data are stored therein.	(35) The multiple-identity detector (MID) should be established to support the functioning of the common identity repository and to support the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system]. In order to be effective in fulfilling their respective objectives, all of these EU information systems require the accurate identification of the persons whose personal data are stored therein.	(35) The multiple-identity detector (MID) should be established to support the functioning of the common identity repository and to support the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system]. In order to be effective in fulfilling their respective objectives, all of these EU information systems require the accurate identification of the persons whose personal data are stored therein.	<u>Provisionally agreed</u> (35) The multiple-identity detector (MID) should be established to support the functioning of the common identity repository and to support the objectives of the EES, the VIS, the ETIAS, Eurodac, the SIS and the ECRIS-TCN system. In order to be effective in fulfilling their respective objectives, all of these EU information systems require the accurate identification of the persons whose personal data are stored therein.
#51.	(36) The possibility to achieve the objectives of the EU information systems is undermined by the current inability for the authorities using these systems to conduct sufficiently reliable verifications of the identities of the third-	(36) <i>To better realise</i> <del>The possibility to achieve</del> the objectives of the EU information systems <del>is undermined by the current inability for</del> , the authorities using <del>these</del> <i>those</i> systems <i>should be able</i> to conduct sufficiently reliable	(36) The possibility to achieve the objectives of the EU information systems is undermined by the current inability for the authorities using these systems to conduct sufficiently reliable verifications of the identities of the <del>third-</del>	<u>Provisionally agreed</u> (36) <i>To better realise</i> <del>The possibility to achieve</del> the objectives of the EU information systems <del>is undermined by the current inability for</del> , the authorities using <del>these</del> <i>those</i> systems <i>should be able</i> to

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	country nationals whose data are stored in different systems. That inability is determined by the fact that the set of identity data stored in a given individual system may be fraudulent, incorrect, or incomplete, and that there is currently no possibility to detect such fraudulent, incorrect or incomplete identity data by way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of third-country nationals for these purposes.	verifications of the identities of the third-country nationals whose data are stored in different systems. <del>That inability is determined by the fact that</del> The set of identity data stored in a given individual system may be <b>incorrect, incomplete or</b> fraudulent, <del>incorrect, or incomplete, and that</del> <b>and</b> there is currently <b>no way of detecting incorrect, incomplete or</b> possibility to detect such fraudulent, <del>incorrect or incomplete</del> identity data by way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of third-country nationals for these purposes.	<del>country nationals</del> <b>persons</b> whose data are stored in different systems. That inability is determined by the fact that the set of identity data <b>or travel document data</b> stored in a given individual system may be fraudulent, incorrect, or incomplete, and that there is currently no possibility to detect such fraudulent, incorrect or incomplete identity data <b>or travel document data</b> by way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of <del>third-country nationals</del> <b>persons</b> for these purposes.	conduct sufficiently reliable verifications of the identities of the <del>third-country nationals</del> <b>persons</b> whose data are stored in different systems. <del>That inability is determined by the fact that</del> The set of identity data <b>or travel document data</b> stored in a given individual system may be <b>incorrect, incomplete or</b> fraudulent, <del>incorrect, or incomplete, and that</del> <b>and</b> there is currently <b>no way of detecting incorrect, incomplete or</b> possibility to detect such fraudulent, <del>incorrect or incomplete</del> identity data <b>or travel document data</b> by way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of <del>third-country nationals</del> <b>persons</b> for these purposes.
#52.	(37) The multiple-identity	(37) The <del>multiple-identity</del>	(37) The multiple-identity	<u>Provisionally agreed</u>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	<p>detector (MID) should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity fraud. The MID should only contain the links between individuals present in more than one EU information system, strictly limited to the data necessary to verify that a person is recorded lawfully or unlawfully under different biographical identities in different systems, or to clarify that two persons having similar biographical data may not be the same person. Data processing through the European search portal (ESP) and the shared biometric matching service (shared BMS) in order to link individual files across individual systems should be kept to an absolute minimum and therefore is limited to a multiple-identity</p>	<p><del>detector (MID)</del> should create and store links between data in the different <del>EU</del> <b>Union</b> information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity fraud. The <b><i>creation of those links constitutes automated decision-making as referred to in Regulation (EU) 2016/679 and Directive (EU) 2016/680 and therefore requires transparency towards the individuals affected and the implementation of necessary safeguards in accordance with Union data protection rules. The MID</i></b> should <del>only</del> contain the links <b><i>only</i></b> between individuals present in more than one <del>EU</del> <b>Union</b> information system, strictly limited to the data necessary to verify that a person is recorded lawfully or unlawfully under different biographical identities in different systems, or to clarify</p>	<p>detector (MID) should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity fraud. The MID should only contain the links between individuals present in more than one EU information system, strictly limited to the data necessary to verify that a person is recorded in a justified <del>lawfully</del> or <del>unlawfully</del> unjustified manner under different biographical identities in different systems, or to clarify that two persons having similar biographical data may not be the same person. Data processing through the European search portal (ESP) and the shared biometric matching service (shared BMS) in order to link individual files across individual systems should be kept to an absolute minimum and therefore is limited to a multiple-</p>	<p>(37) The multiple-identity detector (MID) should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for <i>bona fide</i> travellers and combating identity fraud. The MID should only contain the links between individuals present in more than one EU information system, strictly limited to the data necessary to verify that a person is recorded in a justified <del>lawfully</del> or <del>unlawfully</del> unjustified manner under different biographical identities in different systems, or to clarify that two persons having similar biographical data may not be the same person. Data processing through the European search portal (ESP) and the shared biometric matching service (shared BMS) in order to link individual files across individual systems should be kept to an</p>

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
	<p>detection at the time new data is added to one of the information systems included in the common identity repository and in the SIS. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.</p>	<p>that two persons having similar biographical data may not be the same person. Data processing through the <del>European search portal (ESP)</del> and the <del>shared biometric matching service (shared BMS)</del> in order to link individual files across individual systems <b>and the Europol database</b> should be kept to an absolute minimum and therefore is limited to a multiple-identity detection at the time new data is added to one of the <b>Union</b> information systems included in the common identity repository and in <del>the</del> SIS. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.</p>	<p>identity detection at the time new data <b>are</b> is added to one of the information systems included in the common identity repository and in the SIS. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.</p>	<p>absolute minimum and therefore is limited to a multiple-identity detection at the time new data <b>are</b> is added to one of the information systems included in the common identity repository and in the SIS. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.</p>
<p>#53.</p>	<p>(38) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly. This constitutes an interference</p>	<p>(38) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly. This constitutes an interference</p>	<p>(38) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly. This constitutes an interference</p>	<p><u>Provisionally agreed</u> (38) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly.</p>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since the effective implementation of the EU information systems is dependent upon correct identification of the individuals concerned, such interference is justified by the same objectives for which each of those systems have been established, the effective management of the Union's borders, the internal security of the Union, the effective implementation of the Union's asylum and visa policies and the fight against irregular migration.	with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since the effective implementation of the EU information systems is dependent upon correct identification of the individuals concerned, such interference is justified by the same objectives for which each of those systems have been established, the effective management of the Union's borders, the internal security of the Union, the effective implementation of the Union's asylum and visa policies and the fight against irregular migration.	with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since the effective implementation of the EU information systems is dependent upon correct identification of the individuals concerned, such interference is justified by the same objectives for which each of those systems have been established, the effective management of the Union's borders, the internal security of the Union, the effective implementation of the Union's asylum and visa policies and the fight against <del>irregular</del> <b>illegal immigration</b> .	This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since the effective implementation of the EU information systems is dependent upon correct identification of the individuals concerned, such interference is justified by the same objectives for which each of those systems have been established, the effective management of the Union's borders, the internal security of the Union, the effective implementation of the Union's asylum and visa policies <del>and the fight against irregular</del> <b>illegal immigration</b> .
#54.	(39) The European search portal (ESP) and shared biometric matching service (shared BMS) should compare data in common identity repository (CIR) and SIS on persons when new records are created by a national authority or	(39) The European search portal (ESP) and shared biometric matching service (shared BMS) should compare data in common identity repository (CIR) and SIS on persons when new records are created by a national authority or	(39) The European search portal (ESP) and shared biometric matching service (shared BMS) should compare data in common identity repository (CIR) and SIS on persons when new records are created <b>or uploaded</b> by a national	<u>Provisionally agreed</u> (39) The European search portal (ESP) and shared biometric matching service (shared BMS) should compare data in common identity repository (CIR) and SIS on

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>an EU body. Such comparison should be automated. The CIR and the SIS should use the shared BMS to detect possible links on the basis of biometric data. The CIR and the SIS should use the ESP to detect possible links on the basis of alphanumeric data. The CIR and the SIS should be able to identify identical or similar data on the third-country national stored across several systems. Where such is the case, a link indicating that it is the same person should be established. The CIR and the SIS should be configured in such a way that small transliteration or spelling mistakes are detected in such a way as not to create any unjustified hindrance to the concerned third-country national.</p>	<p>an EU body. Such comparison should be automated. The CIR and the SIS should use the shared BMS to detect possible links on the basis of biometric data. The CIR and the SIS should use the ESP to detect possible links on the basis of alphanumeric data. The CIR and the SIS should be able to identify identical or similar data on the third-country national stored across several systems. Where such is the case, a link indicating that it is the same person should be established. The CIR and the SIS should be configured in such a way that small transliteration or spelling mistakes are detected in such a way as not to create any unjustified hindrance to the concerned third-country national.</p>	<p>authority or an EU <i>agency</i> body. Such comparison should be automated. The CIR and the SIS should use the shared BMS to detect possible links on the basis of biometric data. The CIR and the SIS should use the ESP to detect possible links on the basis of alphanumeric data. The CIR and the SIS should be able to identify identical or similar data on the <del>third-country national</del> <i>person</i> stored across several systems. Where such is the case, a link indicating that it is the same person should be established. The CIR and the SIS should be configured in such a way that small transliteration or spelling mistakes are detected in such a way as not to create any unjustified hindrance to the concerned <del>third-country national</del> <i>person</i>.</p>	<p>persons when new records are created <i>or uploaded</i> by a national authority or an EU <i>agency</i> body. Such comparison should be automated. The CIR and the SIS should use the shared BMS to detect possible links on the basis of biometric data. The CIR and the SIS should use the ESP to detect possible links on the basis of alphanumeric data. The CIR and the SIS should be able to identify identical or similar data on the <del>third-country national</del> <i>person</i> stored across several systems. Where such is the case, a link indicating that it is the same person should be established. The CIR and the SIS should be configured in such a way that small transliteration or spelling mistakes are detected in such a way as not to create any unjustified hindrance to the concerned <del>third-country national</del> <i>person</i>.</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#55.	(40) The national authority or EU body that recorded the data in the respective EU information system should confirm or change these links. This authority should have access to the data stored in the common identity repository (CIR) or the SIS and in the multiple-identity detector (MID) for the purpose of the manual identity verification.	(40) The national authority or EU body that recorded the data in the respective EU information system should confirm or change these links. This authority should have access to the data stored in the common identity repository (CIR) or the SIS and in the multiple-identity detector (MID) for the purpose of the manual identity verification.	(40) The national authority or EU <del>agency body</del> that recorded the data in the respective EU information system should confirm or change these links. This authority should have access to the data stored in the common identity repository (CIR) or the SIS and in the multiple-identity detector (MID) for the purpose of the manual identity verification.	<u>Provisionally agreed</u> (40) The national authority or Union <del>agency body</del> that recorded the data in the respective EU information system should confirm or change these links. This authority should have access to the data stored in the common identity repository (CIR) or the SIS and in the multiple-identity detector (MID) for the purpose of the manual identity verification.
#56.	(41) Access to the multiple-identity detector (MID) by Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository (CIR) or to the SIS should be limited to so called red links where the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same	(41) Access to the <del>multiple-identity detector (MID)</del> by Member State authorities and EU <del>Union</del> bodies having access to at least one <del>EU Union</del> information system included in the <del>common identity repository (CIR)</del> or to the SIS should be limited to so called red links where the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers <del>unlawfully in</del>	(41) Access to the multiple-identity detector (MID) by Member State authorities and EU <del>agencies bodies</del> having access to at least one EU information system included in the common identity repository (CIR) or to the SIS should be limited to so called red links where the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers <del>unlawfully</del> to	<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	<p>person, or where the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person. Where the linked identity data is not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.</p>	<p><i>an unjustified manner</i> to the same person, or where the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully <i>in an unjustified manner</i> to the same person. Where the linked identity data is not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.</p>	<p>the same person <i>in an unjustified manner</i>, or where the linked data has <del>similar</del> <i>different</i> identity data, <i>at least one of the EU information systems does not have biometric data on the person</i> and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person <i>in an unjustified manner</i>, <i>or where the linked data have same or similar identity data, the same travel document data, but different biometric data and the authority responsible for the verification of different identities concluded it refers to different persons in an unjustified manner</i>. Where the linked identity data <i>are</i> is not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.</p>	
#57.	(42) The manual verification	(42) The manual verification	(42) The manual verification	<u>Provisionally agreed</u>

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. Such assessment should be performed where possible in the presence of the third-country national and where necessary by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.</p>	<p>of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. Such assessment should be performed where possible in the presence of the third-country national and where necessary by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.</p>	<p>of multiple identities should be ensured by the authority creating or updating the data that triggered a <del>hit</del> <b>match</b> resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. Such assessment should be performed where possible in the presence of the <del>third-country national</del> <b>person</b> and where necessary by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.</p>	<p><i>(42) The manual verification of multiple identities should be ensured by the authority creating or updating the data that triggered a <del>hit</del> <b>match</b> resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple <del>lawful or unlawful</del> <b>identities referring to the same person in a justified or unjustified manner</b>. Such assessment should be performed where possible in the presence of the <del>persons</del> <b>third-country national</b> and where necessary by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law. Especially at borders, the persons involved would be</i></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				<p><i>restricted in their movement for the duration of the verification which should not last indefinitely <del>should therefore not be detained for an indefinite period. By no means should</del> The existence of a yellow link in the MID <u>should not</u> constitute in itself a ground for refusal of entry and any decision on authorising or refusing entry should exclusively be taken on the basis of the applicable provisions of the Schengen Borders Code.</i></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#58.	(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].	(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].	(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks, <i>inquiry checks</i> or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].	<u>Provisionally agreed</u> (43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks, <i>inquiry checks</i> or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the SIS

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				Regulations.



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<p><u>Provisionally agreed</u></p> <p><i>(43a) The creation of those links requires transparency towards the individuals affected. In order to facilitate the implementation of the necessary safeguards in accordance with Union data protection rules, individuals who are subject to a red link or a white link following manual verification should be informed in writing without prejudice to limitations to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised. Those individuals should receive a single identification number allowing them to identify the authority to which they should address themselves to exercise their rights.</i></p>
#59.		<i>(43a) eu-LISA should develop and manage all interoperability components in such a way as to</i>		<p><u>Provisionally agreed</u></p> <p>[...]</p>

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
		<p><i>ensure fast, seamless, efficient, controlled access and full availability of such components with a response time in line with the operational needs of the Member States' authorities.</i></p>		
<p>#60.</p>			<p><i>(43a) Access to the MID by Member State authorities and EU agencies is not foreseen where a white link exists between data from two or more EU information systems. However, this will not affect the users' access rights. Where it becomes evident when accessing data from two or more EU information systems that a white link was wrongly created, that Member State authority or EU agency should be able to correct the situation and replace the link.</i></p>	<p><u>Provisionally agreed</u>  <u>(43b) In addition to the access to the MID foreseen for the authority responsible for the verification of multiple identities where a yellow link is created, access to the MID by Member State authorities and EU agencies bodies having access to at least one EU information system included in the CIR or to the SIS is foreseen where a red link exists. The red links indicates that a person is using different identities in an unjustified manner or that a person is using somebody else's identity.</u>  <u>Provisionally agreed</u>  <u>(43c) Access to the MID by Member State authorities and</u></p>

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				<i>Union agencies is <u>also</u> foreseen where a white or green link exists between data from two EU information systems where such authority has access to both information systems. Such access is granted for the sole purpose of allowing that Member State authority or EU agency to detect potential cases where the link was incorrect or that the data processed in the MID, CIR and SIS were processed in breach of this Regulation and take necessary actions to correct the situation and replace the link.</i>
#61.	(44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of implementation and application	(44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should <i>send out automatic and immediate warnings to the authority entering data if minimum data quality standards are not met. eu-LISA should be responsible for developing</i> ☐	(44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of implementation and application	<u>Provisionally agreed</u> (44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	by Member States of EU information systems. The common quality indicators should include the minimum quality standards to store data in the EU information systems or the interoperability components. The goal of such a data quality standards should be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.	<del>develop</del> a central monitoring capacity for data quality <del>and to produce</del> , <b>and for producing</b> regular data analysis reports to improve the control of implementation and application by Member States of <del>EU</del> <b>Union</b> information systems. The common quality indicators should include the minimum quality standards to store data in the <del>EU</del> <b>Union</b> information systems or the interoperability components. The goal of such a data quality standards should be for the <del>EU</del> <b>Union</b> information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.	by Member States of EU information systems. The common quality indicators should include the minimum quality standards to store data in the EU information systems or the interoperability components. The goal of such a data quality standards should be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.	implementation and application by Member States of EU information systems. The common quality indicators should include the minimum quality standards to store data in the EU information systems or the interoperability components. The goal of such a data quality standards should be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.
#62.	(45) The Commission should evaluate eu-LISA quality reports and should issue recommendations to Member	(45) The Commission should evaluate eu-LISA quality reports and should issue recommendations to Member	(45) The Commission should evaluate eu-LISA quality reports and should issue recommendations to Member	<u>Provisionally agreed</u> (45) The Commission should evaluate eu-LISA quality reports and should issue

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	States where appropriate. Member States should be responsible for preparing an action plan describing actions to remedy any deficiencies in data quality and should report on its progress regularly.	States where appropriate. Member States should be responsible for preparing an action plan describing actions to remedy any deficiencies in data quality and should report on its progress regularly.	States where appropriate. Member States should be responsible for preparing an action plan describing actions to remedy any deficiencies in data quality and should report on its progress regularly.	recommendations to Member States where appropriate. Member States should be responsible for preparing an action plan describing actions to remedy any deficiencies in data quality and should report on its progress regularly.
#63.	(46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective to facilitate interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent manner.	(46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective to <del>facilitate</del> <b>facilitating</b> interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent manner.	(46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective to facilitate interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent manner.	<u>Provisionally agreed</u> (46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective to facilitate interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent manner.

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#64.			<i>(46a) UMF is not meant as a mandatory, sole or preferred standard for the whole field of Justice and Home Affairs and the diverse solutions deployed by the European Commission, the EU agencies and Member States.</i>	<u>Provisionally agreed</u> (46a) The implementation of the UMF standard may be considered in the VIS, the SIS and in any existing or new cross-border information exchange models and information systems in the area of Justice and Home Affairs, developed by Member States <del>or associated countries.</del>
#65.	(47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes. eu-LISA should establish, implement and host the CRRS in its technical sites containing anonymous statistical data from the above-mentioned systems, the common identity repository, the multiple-identity detector and the shared biometric matching service. The data contained in the CRRS should not enable the identification of	(47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes <i>in line with the objectives of the underlying systems and in conformity with their respective legal bases.</i> eu-LISA should establish, implement and host the CRRS in its technical sites containing anonymous statistical data from the above-mentioned systems, the <del>common identity repository</del> <b>CIR</b> , the <del>multiple-identity detector</del>	(47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes. eu-LISA should establish, implement and host the CRRS in its technical sites containing anonymous statistical data from the above-mentioned systems, the common identity repository, the multiple-identity detector and the shared biometric matching service. The data contained in the CRRS should not enable the identification of	<u>Provisionally agreed</u> (47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes <u>in accordance with the respective legal instruments.</u> eu-LISA should establish, implement and host the CRRS in its technical sites containing anonymous statistical data from the above-mentioned systems, the common identity repository, the multiple-identity detector and the shared biometric

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	individuals. eu-LISA should render the data anonymous and should record such anonymous data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.	<del>MID</del> and the shared <del>biometric matching service</del> <i>BMS</i> . The data contained in the CRRS should not enable the identification of individuals. eu-LISA should <i>immediately</i> render the data anonymous and should record <i>only</i> such <del>anonymous</del> <i>anonymised</i> data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the <del>EU</del> <i>Union</i> information systems or in the interoperability components.	individuals. eu-LISA should render the data anonymous and should record such anonymous data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.	matching service. The data contained in the CRRS should not enable the identification of individuals. eu-LISA should render the data anonymous <u>in an automated manner</u> and should record such <del>anonymous</del> <u>anonymised</u> data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.
#66.	(48) Regulation (EU) 2016/679 should apply to the processing of personal data under this Regulation by national authorities unless such processing is carried out by the designated authorities or central access points of the Member States for the purposes of the prevention, detection or investigation of	(48) Regulation (EU) 2016/679 should apply to the processing of personal data under this Regulation by national authorities unless such processing is carried out by the designated authorities or central access points of the Member States for the purposes of the prevention, detection or investigation of	(48) Regulation (EU) 2016/679 should apply to the processing of personal data under this Regulation by national authorities unless such processing is carried out by the designated authorities or central access points of the Member States for the purposes of the prevention, detection or investigation of	<u>Provisionally agreed</u> (48) Regulation (EU) 2016/679 should apply to the processing of personal data under this Regulation by national authorities unless such processing is carried out by the designated authorities or central access points of the Member States for the purposes of the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	terrorist offences or of other serious criminal offences, when Directive (EU) 2016/680 of the European Parliament and of the Council should apply.	terrorist offences or of other serious criminal offences, <del>when</del> <b><i>in which case</i></b> Directive (EU) 2016/680 of the European Parliament and of the Council should apply.	terrorist offences or of other serious criminal offences, when Directive (EU) 2016/680 of the European Parliament and of the Council should apply.	prevention, detection or investigation of terrorist offences or of other serious criminal offences, <del>when</del> <b><i>in which case</i></b> Directive (EU) 2016/680 of the European Parliament and of the Council should apply.
#67.			<b><i>(48a) Where the processing of personal data by the Member States for the purpose of interoperability is carried out by the competent authorities for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, Directive (EU) 2016/680 applies.<sup>67</sup></i></b>	<u>Provisionally agreed</u> <b><i>(48a) Where the processing of personal data by the Member States for the purpose of interoperability is carried out by the competent authorities for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, Directive (EU) 2016/680 applies.<sup>68</sup></i></b>

<sup>67</sup> The following recital has been included as part of the political agreement in the ETIAS file: "Where the processing of personal data by the Member States for the purpose of assessing applications is carried out by the competent authorities for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, Directive (EU) 2016/680 applies."

<sup>68</sup> The following recital has been included as part of the political agreement in the ETIAS file: "Where the processing of personal data by the Member States for the purpose of assessing applications is carried out by the competent authorities for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, Directive (EU) 2016/680 applies."



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>(48b) Regulation (EU) 2016/679 or, where relevant, Directive (EU) 2016/680 should also apply to the transfers of personal data to third countries or international organisations carried out in accordance with this regulation. <u>Without prejudice to the grounds for transfer pursuant to Chapter V of Regulation (EU) 2016/679 or, where relevant, Directive (EU) 2016/680, any judgment of a court or tribunal and any decision of an administrative authority of a third country requiring a controller or processor to transfer or disclose personal data should only be recognised or enforceable in any manner if based on an international agreement in force between the requesting third country and the Union or a Member State.</u></i>
#68.	(49) The specific provisions on data protection of [the EES Regulation], Regulation (EC) No	(49) The specific provisions on data protection of [the EES Regulation], Regulation (EC) No	(49) The specific provisions on data protection of [the EES Regulation] ( <i>EU</i> 2017/2226),	<u>Provisionally agreed</u> (49) The specific provisions

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	767/2008, [the ETIAS Regulation] and [the Regulation on SIS in the field of border checks] should apply to the processing of personal data in those respective systems.	767/2008, [the ETIAS Regulation] and [the Regulation on SIS in the field of border checks] should apply to the processing of personal data in those respective systems.	Regulation (EC) No 767/2008, [the ETIAS Regulation], and [the Regulation on SIS in the field of border checks] should apply to the processing of personal data in those respective systems.	on data protection of Regulation (EU) 2017/2226, Regulation (EC) No 767/2008, the ETIAS Regulation, and [the Regulation on SIS in the field of border checks] should apply to the processing of personal data in those respective systems.
#69.	(50) Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>69</sup> should apply to the processing of personal data by eu-LISA and other institutions and bodies of the Union when carrying out their responsibilities under this Regulation, without prejudice to	(50) Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>70</sup> should apply to the processing of personal data by eu-LISA and other institutions and bodies of the Union when carrying out their responsibilities under this Regulation, without prejudice to	(50) <del>Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>71</sup></del> <b>[Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies,</b>	<u>Provisionally agreed</u> (50) <del>Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>72</sup></del> <b>[Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by</b>

<sup>69</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p.1).

<sup>70</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p.1).

<sup>71</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p.1).

<sup>72</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p.1).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	Regulation (EU) 2016/794, which should apply to the processing of personal data by Europol.	Regulation (EU) 2016/794, which should apply to the processing of personal data by Europol.	<i>offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC]</i> should apply to the processing of personal data by eu-LISA and other institutions and bodies of the Union when carrying out their responsibilities under this Regulation, without prejudice to Regulation (EU) 2016/794, which should apply to the processing of personal data by Europol.	<i>the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC]</i> should apply to the processing of personal data by eu-LISA and other institutions and bodies of the Union when carrying out their responsibilities under this Regulation, without prejudice to Regulation (EU) 2016/794, which should apply to the processing of personal data by Europol.
#70.	(51) The national supervisory authorities established in accordance with [Regulation (EU) 2016/679] should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions	(51) The national supervisory authorities established in accordance with {Regulation (EU) 2016/679} <i>or Directive (EU) 2016/680</i> should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the	(51) The national supervisory authorities established in accordance with {Regulation (EU) 2016/679} <i>or Directive (EU) 2016/680</i> should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by <del>Regulation (EC) No 45/2001</del> [ <i>Regulation</i>	<u>Provisionally agreed</u> (51) The national supervisory authorities established in accordance with Regulation (EU) 2016/679 <i>or Directive (EU) 2016/680</i> should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by <del>Regulation (EC)</del>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the processing of personal data by interoperability components.	activities of the Union institutions and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the processing of personal data by interoperability components.	<i>XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC</i> ] should monitor the activities of the Union institutions and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the processing of personal data by interoperability components.	<del>No 45/2001</del> <i>Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC</i> should monitor the activities of the Union institutions and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the processing of personal data by interoperability components. <b><u>For the European Data Protection Supervisor to fulfil the tasks entrusted to him under this Regulation, sufficient resources, including both human and financial resources, are required.</u></b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#71.	(52) "(...) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on ... "	(52) " <del>(...)</del> The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on <b>16 April 2018</b> . <del>...</del> "	(52) " <del>(...)</del> The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on <b>16 April 2018</b> <del>...</del> "	<u>Provisionally agreed</u> (52) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on <b>16 April 2018</b> .
				<u>Provisionally agreed</u> (52a) <b>The Article 29 Data Protection Working Party provided an opinion on the Commission proposal on 11 April 2018</b> <sup>73</sup> .
#72.	(53) Insofar as confidentiality is concerned, the relevant provisions of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union should apply to officials or other servants employed and working in connection with SIS.	(53) Insofar as confidentiality is concerned, the relevant provisions of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union should apply to officials or other servants employed and working in connection with <b>SIS the data accessed through any of</b>	(53) Insofar as confidentiality is concerned, the relevant provisions of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union should apply to officials or other servants employed and working in connection with SIS.	<u>Provisionally agreed</u> [...]

<sup>73</sup> [http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc\\_id=51517](http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc_id=51517)

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>the interoperability components.</i>		
#73.	(54) Both the Member States and eu-LISA should maintain security plans in order to facilitate the implementation of security obligations and should cooperate with each other in order to address security issues. eu-LISA should also make sure there is a continuous use of the latest technological developments to ensure data integrity regarding the development, design and management of the interoperability components.	(54) Both the Member States and eu-LISA should maintain security plans in order to facilitate the implementation of security obligations and should cooperate with each other in order to address security issues. eu-LISA should also make sure there is a continuous use of the latest technological developments to ensure data integrity regarding the development, design and management of the interoperability components.	(54) Both the Member States and eu-LISA should maintain security plans in order to facilitate the implementation of security obligations and should cooperate with each other in order to address security issues. eu-LISA should also make sure there is a continuous use of the latest technological developments to ensure data integrity regarding the development, design and management of the interoperability components..	<u>Provisionally agreed</u> (54) Both the Member States and eu-LISA should maintain security plans in order to facilitate the implementation of security obligations and should cooperate with each other in order to address security issues. eu-LISA should also make sure there is a continuous use of the latest technological developments to ensure data integrity regarding the development, design and management of the interoperability components. <b><i>eu-LISA obligations in this respect should include adopting the measures necessary to prevent access by unauthorised persons, such as staff of external service providers, to personal data processed through the interoperability components. When awarding contracts for the provision of services, the</i></b>

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
				<p><i>Member States and eu-LISA should consider any measures necessary to secure compliance with laws or regulations relating to the protection of <u>personal data</u> and the privacy of individuals or to safeguard essential security interests, in line with the Financial regulation and applicable international conventions. <del>Where appropriate,</del> eu-LISA should apply the principles of privacy by design and by default during the development of the interoperability components.</i></p>
#74.	<p>(55) The implementation of the interoperability components provided for in this Regulation will have an impact on the way checks are carried out at border crossing points. These impacts will result from a combined application of the existing rules of the Regulation (EU) 2016/399</p>	<p>(55) The implementation of the interoperability components provided for in this Regulation <b>and the integration of the existing national systems and infrastructure with those components</b> will have an impact on the way checks are carried out at border crossing points. These</p>	<p>(55) The implementation of the interoperability components provided for in this Regulation will have an impact on the way checks are carried out at border crossing points. These impacts will result from a combined application of the existing rules of the Regulation (EU) 2016/399</p>	<p><u>Provisionally agreed</u> (55) The implementation of the interoperability components provided for in this Regulation will have an impact on the way checks are carried out at border crossing points. These impacts will result from a combined application of the existing rules</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	of the European Parliament and of the Council <sup>74</sup> and the rules on interoperability provided for in this Regulation.	impacts will result from a combined application of the existing rules of the Regulation (EU) 2016/399 of the European Parliament and of the Council <sup>75</sup> and the rules on interoperability provided for in this Regulation.	of the European Parliament and of the Council <sup>76</sup> and the rules on interoperability provided for in this Regulation.	of the Regulation (EU) 2016/399 of the European Parliament and of the Council <sup>77</sup> and the rules on interoperability provided for in this Regulation.
#75.	(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code. In	(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code. In	(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for <del>third-country nationals</del> <b>persons</b> at border crossing points provided for by the Schengen Borders Code. In	<u>Provisionally agreed</u> (56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for <del>third-country nationals</del> <b>persons</b> at border crossing points provided for by

<sup>74</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders, OJ L 77, 23.3.2016, p.1.

<sup>75</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (OJ L 77, 23.3.2016, p. 1).

<sup>76</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders, OJ L 77, 23.3.2016, p.1.

<sup>77</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders, OJ L 77, 23.3.2016, p.1.



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	addition, the identity data that led to the classification of a link in the multiple-identity detector (MID) as a red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.	addition, the identity data that led to the classification of a link in the multiple-identity detector (MID) as a red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.	addition, the identity data <i>or travel document data</i> that led to the classification of a link in the multiple-identity detector (MID) as a red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.	the Schengen Borders Code. In addition, the identity data <i>or travel document data</i> that led to the classification of a link in the multiple-identity detector (MID) as a red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.
#76.	(57) It would be appropriate to update the Practical Handbook for Border Guards to make these clarifications explicit.	(57) It would be appropriate to update the Practical Handbook for Border Guards to make these clarifications explicit.	(57) It would be appropriate to update the Practical Handbook for Border Guards to make these clarifications explicit.	<u>Provisionally agreed</u> (57) It would be appropriate to update the Practical Handbook for Border Guards to make these clarifications explicit.
#77.	(58) However, an amendment of Regulation (EU) 2016/399 would be required in order to add the obligation for the border guard to refer a third-country	(58) However, an amendment of Regulation (EU) 2016/399 would be required in order to add the obligation for the border guard to refer a third-country	<del>(58) — However, an amendment of Regulation (EU) 2016/399 would be required in order to add the obligation for the border guard to refer a third-country</del>	<u>Provisionally agreed</u> <del>(58) — However, an amendment of Regulation (EU) 2016/399 would be required in order to add</del>

	<p><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
	<p>national to second-line check in case the consultation of the multiple-identity detector (MID) through the European search portal (ESP) would indicate the existence of a yellow link or a red link, in view of not prolonging the waiting time in the first-line checks.</p>	<p>national to second-line check in case the consultation of the multiple-identity detector (MID) through the European search portal (ESP) would indicate the existence of a yellow link or a red link, in view of not prolonging the waiting time in the first-line checks.</p>	<p><del>national to second line check in case the consultation of the multiple-identity detector (MID) through the European search portal (ESP) would indicate the existence of a yellow link or a red link, in view of not prolonging the waiting time in the first-line checks.</del></p>	<p><del>the obligation for the border guard to refer a third-country national to second line check in case the consultation of the multiple-identity detector (MID) through the European search portal (ESP) would indicate the existence of a yellow link or a red link, in view of not prolonging the waiting time in the first line checks.</del></p>
<p>#78.</p>	<p>(59) Should the query of the multiple-identity detector (MID) through the European search portal (ESP) result in a yellow link or detect a red link, the border guard on second line should consult the common identity repository or the Schengen Information System or both in order to assess the information on the person being checked, to manually verify his/her different identity and to adapt the colour of the link if required.</p>	<p>(59) Should the query of the <del>multiple-identity detector (MID)</del> through the <del>European search portal (ESP)</del> result in a yellow link or detect a red link, the border guard <del>on second line</del> should consult the <del>common identity repository</del> <b>CIR</b> or the <del>Schengen Information System</del> <b>SIS</b> or both in order to assess the information on the person being checked, to manually verify his/her different identity and to adapt the colour of the link if required.</p>	<p>(59) Should the query of the multiple-identity detector (MID) through the European search portal (ESP) result in a yellow link or detect a red link, the border guard <del>on second line</del> should consult the common identity repository or the Schengen Information System or both in order to assess the information on the person being checked, to manually verify his/her different identity and to adapt the colour of the link if required.</p>	<p><u>Provisionally agreed</u> <i>[NB: how the components are mentioned (in full or acronyms) will be cross-checked by the lawyer-linguists]</i> (59) Should the query of the multiple-identity detector (MID) through the European search portal (ESP) result in a yellow link or detect a red link, the border guard <del>on second line</del> should consult the common identity repository or the Schengen Information System or both in order to assess the information on the person being</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				checked, to manually verify his/her different identity and to adapt the colour of the link if required.
#79.	(60) To support the purposes of statistics and reporting, it is necessary to grant access to authorised staff of the competent authorities, institutions and bodies identified in this Regulation to consult certain data related to certain interoperability components without enabling individual identification.	(60) To support the purposes of statistics and reporting, it is necessary to grant access to authorised staff of the competent authorities, institutions and bodies identified in this Regulation to consult certain data related to certain interoperability components without enabling individual identification.	(60) To support the purposes of statistics and reporting, it is necessary to grant access to authorised staff of the competent authorities, institutions and <b>agencies</b> <del>bodies</del> identified in this Regulation to consult certain data related to certain interoperability components without enabling individual identification.	<u>Provisionally agreed</u> (60) To support the purposes of statistics and reporting, it is necessary to grant access to authorised staff of the competent authorities, institutions and <b>agencies</b> <del>bodies</del> identified in this Regulation to consult certain data related to certain interoperability components without enabling individual identification.
#80.	(61) In order to allow competent authorities and the EU bodies to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period. Similarly, in order to allow for the coherent and optimal functioning of the multiple-identity detector (MID), transitional measures should be	(61) In order to allow competent authorities and the <b>Union</b> <del>EU</del> bodies to adapt to the new requirements on the use of the <del>European search portal (ESP)</del> , it is necessary to provide for a transitional period <b>which should entail, inter alia, training programmes for end users so as to ensure that the new instruments operate to their full</b>	(61) In order to allow competent authorities and the EU <b>agencies</b> <del>bodies</del> to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period. Similarly, in order to allow for the coherent and optimal functioning of the multiple-identity detector (MID), transitional measures should be	<u>Provisionally agreed</u> (61) In order to allow competent authorities and the <b>EU</b> <del>EU</del> <b>Union</b> <del>agencies</del> <del>bodies</del> to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period. Similarly, in order to allow for the coherent and optimal functioning of the multiple-

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	established for the start of its operations.	<i>potential.</i> Similarly, in order to allow for the coherent and optimal functioning of the <del>multiple identity detector</del> (MID), transitional measures should be established for the start of its operations.	established for the start of its operations.	identity detector (MID), transitional measures should be established for the start of its operations.
#				<u>Provisionally agreed</u> (61a) Since the objectives of this Regulation, namely, the establishment of a framework for interoperability between EU information systems cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, 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

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				order to achieve those objectives.
#81.	(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council <sup>78</sup> . Accordingly, this	<del>(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council<sup>79</sup></del> <b><i>should be reallocated</i></b>	(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council <sup>80</sup> . Accordingly, this	<u>Provisionally agreed</u> (62) The remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council <sup>81</sup> <b><i>should be reallocated to -</i></b> <del>Accordingly,</del> this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014,

<sup>78</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>79</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>80</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.	<del>to <i>Accordingly</i>, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed.</del> <b><i>In addition, eu-LISA should endeavour to keep costs to a minimum and to identify and implement the most cost-effective technical solutions.</i></b>	Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.	<b><u>to cover the costs for the development of the interoperability components</u></b> <del>should reallocate the amount currently attributed.</del>
#82.		<b><i>(62a) It would be appropriate that, during the development phase of the interoperability components, the Commission assess the necessity of further harmonisation of national systems and infrastructure of Member States at external borders and makes recommendations. Those recommendations should also include an impact assessment and an assessment of the cost for the Union budget.</i></b>		<u>Provisionally agreed</u> [...]

<sup>81</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

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#83.	(63) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the profiles for the users of the European search portal (ESP) and the content and format of the ESP replies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 <sup>82</sup> . In particular, to ensure equal	(63) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. <b><i>In particular, power should be delegated to the Commission</i></b> in respect of the profiles for the users of the European search portal (ESP), <del>and</del> the content and format of the ESP replies, <b><i>the procedures to determine the cases where identity data can be considered as identical or similar, and the rules on the operation of the CRRS, including specific safeguards for processing of personal data and security rules applicable to the repository.</i></b> It is of particular importance that the	(63) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the <b><i>extension of the transitional period for the use of the European Search Portal (ESP)</i></b> <del>profiles for the users of the European search portal (ESP) and the content and format of the ESP replies.</del> It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional	<u>Provisionally agreed</u> In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the <b><i>extension of the transitional period for the use of the European Search Portal (ESP), as well as for the ETIAS Central Unit and extension of the transitional period for the use of multiple-identity detection (MID).</i></b> <b><i>In particular, power should be delegated to the Commission</i></b> in respect of the <del>profiles for the users of the European search portal (ESP), and the content and format of the ESP replies,</del> <b><i>procedures to</i></b>

<sup>82</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.123.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.123.01.0001.01.ENG).

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	<p>participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p>Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>83</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p>Agreement on Better Law-Making of 13 April 2016<sup>84</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p><i>determine the cases where identity data can be considered as identical or similar, <del>and the</del> rules on the operation of the CRRS, including specific safeguards for processing of personal data and security rules applicable to the repository, and detailed rules on the operation of the web portal</i>. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>85</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European</p>

<sup>83</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.123.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.123.01.0001.01.ENG).

<sup>84</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.123.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.123.01.0001.01.ENG).

<sup>85</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.123.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.123.01.0001.01.ENG).



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
#84.	(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; the operation of the central repository for reporting and statistics; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of	(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; <del>procedures for determining cases of similarity of identities; the operation of the central repository for reporting and statistics;</del> and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of	(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: <b><i>technical details of profiles for the users of the European search portal (ESP); format of the ESP replies; performance requirements and performance monitoring of the shared BMS;</i></b> automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of	<u>Provisionally agreed</u> (64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: technical details of profiles for the users of the European search portal (ESP); format of the ESP replies; technical rules for creating links in MID between data from different EU information systems; the content of the form and the modalities for informing the data subject where a red link

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	the European Parliament and of the Council <sup>86</sup> .	the European Parliament and of the Council <sup>87</sup> .	identities; <del>the</del> operation of the central repository for reporting and statistics; <del>and</del> cooperation procedure in case of security incidents; <i>and specifications of the technical solution to facilitate the querying of EU information systems and the CIR</i> . Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>88</sup> .	is created; performance requirements and performance monitoring of the shared BMS; automated data quality control mechanisms, procedures and indicators; development of the UMF standard; <del>procedures for determining cases of similarity of identities; the operation of the central repository for reporting and statistics; and</del> cooperation procedure in case of security incidents; and specifications of the technical solution to facilitate the querying of EU information systems, Europol data and Interpol databases by the ESP and format of the ESP replies <del>and the CIR; determining the dates from which the ESP,</del>

<sup>86</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>87</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>88</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				sBMS, CIR, MID, CRRS are to start operations; and the specifications of the technical solution for Member States in order to manage users access requests. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.
#85.	(65) Regulation 2016/794 shall apply for any processing of Europol data for the purposes of this Regulation.	(65) Regulation 2016/794 shall apply for any processing of Europol data for the purposes of this Regulation.	(65) Regulation (EU) 2016/794 shall apply for any processing of Europol data for the purposes of this Regulation.	<u>Provisionally agreed</u> [...]
#86.		<i>(65a) As interoperability components will involve the processing of significant amounts of sensitive personal data, it is important that persons whose data is processed through those components can effectively exercise their rights as data subjects as laid down in Regulation (EU) 2016/679, Directive (EU) 680/2016 and Regulation (EC) No 45/2001. In that regard, in the same way as</i>		<u>Provisionally agreed</u> <i>(65a) As interoperability components will involve the processing of significant amounts of sensitive personal data, it is important that persons whose data is processed through those components can effectively exercise their rights as data subjects as laid down in Regulation (EU) 2016/679, Directive (EU) 680/2016 and Regulation (EC) No 45/2001. In</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<p><i>Member State authorities have been provided with a single portal to carry out searches in Union information systems, the data subjects should be provided with a single web service through which they can exercise their rights to access to and rectification, erasure and restriction of their personal data. eu-LISA should establish such a web service and host it in its technical site. As eu-LISA is not responsible for the entry of personal data or the verification of identities, any request by a data subject should be transmitted via the web service to either the Member State responsible for the manual verification of different identities or the Member State responsible for the entry of the data into the underlying information system.</i></p>		<p><i><del>that regard, in the same way as Member State authorities have been provided with a single portal to carry out searches in Union information systems, the data subjects should be provided with a single web service</del> <u>web portal that facilitates them in exercising through which they can exercise</u> their rights to access to and rectification, erasure and restriction of their personal data. eu-LISA should establish <u>and manage such a web service portal</u> and host it in its technical site. As eu-LISA is not responsible for the entry of personal data or the verification of identities, any request by a data subject should be transmitted via the web service to either the Member State responsible for the manual verification of different identities or the Member State responsible for the entry of the data into the underlying information system.</i></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#87.		<i>(65b) Article 8(2) of the European Convention on Human Rights states that any interference with the right to respect for private life, must pursue a legitimate aim and must be both necessary and proportionate except in such cases when, in accordance with the law such an action is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.</i>		<u>Provisionally agreed</u> [...]
#88.		<i>(65c) One of the core principles of data protection is data minimisation as highlighted in Article 5(1)(c) of Regulation (EU) 2016/679 in accordance with which the processing of personal data must be adequate, relevant and limited to what is</i>		<u>Provisionally agreed</u> <i>(65c) One of the core principles of data protection is data minimisation as highlighted in Article 5(1)(c) of Regulation (EU) 2016/679 in accordance with which the processing of personal data must be adequate,</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>necessary in relation to the purposes for which they are processed.</i>		<i>relevant and limited to what is necessary in relation to the purposes for which they are processed. <u>For this reason, the interoperability components do not provide for the storage of any new personal data with the exception of the links which will be stored in the MID and which are the minimum necessary for the purpose of this Regulation.</u></i>
#89.		<i>(65d) Article 5(1)(b) of Regulation (EU) 2016/679 provides that personal data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Furthermore, further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes must respect the principle of purpose limitation.</i>		<u>Provisionally agreed</u> [...]
#90.			<i>(65a) This Regulation should contain clear provisions on</i>	<u>Provisionally agreed</u> <i>(65a) This Regulation should</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>liability and right to compensation for unlawful processing of personal data or from any other act incompatible with it, without prejudice to the right to compensation from, and liability of the controller or processor under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EC) No 45/2001. With regard to the role of eu-LISA as a data processor, this latter should be responsible for the damage it provoked where it has not complied with the specific obligations of this Regulation directed to it, or where it has acted outside or contrary to lawful instructions of the Member State which is the data controller.</i>	<i>contain clear provisions on liability and right to compensation for unlawful processing of personal data or from any other act incompatible with it, without prejudice to the right to compensation from, and liability of the controller or processor under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EC) No 45/2001. With regard to the role of eu-LISA as a data processor, this latter should be responsible for the damage it provoked where it has not complied with the specific obligations of this Regulation directed to it, or where it has acted outside or contrary to lawful instructions of the Member State which is the data controller.</i>
#91.	(66) This Regulation is without prejudice to the application of Directive 2004/38/EC.	(66) This Regulation is without prejudice to the application of Directive 2004/38/EC.	(66) This Regulation is without prejudice to the application of Directive 2004/38/EC.	<u>Provisionally agreed</u> (66) This Regulation is without prejudice to the application of Directive

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				2004/38/EC.
#92.	(67) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> .	(67) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> .	(67) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> .	<u>Provisionally agreed</u> (67) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> .
#93.	(68) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen <i>acquis</i> , Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the adoption of this Regulation whether it will implement it in its national law.	(68) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen <i>acquis</i> , Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the adoption of this Regulation whether it will implement it in its national law.	(68) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen <i>acquis</i> , Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the adoption of this Regulation whether it will implement it in its national law.	<u>Provisionally agreed</u> (68) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen <i>acquis</i> , Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the adoption of this Regulation whether it will implement it in its national law.



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#94.	(69) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>89</sup> ; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(69) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>90</sup> ; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(69) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>91</sup> ; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	<u>Provisionally agreed</u> (69) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>92</sup> ; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
#95.	(70) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not	(70) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not	(70) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not	<u>Provisionally agreed</u> (70) This Regulation constitutes a development of the provisions of the Schengen

<sup>89</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>90</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>91</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>92</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	take part, in accordance with Council Decision 2002/192/EC <sup>93</sup> ; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it nor subject to its application.	take part, in accordance with Council Decision 2002/192/EC <sup>94</sup> ; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it nor subject to its application.	take part, in accordance with Council Decision 2002/192/EC <sup>95</sup> ; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it nor subject to its application.	<i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>96</sup> ; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it nor subject to its application.
#96.	(71) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway	(71) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway	(71) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway	<u>Provisionally agreed</u> (71) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and

<sup>93</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>94</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>95</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>96</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	concerning the association of those two States with the implementation, application and development of the Schengen acquis <sup>97</sup> which fall within the area referred to in Article 1, points A, B and G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>98</sup> .	concerning the association of those two States with the implementation, application and development of the Schengen acquis <sup>99</sup> which fall within the area referred to in Article 1, points A, B and G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>100</sup> .	concerning the association of those two States with the implementation, application and development of the Schengen acquis <sup>101</sup> which fall within the area referred to in Article 1, points A, B and G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>102</sup> .	the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis <sup>103</sup> which fall within the area referred to in Article 1, points A, B and G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>104</sup> .
#97.	(72) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement	(72) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement	(72) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement	<u>Provisionally agreed</u> (72) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the

<sup>97</sup> OJ L 176, 10.7.1999, p. 36.

<sup>98</sup> OJ L 176, 10.7.1999, p. 31.

<sup>99</sup> OJ L 176, 10.7.1999, p. 36.

<sup>100</sup> OJ L 176, 10.7.1999, p. 31.

<sup>101</sup> OJ L 176, 10.7.1999, p. 36.

<sup>102</sup> OJ L 176, 10.7.1999, p. 31.

<sup>103</sup> OJ L 176, 10.7.1999, p. 36.

<sup>104</sup> OJ L 176, 10.7.1999, p. 31.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis <sup>105</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>106</sup> .	between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis <sup>107</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>108</sup> .	between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis <sup>109</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>110</sup> .	meaning of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis <sup>111</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>112</sup> .
#98.	(73) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the	(73) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the	(73) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the	<u>Provisionally agreed</u> (73) As regards Liechtenstein, this Regulation constitutes a

<sup>105</sup> OJ L 53, 27.2.2008, p. 52.

<sup>106</sup> OJ L 53, 27.2.2008, p. 1.

<sup>107</sup> OJ L 53, 27.2.2008, p. 52.

<sup>108</sup> OJ L 53, 27.2.2008, p. 1.

<sup>109</sup> OJ L 53, 27.2.2008, p. 52.

<sup>110</sup> OJ L 53, 27.2.2008, p. 1.

<sup>111</sup> OJ L 53, 27.2.2008, p. 52.

<sup>112</sup> OJ L 53, 27.2.2008, p. 1.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>113</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>114</sup> .	meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>115</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>116</sup> .	meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>117</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>118</sup> .	development of the provisions of the Schengen <i>acquis</i> within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>119</sup> which fall within the area referred to in Article 1, points A, B and G of Decision 1999/437/EC read in

<sup>113</sup> OJ L 160, 18.6.2011, p. 21.

<sup>114</sup> OJ L 160, 18.6.2011, p. 19.

<sup>115</sup> OJ L 160, 18.6.2011, p. 21.

<sup>116</sup> OJ L 160, 18.6.2011, p. 19.

<sup>117</sup> OJ L 160, 18.6.2011, p. 21.

<sup>118</sup> OJ L 160, 18.6.2011, p. 19.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				conjunction with Article 3 of Council Decision 2011/350/EU <sup>120</sup> .
#99.	(74) As regards Cyprus, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession.	(74) As regards Cyprus, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession.	(74) As regards Cyprus, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession.	<u>Provisionally agreed</u> (74) As regards Cyprus, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession.
#100.	(75) As regards Bulgaria and Romania, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession read in	(75) As regards Bulgaria and Romania, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession read in	(75) As regards Bulgaria and Romania, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession read in	<u>Provisionally agreed</u> (75) As regards Bulgaria and Romania, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the

<sup>119</sup> OJ L 160, 18.6.2011, p. 21.

<sup>120</sup> OJ L 160, 18.6.2011, p. 19.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	conjunction with Council Decision 2010/365/EU <sup>121</sup> and Council Decision (EU) 2017/1908 <sup>122</sup> .	conjunction with Council Decision 2010/365/EU <sup>123</sup> and Council Decision (EU) 2017/1908 <sup>124</sup> .	conjunction with Council Decision 2010/365/EU <sup>125</sup> and Council Decision (EU) 2017/1908 <sup>126</sup> , <i>and Council Decision (EU) 2018/934<sup>127</sup></i> .	2005 Act of Accession read in conjunction with Council Decision 2010/365/EU <sup>128</sup> and Council Decision (EU) 2017/1908 <sup>129</sup> , <i>and Council Decision (EU) 2018/934<sup>130</sup></i> .

<sup>121</sup> Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Bulgaria and Romania, OJ L 166, 1.7.2010, p. 17.

<sup>122</sup> Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and Romania, OJ M 269, 19.10.2017, p. 39.

<sup>123</sup> Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Bulgaria and Romania, OJ L 166, 1.7.2010, p. 17.

<sup>124</sup> Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and Romania, OJ M 269, 19.10.2017, p. 39.

<sup>125</sup> Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Bulgaria and Romania, OJ L 166, 1.7.2010, p. 17.

<sup>126</sup> Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and Romania, OJ M 269, 19.10.2017, p. 39.

<sup>127</sup> Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania, OJ L 165, 2.7.2018, p. 37.

<sup>128</sup> Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Bulgaria and Romania, OJ L 166, 1.7.2010, p. 17.

<sup>129</sup> Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and Romania, OJ M 269, 19.10.2017, p. 39.

<sup>130</sup> Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania, OJ L 165, 2.7.2018, p. 37.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#101.	(76) As regards Croatia, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession read in conjunction with Council Decision (EU) 2017/733 <sup>131</sup> .	(76) As regards Croatia, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession read in conjunction with Council Decision (EU) 2017/733 <sup>132</sup> .	(76) As regards Croatia, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession read in conjunction with Council Decision (EU) 2017/733 <sup>133</sup> .	<u>Provisionally agreed</u> (76) As regards Croatia, the provisions related to the SIS and the VIS constitute provisions building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession read in conjunction with Council Decision (EU) 2017/733 <sup>134</sup> .
#102.	(77) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and shall be	(77) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and shall be	(77) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and <b>should</b>	<u>Provisionally agreed</u> (77) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights

<sup>131</sup> Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Croatia, OJ L 108, 26.4.2017, p. 31.

<sup>132</sup> Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Croatia, OJ L 108, 26.4.2017, p. 31.

<sup>133</sup> Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Croatia, OJ L 108, 26.4.2017, p. 31.

<sup>134</sup> Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen information System in the Republic of Croatia, OJ L 108, 26.4.2017, p. 31.



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	applied in accordance with those rights and principles.	applied in accordance with those rights and principles.	<del>shall</del> be applied in accordance with those rights and principles.	of the European Union and <del>should shall</del> be applied in accordance with those rights and principles.
#103.	(78) In order to have this Regulation fit into the existing legal framework, the Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Council Decision 2008/633/JHA, Regulation (EC) 767/2008 and Council Decision 2004/512/EC should be amended accordingly,	(78) In order to have this Regulation fit into the existing legal framework, the Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Council Decision 2008/633/JHA, Regulation (EC) 767/2008 and Council Decision 2004/512/EC should be amended accordingly,	(78) In order to have this Regulation fit into the existing legal framework, <del>the</del> Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Council Decision 2008/633/JHA, Regulation (EC) <del>No</del> 767/2008 and Council Decision 2004/512/EC should be amended accordingly,	<u>Provisionally agreed</u> (78) In order to have this Regulation fit into the existing legal framework, <del>the</del> Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Council Decision 2008/633/JHA, Regulation (EC) <del>No</del> 767/2008 and Council Decision 2004/512/EC should be amended accordingly,
#104.	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
#105.	<b>CHAPTER I General provisions</b>	<b>CHAPTER I General provisions</b>	<b>CHAPTER I General provisions</b>	<b>CHAPTER I General provisions</b>
#106.	<i>Article 1 Subject matter</i>	<i>Article 1 Subject matter</i>	<i>Article 1 Subject matter</i>	<i>Article 1 Subject matter</i>
#107.	1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a	1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a	1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a	<u>Provisionally agreed</u> 1. This Regulation, together with [Regulation 2018/xx on interoperability police and

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to supplement each other.	framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] <del>in order for those systems and data to supplement each other.</del>	framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to supplement each other.	judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), the European Travel Information and Authorisation System (ETIAS), Eurodac, the Schengen Information System (SIS), and the European Criminal Records Information System for third-country nationals (ECRIS-TCN) <del>in order for those systems and data to supplement each other.</del>
#108.	2. The framework shall include the following interoperability components:	2. The framework shall include the following interoperability components:	2. The framework shall include the following interoperability components:	<u>Provisionally agreed</u> 2. The framework shall include the following interoperability components:
#109.	(a) a European search portal (ESP);	(a) a European search portal (ESP);	(a) a European search portal (ESP);	<u>Provisionally agreed</u> (a) a European search portal (ESP);
#110.	(b) a shared biometric matching service (shared BMS);	(b) a shared biometric matching service (shared BMS);	(b) a shared biometric matching service (shared BMS);	<u>Provisionally agreed</u> (b) a shared biometric matching service (shared BMS);

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#111.	(c) a common identity repository (CIR);	(c) a common identity repository (CIR);	(c) a common identity repository (CIR);	<u>Provisionally agreed</u> (c) a common identity repository (CIR);
#112.	(d) a multiple-identity detector (MID).	(d) a multiple-identity detector (MID).	(d) a multiple-identity detector (MID).	<u>Provisionally agreed</u> (d) a multiple-identity detector (MID).
#113.	3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF), on a central repository for reporting and statistics (CRRS) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design and operation of the interoperability components.	3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF), on a central repository for reporting and statistics (CRRS) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design, <b>development</b> and operation of the interoperability components.	3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF), on a central repository for reporting and statistics (CRRS) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design and operation of the interoperability components.	<u>Provisionally agreed</u> 3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF), on a central repository for reporting and statistics (CRRS) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design, <b>development</b> and operation of the interoperability components.
#114.	4. This Regulation also adapts the procedures and	4. This Regulation also adapts the procedures and		<u>Provisionally agreed</u> 4. This Regulation also

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	conditions for Member State law enforcement authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),] and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.	conditions for Member State law enforcement <i>designated</i> authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the <del>Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),]</del> and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences <del>falling under their competence.</del>		adapts the procedures and conditions for Member State law enforcement <i>designated</i> authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the <del>Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),]</del> and Eurodac for the purposes of the prevention, detection <del>and or</del> investigation of terrorist offences or of other serious criminal offences <del>falling under their competence.</del>
#115.		<i>4a. This Regulation also lays down a framework for verifying identities of third-country nationals and for identifying third-country nationals.</i>		<u>Provisionally agreed</u> <i>4a. This Regulation also lays down a framework for verifying identities of <del>third-country nationals and for identifying third-country nationals</del> persons.</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#116.	<i>Article 2 Objectives of interoperability</i>	<i>Article 2 Objectives of interoperability</i>	<i>Article 2 Objectives of interoperability</i>	<i>Article 2 Objectives</i>
#117.	1. By ensuring interoperability, this Regulation shall have the following objectives:	1. By ensuring interoperability, this Regulation shall have the following objectives:	1. By ensuring interoperability, this Regulation <del>shall have</del> <b>has</b> the following objectives:	<u>Provisionally agreed</u> 1. By ensuring interoperability, this Regulation <del>shall have</del> <b>has</b> the following objectives:
#118.	(a) to improve the management of the external borders;	(a) to <del>improve the management of</del> <b>enhance the effectiveness and efficiency of border checks at</b> the external borders;	(a) to improve the <b>effectiveness and efficiency of checks at the external borders;</b> management of the external borders;	<u>Provisionally agreed</u> (a) to <del>improve the management of</del> <b>enhance the effectiveness and efficiency of border checks at</b> the external borders;
#119.	(b) to contribute to preventing and combating irregular migration;	(b) to contribute to preventing and <del>combating</del> <b>tackling</b> irregular migration;	(b) to contribute to preventing and combating <del>irregular</del> <b>illegal</b> immigration;	<u>Provisionally agreed</u> (b) to contribute to preventing and combating <del>irregular</del> <b>illegal</b> immigration;
#120.	(c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and safeguarding the security in the	(c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and safeguarding the security in the	(c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and safeguarding the security in the	<u>Provisionally agreed</u> (c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	territories of the Member States;	territories of the Member States;	territories of the Member States;	safeguarding the security in the territories of the Member States;
#121.	(d) to improve the implementation of the common visa policy; and	(d) to improve the implementation of the common visa policy; and	(d) to improve the implementation of the common visa policy; <del>and</del>	<u>Provisionally agreed</u> (d) to improve the implementation of the common visa policy; <del>and</del>
#122.	(e) to assist in examining application for international protection.	(e) to assist in examining application for international protection.	(e) to assist in examining applications for international protection <i>lodged in a Member State</i> ;	<u>Provisionally agreed</u> (e) to assist in examining application for international protection.
#123.		<i>(ea) to contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences;</i>		<u>Provisionally agreed</u> <i>(ea) to contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences;</i>
#124.		<i>(eb) to aid in the identification of unknown persons who are unable to identify themselves or unidentified human remains in cases of natural disasters, accidents or terrorist attacks.</i>		<u>Provisionally agreed</u> <i>(eb) to aid in the identification of unknown persons who are unable to identify themselves or unidentified human remains in cases of natural disasters, accidents or terrorist attacks.</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#125.			<i>(f) in the event of a natural disaster or an accident, for humanitarian reasons, to assist in the identification of unknown persons who are not able to identify themselves or unidentified human remains.</i>	<u>Provisionally agreed</u> [...]
#126.	2. The objectives of ensuring interoperability shall be achieved by:	2. <del>The</del> <i>Those</i> objectives of ensuring interoperability shall be achieved by:	2. The objectives of ensuring interoperability <del>referred to in paragraph 1</del> shall be achieved <i>in particular</i> by:	<u>Provisionally agreed</u> 2. The objectives of ensuring interoperability <i>referred to in paragraph 1</i> shall be achieved by:
#127.	(a) ensuring the correct identification of persons;	(a) <del>ensuring</del> <i>facilitating</i> the correct identification of persons <i>third-country nationals registered in the Union information systems</i> ;	(a) ensuring the correct identification of persons;	<u>Provisionally agreed</u> (a) ensuring the correct identification of persons;
#128.	(b) contributing to fighting identity fraud;	(b) contributing to <del>fighting</del> <i>combating</i> identity fraud;	(b) contributing to fighting identity fraud;	<u>Provisionally agreed</u> (b) contributing to <i>fighting combating</i> identity fraud;
#129.	(c) improving and harmonising data quality requirements of the respective EU information systems;	(c) improving <i>the data quality</i> and harmonising <del>data</del> <i>the</i> quality requirements of <del>for</del> the respective EU <i>data stored in the Union</i> information systems <i>while respecting the data processing</i>	(c) improving and harmonising data quality requirements of the respective EU information systems <i>while respecting the data processing requirements of the legal bases</i>	<u>Provisionally agreed</u> (c) improving <i>the data quality</i> and harmonising <del>data</del> <i>the</i> quality requirements of <del>for</del> the <i>data stored in the</i> respective EU information systems <i>while</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>requirements of the legal bases of the individual systems, data protection standards and principles;</i>	<i>of the individual systems, data protection standards and principles;</i>	<i>respecting the data processing requirements of the legal bases of the individual systems, data protection standards and principles;</i>
#130.		<i>(ca) improving judicial cooperation in the area of freedom, security and justice;</i>		<u>Provisionally agreed</u> [...]
#131.	(d) facilitating the technical and operational implementation by Member States of existing and future EU information systems;	(d) facilitating the technical and operational implementation by Member States of existing and <del>future EU</del> <b>Union</b> information systems;	(d) facilitating and <b>supporting</b> the technical and operational implementation by Member States of existing and future EU information systems;	<u>Provisionally agreed</u> (d) facilitating and <b>supporting</b> the technical and operational implementation by Member States of existing <del>and future</del> EU information systems;
#132.	(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems;	(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective <del>EU</del> <b>Union</b> information systems, <i>without prejudice to the special protection and safeguards afforded to certain categories of data;</i>	(e) strengthening and simplifying <del>and making more uniform</del> the data security and data protection conditions that govern the respective EU information systems, <i>without prejudice to the special protection and safeguards afforded to certain categories of data;</i>	<u>Provisionally agreed</u> (e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems, <i>without prejudice to the special protection and safeguards afforded to certain categories of data;</i>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#133.	(f) streamlining the conditions for law enforcement access to the EES, the VIS, [the ETIAS] and Eurodac;	(f) streamlining <del>the</del> <b><i>and simplifying the conditions for designated authorities' access to the EES, VIS, [ETIAS] and Eurodac, while ensuring the necessary and proportionate</i></b> conditions for law enforcement access to the EES, the VIS, [the ETIAS] and Eurodac;	(f) streamlining the conditions for law enforcement access <b><i>by designated authorities</i></b> to the EES, the VIS, [the ETIAS] and Eurodac;	<u>Provisionally agreed</u> (f) streamlining <del>the</del> <b><i>and simplifying the conditions for designated authorities' access to the EES, VIS, [ETIAS] and Eurodac, while ensuring the necessary and proportionate</i></b> conditions for <b><i>that</i></b> law enforcement access to the EES, the VIS, [the ETIAS] and Eurodac;
#134.	(g) supporting the purposes of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].	(g) supporting the purposes of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].	(g) supporting the purposes of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].	<u>Provisionally agreed</u> (g) supporting the purposes of the EES, the VIS, the ETIAS, Eurodac, the SIS and the ECRIS-TCN system.
#135.	<i>Article 3 Scope</i>	<i>Article 3 Scope</i>	<i>Article 3 Scope</i>	<i>Article 3 Scope</i>
#136.	1. This Regulation applies to [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)] and the Schengen Information System (SIS).	1. This Regulation applies to [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)] and the Schengen Information System (SIS).	1. This Regulation applies to <del>{the Entry/Exit System (EES)}, the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)] and the Schengen Information System (SIS)}</del> .	<u>Provisionally agreed</u> 1. This Regulation applies to <del>{the Entry/Exit System (EES)}, the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)] and the Schengen Information</del>

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				<del>System (SIS).</del>
#137.	2. This Regulation applies to persons in respect of whom personal data may be processed in the EU information systems referred to in paragraph 1.	2. This Regulation applies to persons in respect of whom personal data may be processed in the <del>EU</del> <b>Union</b> information systems referred to in paragraph 1, <b><i>only for the purposes as defined in the underlying legal basis for those information systems.</i></b>	2. This Regulation applies to persons in respect of whom personal data may be processed in the EU information systems referred to in paragraph 1.	<u>Provisionally agreed</u> 2. This Regulation applies to persons in respect of whom personal data may be processed in the EU information systems referred to in paragraph 1 <b><i>and whose data are collected for the purposes defined in Article 1 Regulation (EC) No 767/2008, Article 1 of Regulation (EU) 2017/2226, Article 1 of Regulation (EU) 2018/1240, Article 1 of Regulation XX on SIS Borders and Article 1 of SIS Regulation on Returns.</i></b>
#138.	<i>Article 4 Definitions</i>	<i>Article 4 Definitions</i>	<i>Article 4 Definitions</i>	<i>Article 4 Definitions</i>
#139.	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	<u>Provisionally agreed</u> For the purposes of this Regulation, the following definitions apply:
#140.	(1) ‘external borders’ means external borders as defined in Article 2(2) of Regulation	(1) ‘external borders’ means external borders as defined in Article 2(2) of Regulation	(1) ‘external borders’ means external borders as defined in Article 2(2) of Regulation	<u>Provisionally agreed</u> (1) ‘external borders’ means

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	(EU) 2016/399;	(EU) 2016/399;	(EU) 2016/399;	external borders as defined in Article 2(2) of Regulation (EU) 2016/399;
#141.	(2) ‘border checks’ means border checks as defined in Article 2(11) of Regulation (EU) 2016/399;	(2) ‘border checks’ means border checks as defined in Article 2(11) of Regulation (EU) 2016/399;	(2) ‘border checks’ means border checks as defined in Article 2(11) of Regulation (EU) 2016/399;	<u>Provisionally agreed</u> (2) ‘border checks’ means border checks as defined in Article 2(11) of Regulation (EU) 2016/399;
#142.	(3) ‘border authority’ means the border guard assigned in accordance with national law to carry out border checks;	(3) ‘border authority’ means the border guard assigned in accordance with national law to carry out border checks <i>as defined in Article 2(11) of Regulation (EU) 2016/399</i> ;	(3) ‘border authority’ means the border guard assigned in accordance with national law to carry out border checks <i>as defined in point 11 of Article 2 of Regulation (EU) 2016/399</i> ;	<u>Provisionally agreed</u> (3) ‘border authority’ means the border guard assigned in accordance with national law to carry out border checks <i>as defined in point 11 of Article 2 of Regulation (EU) 2016/399</i> ;
#143.	(4) ‘supervisory authorities’ means the supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and the supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680;	(4) ‘supervisory authorities’ means the supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and the supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680;	(4) ‘supervisory authorities’ means the supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and the supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680;	<u>Provisionally agreed</u> (4) ‘supervisory authorities’ means the supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and the supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680;

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#144.	(5) ‘verification’ means the process of comparing sets of data to establish the validity of a claimed identity (one-to-one check);	(5) ‘verification’ means the process of comparing sets of data to establish the validity of a claimed identity (one-to-one check);	(5) ‘verification’ means the process of comparing sets of data to establish the validity of a claimed identity (one-to-one check);	<u>Provisionally agreed</u> (5) ‘verification’ means the process of comparing sets of data to establish the validity of a claimed identity (one-to-one check);
#145.	(6) ‘identification’ means the process of determining a person’s identity through a database search against multiple sets of data (one-to-many check);	(6) ‘identification’ means the process of determining a person’s identity through a database search against multiple sets of data (one-to-many check);	(6) ‘identification’ means the process of determining a person’s identity through a database search against multiple sets of data (one-to-many check);	<u>Provisionally agreed</u> (6) ‘identification’ means the process of determining a person’s identity through a database search against multiple sets of data (one-to-many check);
#146.	(7) ‘third-country national’ means a person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty, or a stateless person or a person whose nationality is unknown;	(7) ‘third-country national’ means a person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty, or a stateless person or a person whose nationality is unknown;	<del>(7) ‘third-country national’ means a person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty, or a stateless person or a person whose nationality is unknown;</del>	<u>Provisionally agreed</u> [...]
#147.	(8) ‘alphanumeric data’ means data represented by letters, digits, special characters, spaces and punctuation marks;	(8) ‘alphanumeric data’ means data represented by letters, digits, special characters, spaces and punctuation marks;	(8) ‘alphanumeric data’ means data represented by letters, digits, special characters, spaces and punctuation marks;	<u>Provisionally agreed</u> (8) ‘alphanumeric data’ means data represented by letters, digits, special characters, spaces and punctuation marks;

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#148.	(9) 'identity data' means the data referred to in Article 27(3)(a) to (h);	(9) 'identity data' means the data referred to in Article 27(3)(a) to (h);	(9) 'identity data' means the data referred to in Article 27(3)(a) to (h);	<u>Provisionally agreed</u> (9) 'identity data' means the data referred to in Article 27(3)(a) to (h);
#149.	(10) 'fingerprint data' means the data relating to the fingerprints of an individual;	(10) 'fingerprint data' means the data relating to the fingerprints of an individual;	(10) <i>'dactyloscopic data' means fingerprints images, images of fingerprint latents, palm prints, and palm prints latents<sup>135</sup> which due to their unique character and the reference points contained therein enable accurate and conclusive comparisons on a person's identity;</i> <del>'fingerprint data' means the data relating to the fingerprints of an individual;</del>	<u>Provisionally agreed</u> (10) 'fingerprint data' means fingerprints images and images of fingerprint latents, <del>palm prints, and palm prints latents</del> which due to their unique character and the reference points contained therein enable accurate and conclusive comparisons on a person's identity;
#150.	(11) 'facial image' means digital images of the face;	(11) 'facial image' means digital images of the face;	(11) 'facial image' means digital images of the face;	<u>Provisionally agreed</u> (11) 'facial image' means digital images of the face;
#151.	(12) 'biometric data' means fingerprint data and/or facial image;	(12) 'biometric data' means fingerprint data and/or facial image;	(12) 'biometric data' means <del>fingerprint</del> <i>dactyloscopic</i> data and/or facial image;	<u>Provisionally agreed</u> (12) 'biometric data' means fingerprint data and/or facial

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NB: Same definition as in Council Decision 2008/616/JHA.

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				image;
#152.	(13) ‘biometric template’ means a mathematical representation obtained by feature extraction from biometric data limited to the characteristics necessary to perform identifications and verifications;	(13) ‘biometric template’ means a mathematical representation obtained by feature extraction from biometric data limited to the characteristics necessary to perform identifications and verifications;	(13) ‘biometric template’ means a mathematical representation obtained by feature extraction from biometric data limited to the characteristics necessary to perform identifications and verifications;	<u>Provisionally agreed</u> (13) ‘biometric template’ means a mathematical representation obtained by feature extraction from biometric data limited to the characteristics necessary to perform identifications and verifications;
#153.	(14) ‘travel document’ means a passport or other equivalent document entitling the holder to cross the external borders and to which a visa may be affixed;	(14) ‘travel document’ means a passport or other equivalent document entitling the holder to cross the external borders and to which a visa may be affixed;	(14) ‘travel document’ means a passport or other equivalent document entitling the holder to cross the external borders and to which a visa may be affixed;	<u>Provisionally agreed</u> (14) ‘travel document’ means a passport or other equivalent document entitling the holder to cross the external borders and to which a visa may be affixed;
#154.	(15) ‘travel document data’ means the type, number and country of issuance of the travel document, the date of expiry of the validity of the travel document and the three-letter code of the country issuing the travel document;	(15) ‘travel document data’ means the type, number and country of issuance of the travel document, the date of expiry of the validity of the travel document and the three-letter code of the country issuing the travel document;	(15) ‘travel document data’ means the type, number and country of issuance of the travel document, the date of expiry of the validity of the travel document and the three-letter code of the country issuing the travel document;	<u>Provisionally agreed</u> (15) ‘travel document data’ means the type, number and country of issuance of the travel document, the date of expiry of the validity of the travel document and the three-letter code of the country issuing the travel document;

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#155.	(16) ‘travel authorisation’ means travel authorisation as defined in Article 3 of the [ETIAS Regulation];	(16) ‘travel authorisation’ means travel authorisation as defined in Article 3 of the [ETIAS Regulation];	<del>(16) — ‘travel authorisation’ means travel authorisation as defined in Article 3 of the [ETIAS Regulation];</del>	<u>Provisionally agreed</u> [...]
#156.	(17) ‘short-stay visa’ means visa as defined in Article 2(2)(a) of Regulation (EC) No 810/2009;	(17) ‘short-stay visa’ means visa as defined in Article 2(2)(a) of Regulation (EC) No 810/2009;	<del>(17) — ‘short-stay visa’ means visa as defined in Article 2(2)(a) of Regulation (EC) No 810/2009;</del>	<u>Provisionally agreed</u> [...]
#157.	(18) ‘EU information systems’ means the large-scale IT systems managed by eu-LISA;	(18) ‘ <del>EU</del> <b>Union</b> information systems’ means the <del>large-scale IT systems</del> <b>EES, VIS, [ETIAS], Eurodac, SIS and [ECRIS-TCN]</b> <b>operationally</b> managed by eu-LISA;	(18) ‘EU information systems’ means the large-scale IT systems <b>operationally</b> managed by eu-LISA;	<u>Provisionally agreed</u> (18) ‘EU information systems’ means the <del>large-scale IT systems</del> <b>EES, VIS, ETIAS, Eurodac, SIS and ECRIS-TCN</b> <b>operationally</b> managed by eu-LISA;
#158.	(19) ‘Europol data’ means personal data provided to Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794;	(19) ‘Europol data’ means personal data <b>processed by</b> <del>provided to</del> Europol for the <del>purpose</del> <b>purposes</b> referred to in Article 18(2)(a), <b>(b) and (c)</b> of Regulation (EU) 2016/794;	(19) ‘Europol data’ means personal data <b>processed by</b> <del>provided to</del> Europol for the purpose referred to in Article 18(2)(a) <b>to (c)</b> of Regulation (EU) 2016/794;	<u>Provisionally agreed</u> (19) ‘Europol data’ means personal data <b>processed by</b> <del>provided to</del> Europol for the purpose referred to in Article 18(2)(a) <b>to (c)</b> of Regulation (EU) 2016/794;
#159.	(20) ‘Interpol databases’ means the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel	(20) ‘Interpol databases’ means the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel	(20) ‘Interpol databases’ means the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel	<u>Provisionally agreed</u> (20) ‘Interpol databases’ means the Interpol Stolen and

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	Documents Associated with Notices database (Interpol TDAWN);	Documents Associated with Notices database (Interpol TDAWN);	Documents Associated with Notices database (Interpol TDAWN);	Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN);
#160.	(21) ‘match’ means the existence of a correspondence established by comparing two or more occurrences of personal data recorded or being recorded in an information system or database;	(21) ‘match’ means the existence of a <i>same or similar</i> correspondence <i>as a result of an automated comparison between</i> <del>established by comparing two or more occurrences of</del> personal data recorded or being recorded in an information system or database;	(21) ‘match’ means the existence of a correspondence <i>as a result of an automated comparison between</i> <del>established by comparing two or more occurrences of</del> personal data recorded or being recorded in an information system or database;	<u>Provisionally agreed</u> (21) ‘match’ means the existence of a correspondence <i>as a result of an automated comparison between</i> <del>established by comparing two or more occurrences of</del> personal data recorded or being recorded in an information system or database;
#161.	(22) ‘hit’ means the confirmation of one match or several matches;	<del>(22) ‘hit’ means the confirmation of one match or several matches;</del>	<del>(22) ‘hit’ means the confirmation of one match or several matches;</del>	<u>Provisionally agreed</u> [...]
#162.	(23) ‘police authority’ means ‘competent authority’ as defined in Article 3(7) of Directive 2016/680;	(23) ‘police authority’ means ‘competent authority’ as defined in Article 3(7) of Directive 2016/680;	(23) ‘police authority’ means ‘competent authority’ as defined in Article 3(7) of Directive (EU) 2016/680;	<u>Provisionally agreed</u> (23) ‘police authority’ means ‘competent authority’ as defined in Article 3(7) of Directive (EU) 2016/680;
#163.	(24) ‘designated authorities’ means the Member State designated authorities referred to	(24) ‘designated authorities’ means the Member State designated authorities <del>referred to</del>	(24) ‘designated authorities’ means the <del>Member State</del> designated authorities referred to	<u>Provisionally agreed</u> (24) ‘designated authorities’ means the Member State



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	in Article 29(1) of Regulation (EU) 2017/2226, Article 3(1) of Council Decision 2008/633/JHA, [Article 43 of the ETIAS Regulation] and [Article 6 of the Eurodac Regulation];	<i>as defined</i> in Article <del>29(1)</del> <b>3(26)</b> of Regulation (EU) 2017/2226, Article <del>3(1)</del> <b>2(1)(d)</b> of Council Decision 2008/633/JHA, [Article <b>3(21)</b> of the ETIAS Regulation] and <i>referred to in</i> [Article 6 of the Eurodac Regulation];	in Article 29(1) of Regulation (EU) 2017/2226, Article 3(1) of Council Decision 2008/633/JHA, [Article <del>43</del> <b>50</b> of the ETIAS Regulation] and [Article 6 of the Eurodac Regulation];	designated authorities <del>referred to</del> <i>as defined</i> in Article <del>29(1)</del> <b>3(26)</b> of Regulation (EU) 2017/2226, Article <del>3(1)</del> <b>2(1)(e)(d)</b> of Council Decision 2008/633/JHA, Article <b>3(21)</b> of the ETIAS Regulation;
#164.	(25) ‘terrorist offence’ means an offence under national law which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541;	(25) ‘terrorist offence’ means an offence under national law which corresponds or is equivalent to one of the offences referred to in <b>Articles 3 to 14 of</b> Directive (EU) 2017/541, <i>or which is equivalent to one of those offences for the Member States which are not bound by that Directive;</i>	(25) ‘terrorist offence’ means an offence under national law which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541;	<u>Provisionally agreed</u> (25) ‘terrorist offence’ means an offence under national law which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541;
#165.	(26) ‘serious criminal offence’ means an offence which corresponds or is equivalent to one of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA, if it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;	(26) ‘serious criminal offence’ means an offence which corresponds or is equivalent to one of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA, if it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;	(26) ‘serious criminal offence’ means an offence which corresponds or is equivalent to one of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA, if it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;	<u>Provisionally agreed</u> (26) ‘serious criminal offence’ means an offence which corresponds or is equivalent to one of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA, if it is punishable under national law by a custodial sentence or a detention order for a maximum

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				period of at least three years;
#166.	(27) 'EES' means the Entry/Exit System as referred to in Regulation (EU) 2017/2226;	(27) 'EES' means the Entry/Exit System as referred to in Regulation (EU) 2017/2226;	(27) <b>'Entry/Exit System'</b> ('EES') means the Entry/Exit System as referred to in Regulation (EU) 2017/2226;	<u>Provisionally agreed</u> (27) <b>'Entry/Exit System'</b> ('EES') means the Entry/Exit System as referred to in Regulation (EU) 2017/2226;
#167.	(28) 'VIS' means the Visa Information System as referred to in Regulation (EC) No 767/2008;	(28) 'VIS' means the Visa Information System as referred to in Regulation (EC) No 767/2008;	(28) 'Visa Information System' ('VIS') means the Visa Information System as referred to in Regulation (EC) No 767/2008;	<u>Provisionally agreed</u> (28) 'Visa Information System' ('VIS') means the Visa Information System as referred to in Regulation (EC) No 767/2008;
#168.	(29) ['ETIAS' means the European Travel Information and Authorisation System as referred to in the ETIAS Regulation];	(29) ['ETIAS' means the European Travel Information and Authorisation System as referred to in the ETIAS Regulation];	(29) [ <b><i>the European Travel Information and Authorisation System</i></b> ] ('ETIAS') means the European Travel Information and Authorisation System as referred to in the ETIAS Regulation];	<u>Provisionally agreed</u> (29) <b><i>'the European Travel Information and Authorisation System'</i></b> ('ETIAS') means the European Travel Information and Authorisation System as referred to in the ETIAS Regulation;
#169.	(30) 'Eurodac' means Eurodac as referred to in the [Eurodac Regulation];	(30) 'Eurodac' means Eurodac as referred to in the [Eurodac Regulation];	(30) 'Eurodac' means Eurodac as referred to in the [Eurodac Regulation];	<u>Provisionally agreed</u> (30) 'Eurodac' means Eurodac as referred to in the Eurodac Regulation;
#170.	(31) 'SIS' means the Schengen	(31) 'SIS' means the Schengen	(31) <b><i>'Schengen Information</i></b>	<u>Provisionally agreed</u>

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	Information System as referred to [in the Regulation on SIS in the field of border checks, Regulation on SIS in the field of law enforcement and Regulation on SIS in the field of illegal return];	Information System as referred to [in the Regulation on SIS in the field of border checks, Regulation on SIS in the field of law enforcement and Regulation on SIS in the field of <del>illegal</del> return]; <i>(Horizontal amendment applies throughout the text.)</i>	<i>System'</i> ('SIS') means the Schengen Information System as referred to [in the Regulation on SIS in the field of border checks, Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial cooperation in criminal matters</b> and Regulation on SIS <b>for the return of illegally staying third-country nationals</b> in the field of illegal return];	(31) <b>'Schengen Information System'</b> ('SIS') means the Schengen Information System as referred to [in the Regulation on SIS in the field of border checks, Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial cooperation in criminal matters</b> and Regulation on SIS <b>for the return of illegally staying third-country nationals</b> in the field of illegal return];
#171.	(32) ['ECRIS-TCN System' means the European Criminal Records Information System holding conviction information on third-country national and stateless persons as referred to in the ECRIS-TCN System Regulation];	(32) ['ECRIS-TCN System' means the European Criminal Records Information System holding conviction information on third-country national and stateless persons as referred to in the ECRIS-TCN System Regulation];	(32) ['ECRIS-TCN System' means <del>the European Criminal Records Information System</del> <b>the centralised system for the identification of Member States</b> holding conviction information on third-country nationals and stateless persons as referred to in the ECRIS-TCN System Regulation];	<u>Provisionally agreed</u> (32) 'ECRIS-TCN System' means <del>the European Criminal Records Information System</del> <b>the centralised system for the identification of Member States</b> holding conviction information on third-country nationals and stateless persons as referred to in the ECRIS-TCN System Regulation;
#172.	(33) 'ESP' means the European search portal as referred to in	<del>(33) 'ESP' means the European search portal as referred to in</del>	<del>(33) 'ESP' means the European search portal as referred to in</del>	<u>Provisionally agreed</u> [...]

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	Article 6;	<del>Article 6;</del>	<del>Article 6;</del>	
#173.	(34) 'shared BMS' means the shared biometric matching service as referred to in Article 15;	<del>(34) 'shared BMS' means the shared biometric matching service as referred to in Article 15;</del>	<del>(34) 'shared BMS' means the shared biometric matching service as referred to in Article 15;</del>	<u>Provisionally agreed</u> [...]
#174.	(35) 'CIR' means the common identity repository as referred to in Article 17;	<del>(35) 'CIR' means the common identity repository as referred to in Article 17;</del>	<del>(35) 'CIR' means the common identity repository as referred to in Article 17;</del>	<u>Provisionally agreed</u> [...]
#175.	(36) 'MID' means the multiple-identity detector as referred to in Article 25;	<del>(36) 'MID' means the multiple-identity detector as referred to in Article 25;</del>	<del>(36) 'MID' means the multiple-identity detector as referred to in Article 25;</del>	<u>Provisionally agreed</u> [...]
#176.	(37) 'CRRS' means the central repository for reporting and statistics as referred to in Article 39.	<del>(37) 'CRRS' means the central repository for reporting and statistics as referred to in Article 39.</del>	<del>(37) 'CRRS' means the central repository for reporting and statistics as referred to in Article 39.</del>	<u>Provisionally agreed</u> [...]
#177.	<i>Article 5 Non-discrimination</i>	<i>Article 5 Non-discrimination and fundamental rights</i>	<i>Article 5 Non-discrimination</i>	<u>Provisionally agreed</u> <i>Article 5 Non-discrimination and fundamental rights</i>
#178.	Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds	Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds	Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds	<u>Provisionally agreed</u> Processing of personal data for the purposes of this Regulation shall not result in discrimination

	<p style="text-align: center;"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>such as sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.</p>	<p>such as sex, <del>racial or</del> <i>race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth</i>, disability, age or sexual orientation. It shall fully respect human dignity and integrity <i>and fundamental rights, including the right to respect for one's private life and to the protection of personal data</i>. Particular attention shall be paid to children, the elderly and persons with a disability <i>and persons in need of international protection. The best interests of the child shall be a primary consideration.</i></p>	<p>such as <i>gender</i> sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. <del>Particular attention shall be paid to children, the elderly and persons with a disability.</del></p>	<p>against persons on any grounds such as <i>gender</i> sex, <del>racial or</del> <i>race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth</i>, disability, age or sexual orientation. It shall fully respect human dignity and integrity <i>and fundamental rights, including the right to respect for one's private life and to the protection of personal data</i>. Particular attention shall be paid to children, the elderly and persons with a disability <i>and persons in need of international protection. The best interests of the child shall be a primary consideration.</i></p>
<p>#179.</p>		<p><i>One year after the date of entry into force of this Regulation, the Commission shall conduct an ex-post evaluation aimed at assessing the impact of</i></p>		<p><u>Provisionally agreed</u> [...]</p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>interoperability on the right to non-discrimination.</i>		
#180.	<b>CHAPTER II European Search Portal</b>	<b>CHAPTER II European Search Portal</b>	<b>CHAPTER II European Search Portal</b>	<b>CHAPTER II European Search Portal</b>
#181.	<i>Article 6 European search portal</i>	<i>Article 6 European search portal</i>	<i>Article 6 European search portal</i>	<i>Article 6 European search portal</i>
#182.	1. A European search portal (ESP) is established for the purposes of ensuring that Member State authorities and EU bodies have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases that they need to perform their tasks in accordance with their access rights and of supporting the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data.	1. A European search portal (ESP) is established for the purposes of <del>ensuring that</del> <b>facilitating the controlled access of</b> Member State authorities and <del>EU bodies have fast, seamless, efficient, systematic and controlled access</del> <b>Union agencies</b> to the <del>EU</del> <b>Union</b> information systems, <del>to the</del> Europol data and the Interpol databases <del>that they need to perform for the</del> <b>performance of</b> their tasks <b>and</b> in accordance with their access rights and of supporting the objectives <b>and purposes</b> of the EES, <del>the</del> VIS, [the ETIAS], Eurodac, <del>the</del> SIS, [the ECRIS-TCN system] and the Europol	1. A European search portal (ESP) is established for the purposes of ensuring that Member State authorities and EU <del>bodies</del> <b>agencies</b> have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases that they need to perform their tasks in accordance with their access rights and of supporting the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data.	<u>Provisionally agreed</u> 1. <del>A European search portal</del> ESP is established for the purposes of <del>ensuring that</del> <b>facilitating the fast, seamless, efficient, systematic-and controlled access of</b> Member State authorities and <del>EU bodies</del> have <del>fast, seamless, efficient, systematic and controlled access</del> <b>Union agencies</b> to the EU information systems, <del>to the</del> Europol data and the Interpol databases <del>that they need to perform for the performance of</del> their tasks <b>and</b> in accordance with their access rights and of supporting the objectives <b>and purposes</b> of the EES, the VIS,

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		<del>data as well as in accordance with Regulation (EU) 2016/679, while fully respecting the principles of necessity and proportionality.</del>		the ETIAS, Eurodac, the SIS, the ECRIS-TCN system and the Europol data <del>as well as in accordance with Regulation (EU) 2016/679, while fully respecting the principles of necessity and proportionality.</del>
#183.	2. The ESP shall be composed of:	2. The ESP shall be composed of:	2. The ESP shall be composed of:	<u>Provisionally agreed</u> 2. The ESP shall be composed of:
#184.	(a) a central infrastructure, including a search portal enabling the simultaneous querying of the EES, the VIS, [the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] as well as of the Europol data and the Interpol databases;	(a) a central infrastructure, including a search portal enabling the simultaneous querying of the EES, the VIS, [the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] as well as of the Europol data and the Interpol databases;	(a) a central infrastructure, including a <i>technical</i> search portal enabling the simultaneous querying of the EES, the VIS, [the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] as well as of the Europol data and the Interpol databases;	<u>Provisionally agreed</u> (a) a central infrastructure, including a search portal enabling the simultaneous querying of the EES, the VIS, the ETIAS, Eurodac, the SIS, the ECRIS-TCN system as well as of the Europol data and the Interpol databases;
#185.	(b) a secure communication channel between the ESP, Member States and EU bodies that are entitled to use the ESP in accordance with Union law;	(b) a secure communication channel between the ESP, Member States and <del>EU bodies</del> <i>Union agencies</i> that are entitled to use the ESP <del>in accordance with Union law;</del>	(b) a secure communication channel between the ESP, Member States and EU <i>agencies</i> <del>bodies</del> that are entitled to use the ESP in accordance with Union law <i>and national law</i> ;	<u>Provisionally agreed</u> (b) a secure communication channel between the ESP, Member States and EU <i>bodies agencies</i> that are entitled to use the ESP <del>in accordance with</del>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				Union law;
#186.	(c) a secure communication infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the common identity repository (CIR) and the multiple-identity detector.	(c) a secure communication infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the common identity repository (CIR) and the multiple-identity detector.	(c) a secure communication infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the common identity repository (CIR) and the multiple-identity detector ( <b>MID</b> ).	<u>Provisionally agreed</u> (c) a secure communication infrastructure between the ESP and the EES, the VIS, the ETIAS, Eurodac, the Central-SIS, the ECRIS-TCN system, the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the <del>common identity repository (CIR)</del> and the <del>multiple-identity detector (MID)</del> .
#187.		<i>(ca) a central Union backup ESP capable of providing all the functionalities of the principal ESP and a similar level of performance as it in the event of its failure.</i>		<u>Provisionally agreed</u> [...]
#188.	3. eu-LISA shall develop the ESP and ensure its technical management.	3. eu-LISA shall develop the ESP and ensure its technical management. <i>It shall not, however, have access to any of the personal data processed through the ESP.</i>	3. eu-LISA shall develop the ESP and ensure its technical management.	<u>Provisionally agreed</u> 3. eu-LISA shall develop the ESP and ensure its technical management.



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#189.	<i>Article 7 Use of the European search portal</i>	<i>Article 7 Use of the European search portal</i>	<i>Article 7 Use of the European search portal</i>	<i>Article 7 Use of the European search portal</i>
#190.	1. The use of the ESP shall be reserved to the Member State authorities and EU bodies having access to the EES, [the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system], to the CIR and the multiple-identity detector as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.	1. The use of the ESP shall be reserved to the Member State authorities and <del>EU bodies</del> <b>Union agencies</b> having access to the EES, [the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system] <b>in accordance with the legal instruments governing those Union information systems</b> , to the CIR and the multiple-identity detector <b>in accordance with this Regulation</b> as well as the Europol data <del>and</del> <b>in accordance with Regulation (EU) 2016/794 and to the</b> Interpol databases in accordance with Union or national law governing such access.  <b>Those Member State authorities and Union agencies may make use of the ESP and the data provided by it only for the objectives and purposes laid down in the legal instruments</b>	1. The use of the ESP shall be reserved to the Member States authorities and EU <b>agencies</b> <del>bodies</del> having access <b>at least to one of the following systems or databases:</b> the EES, [the ETIAS], the VIS, the SIS, Eurodac and the [ECRIS-TCN system], to the CIR and the <del>multiple-identity detector</del> <b>MID</b> as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.	<u>Provisionally agreed</u> 1. The use of the ESP shall be reserved to the Member State authorities and <del>EU bodies</del> <b>Union agencies</b> having access <b>at least to one of the following systems or databases:</b> the EES, the ETIAS, the VIS, the SIS, Eurodac and the ECRIS-TCN system <b>in accordance with the legal instruments governing those EU information systems</b> , to the CIR and the <b>MID</b> <del>multiple-identity detector</del> <b>in accordance with this Regulation</b> as well as the Europol data <del>and</del> <b>in accordance with Regulation (EU) 2016/794 and to the</b> Interpol databases in accordance with Union or national law governing such access.  <b>Those Member State authorities and Union agencies may make</b>

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		<i>governing those Union information systems and in this Regulation.</i>		<i>use of the ESP and the data provided by it only for the objectives and purposes laid down in the legal instruments governing those EU information systems , <u>in Regulation (EU) 2016/794</u> and in this Regulation.</i>
#191.	2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, the VIS and [the ETIAS] in accordance with their access rights under Union and 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, 21 and 22.	2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, <del>the</del> VIS and [ <del>the</del> ETIAS] in accordance with their access rights <del>under</del> <b><i>in accordance with the legal instruments governing the Union information systems</i></b> and 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, 21 and 22.	2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, the VIS and [the ETIAS] in accordance with their access rights under Union and 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, 21 and 22.	<u>Provisionally agreed</u> 2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, <del>the</del> VIS and <del>the</del> ETIAS in accordance with their access rights <del>under</del> <b><i>as referred to in the legal instruments governing these EU information systems</i></b> and <b><i>in</i></b> 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, 21 and 22.

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#192.	3. The Member State authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Central SIS referred to in the [Regulation on SIS in the field of border checks and of the Regulation on SIS in the field of law enforcement]. Access to the Central SIS via the ESP shall be established through the national system (N.SIS) of each Member State in accordance with [Article 4(2) of the Regulation on SIS in the field of border checks and of the Regulation on SIS in the field of law enforcement].	3. The Member State authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Central SIS referred to in the [Regulation on SIS in the field of border checks and of the Regulation on SIS in the field of law enforcement]. Access to the Central SIS via the ESP shall be established through the national system (N.SIS) of each Member State in accordance with [Article 4(2) of the Regulation on SIS in the field of border checks and of the Regulation on SIS in the field of law enforcement].	3. The Member State authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Central SIS referred to in the [Regulation on SIS in the field of border checks <i>and Regulation on the use of SIS for the return of illegally staying third-country nationals</i> and of the Regulation on SIS in the field of law enforcement] <i>in accordance with their access rights under Union and national law.</i> Access to the Central SIS via the ESP shall be established through the national system (N.SIS) of each Member State in accordance with [Article 4(2) of the Regulation on SIS in the field of border checks and of the Regulation on SIS in the field of law enforcement].	<u>Provisionally agreed</u> 3. The Member State authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Central SIS referred to in the [Regulation on SIS in the field of border checks <i>and Regulation on the use of SIS for the return of illegally staying third-country nationals</i> and of the Regulation on SIS in the field of law enforcement] <i>in accordance with their access rights under Union and national law.</i> Access to the Central SIS via the ESP shall be established through the national system (N.SIS) of each Member State in accordance with [Article 4(2) of the Regulation on SIS in the field of border checks and of the Regulation on SIS in the field of law enforcement].
#193.	4. The EU bodies shall use the ESP to search data related to persons or their travel documents	4. <i>Where they are so required under Union law,</i> The EU bodies <i>Union agencies</i>	4. The EU <i>agencies</i> bodies shall use the ESP to search data related to persons or their travel	<u>Provisionally agreed</u> 4. <i>Where provided for they are so required under Union</i>

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	in the Central SIS.	<i>referred to in paragraph 1</i> shall use the ESP to search data related to persons or their travel documents in the Central SIS.	documents in the Central SIS.	<i>law</i> , the <del>EU</del> <u>Union agencies</u> <del>bodies</del> <i>referred to in paragraph 1</i> shall use the ESP to search data related to persons or their travel documents in the Central SIS.
#194.	5. The authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Interpol databases in accordance with their access rights under Union and national law.	5. <i>Where so required under Union or national law</i> , the authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Interpol databases in accordance with their access rights under Union and national law.	5. The authorities referred to in paragraph 1 may use the ESP to search data related to <del>persons</del> <del>or</del> their travel documents in the Interpol databases in accordance with their access rights under Union and national law.	<u>Provisionally agreed</u> The authorities referred to in paragraph 1 may use the ESP to search data related to travel documents in the Interpol databases where provided for and in accordance with their access rights under Union and national law.
#195.	<i>Article 8</i> <i>Profiles for the users of the European search portal</i>	<i>Article 8</i> <i>Profiles for the users of the European search portal</i>	<i>Article 8</i> <i>Profiles for the users of the European search portal</i>	<i>Article 8</i> <i>Profiles for the users of the European search portal</i>
#196.	1. For the purposes of enabling the use of the ESP, eu-LISA shall create a profile for each category of user of the ESP in accordance with the technical details and access rights referred to in paragraph 2, including, in accordance with Union and	1. For the purposes of enabling the use of the ESP, eu-LISA shall create a profile for each category of user of the ESP in accordance with the technical details and access rights referred to in paragraph 2, including, in accordance with Union and	1. For the purposes of enabling the use of the ESP, eu-LISA <i>in cooperation with Member States</i> shall create a profile for each category of user of the ESP in accordance with the technical details and access rights referred to in paragraph 2,	<u>Provisionally agreed</u> 1. For the purposes of enabling the use of the ESP, eu-LISA <i>in cooperation with Member States</i> shall create a profile for each category of user of the ESP, <i>including the purpose of the query</i> , in

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	national law:	national law:	including, in accordance with Union and national law:	accordance with the technical details and access rights referred to in paragraph 2, including, in accordance with Union and national law:
#197.	(a) the fields of data to be used for querying;	(a) the fields of data to be used for querying;	(a) the fields of data to be used for querying;	<u>Provisionally agreed</u> (a) the fields of data to be used for querying;
#198.		<i>(aa) the purpose of the query;</i>		<u>Provisionally agreed</u> [...]
#199.	(b) the EU information systems, the Europol data and the Interpol databases that shall and may be consulted and that shall provide a reply to the user; and	(b) the <del>EU</del> <b>Union</b> information systems, the Europol data, and the Interpol databases <b>and the data in those systems</b> that shall and may be consulted <b>searched</b> and that shall provide a reply to the user; <b>a user requesting data on the basis of Article 22 shall only get a hit/no-hit notification if the user is authorised to request from the central access point the data of the individual Union information system having provided a hit in accordance with the legal instrument governing that</b>	(b) the EU information systems, the Europol data and the Interpol databases that shall and may be consulted and that shall provide a reply to the user; and	<u>Provisionally agreed</u> (b) the EU information systems, the Europol data, and the Interpol databases that shall and may be consulted <b>queried</b> and that shall provide a reply to the user; <del>and</del> <b>(bb) the specific data in the EU information systems, Europol data and the Interpol databases that may be queried;</b>

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		<i>system;</i> <del>and</del>		
#200.	(c) the data provided in each reply.	(c) the data provided in each reply.	(c) the <i>fields of</i> data provided in each reply.	<u>Provisionally agreed</u> (c) the <i>fields of</i> data <i>that may be</i> provided in each reply.
#201.	2. The Commission shall adopt delegated acts in accordance with Article 63 to specify the technical details of the profiles referred to in paragraph 1 for the users of the ESP referred to in Article 7(1) in accordance with their access rights.	2. The Commission shall adopt delegated acts in accordance with Article 63 to specify the technical details of the profiles referred to in paragraph 1 for the users of the ESP referred to in Article 7(1) in accordance with their access rights <i>as laid down in the legal instruments governing Union information systems and in national law where applicable.</i>	2. The Commission shall adopt <i>implementing</i> <del>delegated</del> acts <del>in accordance with Article 63</del> to specify the technical details of the profiles referred to in paragraph 1 for the users of the ESP referred to in Article 7(1) in accordance with their access rights. <i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>	<u>Provisionally agreed</u> 2. The Commission shall adopt <i>implementing</i> <del>delegated</del> acts <del>in accordance with Article 63</del> to specify the technical details of the profiles referred to in paragraph 1 for the users of the ESP referred to in Article 7(1) in accordance with their access rights <i>as laid down in the legal instruments governing EU information systems and in accordance with national law. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>
#202.		<i>2a. The profiles referred to in paragraph 1 shall be reviewed regularly, at least once per year, and if necessary updated.</i>		<u>Provisionally agreed</u> <i>2a. The profiles referred to in paragraph 1 shall be reviewed regularly by eu-LISA in cooperation with Member</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>States, at least once per year, and if necessary updated.</i>
#203.	<i>Article 9 Queries</i>	<i>Article 9 Queries</i>	<i>Article 9 Queries</i>	<i>Article 9 Queries</i>
#204.	1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases.	1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their <b>ESP</b> user profile <b>created in accordance with Article 8</b> and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases.	1. The users of the ESP shall launch a query by <del>introducing</del> <b>submitting alphanumeric and/or biometric</b> data <del>in to the ESP in accordance with their user profile and access rights.</del> Where a query has been launched, the ESP shall query simultaneously, with the data <del>submitted introduced</del> by the user of the ESP <b>and in accordance with the user profile and access rights</b> , the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases.	<u>Provisionally agreed</u> 1. The users of the ESP shall launch a query by <del>introducing</del> <b>submitting alphanumeric and/or biometric</b> data <del>in to the ESP in accordance with their user profile and access rights.</del> Where a query has been launched, the ESP shall query simultaneously, with the data <del>submitted introduced</del> by the user of the ESP <b>and in accordance with the user profile and access rights</b> , the EES, the ETIAS, the VIS, the SIS, Eurodac, the ECRIS-TCN system and the CIR as well as the Europol data and the Interpol databases.
#205.	2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel	2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel	2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel	<u>Provisionally agreed</u> 2. The fields of data used to launch a query via the ESP shall correspond to the fields of data

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them.	documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them.	documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them.	related to persons or travel documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them.
#206.	3. eu-LISA shall implement an interface control document (ICD) based on the UMF referred to in Article 38 for the ESP.	3. eu-LISA shall implement an interface control document (ICD) based on the UMF referred to in Article 38 for the ESP.	3. eu-LISA, <i>in cooperation with Member States</i> , shall implement an interface control document ( <del>ICD</del> ) based on the UMF referred to in Article 38 for the ESP.	<u>Provisionally agreed</u> 3. eu-LISA, <i>in cooperation with Member States</i> , shall implement an interface control document ( <del>ICD</del> ) based on the UMF referred to in Article 38 for the ESP.
#207.	4. The EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system], the CIR and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.	4. The EES, [ <del>the</del> ETIAS], <del>the</del> VIS, <del>the</del> SIS, Eurodac, [ <del>the</del> ECRIS-TCN system], the CIR and the multiple-identity detector, as well as <del>the</del> Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP. <i>The ESP shall provide replies to the user as soon as data is available from one of the systems. The replies to the user from the ESP shall be unique</i>	4. The EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system], the CIR and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.	<u>Provisionally agreed</u> 4. The EES, the ETIAS, the VIS, the SIS, Eurodac, the ECRIS-TCN system, the CIR and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP. <i>Without prejudice to Article 20, the reply provided by the ESP</i>



	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
		<p><i>and shall contain all the data to which the user has access in accordance with the legal instruments governing the Union information systems and under national law. Without prejudice to Article 20, the reply provided by the ESP shall indicate to which Union information system or database the data belongs. The ESP shall provide no information regarding data in information systems to which the user has no access under Union law.</i></p>		<p><i>shall indicate to which EU information system or database the data belongs.</i></p> <p><i>(...) The ESP shall provide no information regarding data in information systems to which the user has no access in accordance with applicable Union and national law.</i></p>
<p>#208.</p>	<p>5. When querying the Interpol databases, the design of the ESP shall ensure that the data used by the user of the ESP to launch a query is not shared with the owners of Interpol data.</p>	<p>5. When querying the Interpol databases, the design of the ESP shall ensure that <del>the data used by the user</del> <b><i>no information is revealed to the owner of the Interpol alert. The design of the ESP to launch a query shall also ensure that Interpol TDAWN is not shared with the owners of Interpol data queried in a systematic manner but in accordance with applicable</i></b></p>	<p>5. When querying the Interpol databases, the design of the ESP shall ensure that the data used by the user of the ESP to launch a query is not shared with the owners of Interpol data.</p>	<p><u>Provisionally agreed</u></p> <p>5. Any queries of the Interpol databases launched via the ESP shall be performed in such a way that no information shall be revealed to the owner of the Interpol alert.</p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>Union and national law.</i>		
#209.	6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law. Where necessary, the reply provided by the ESP shall indicate to which information system or database the data belongs.	<del>6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law. Where necessary, the reply provided by the ESP shall indicate to which information system or database the data belongs.</del>	6. The reply to the <del>the</del> user of the ESP shall be unique <del>and that</del> <i>receive one a reply</i> and shall contain all <i>only</i> the data to which the user has access under Union <i>and national</i> law. Where necessary, the reply provided by the ESP shall indicate to which information system or database the data belongs.	Provisionally agreed 6. <i>The ESP shall provide replies to the user as soon as data is available from one of the EU information systems, Europol data and Interpol databases. Those replies shall contain only the data to which the user has access under Union and national law.</i>
#210.	7. The Commission shall adopt a delegated act in accordance with Article 63 to specify the content and format of the ESP replies.	7. The Commission shall adopt a delegated act in accordance with Article 63 to specify the content and format of the ESP replies.	7. The Commission shall adopt an <i>implementing</i> delegated act in accordance with Article 63 to specify <i>the process for querying the EU information systems, Europol data and Interpol databases by the ESP</i> and the content and format of the ESP replies. <i>This implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>	Provisionally agreed 7. The Commission shall adopt an <i>implementing</i> delegated act in accordance with Article 63 to specify <i>the technical procedure for querying the EU information systems, Europol data and Interpol databases by the ESP</i> and the content and format of the ESP replies. <i>This implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#211.	<i>Article 10 Keeping of logs</i>	<i>Article 10 Keeping of logs</i>	<i>Article 10 Keeping of logs</i>	<i>Article 10 Keeping of logs</i>
#212.	1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of Regulation (EC) No 767/2008, [Article 59 of the ETIAS proposal] and Articles 12 and 18 of the Regulation on SIS in the field of border checks, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, in particular, the following:	1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of Regulation (EC) No 767/2008, [Article 59 of the ETIAS proposal] and Articles 12 and 18 of the Regulation on SIS in the field of border checks, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, <del>in particular,</del> the following:	1. Without prejudice to <del>{</del> Article 46 of the <del>EES</del> Regulation <b>(EU) 2017/2226</b> <del>}</del> , Article 34 of Regulation (EC) No 767/2008, [Article <del>69</del> <b>59</b> of the ETIAS proposal], and Articles 12 and 18 of the Regulation on SIS in the field of border checks, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, <del>in particular,</del> the following:	<u>Provisionally agreed</u> 1. Without prejudice to <del>{</del> Article 46 of the <del>EES</del> Regulation <b>(EU) 2017/2226</b> <del>}</del> , Article 34 of Regulation (EC) No 767/2008, Article <del>69</del> <b>59</b> of the ETIAS proposal, and Articles 12 and 18 of the Regulation on SIS in the field of border checks, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, <del>in particular,</del> the following:
#213.	(a) the Member State authority and the individual user of the ESP, including the ESP profile used as referred to in Article 8;	(a) the Member State authority <del>and the individual user of the ESP, including the ESP profile used as referred to in Article 8</del> <b>or the Union agency launching the query;</b>	(a) the Member State authority <del>or EU agency</del> and the individual user of the ESP, including the ESP profile used as referred to in Article 8;	<u>Provisionally agreed</u> (a) the Member State authority <del>or EU agency</del> <b>launching the query</b> and the individual user of the ESP, including the ESP profile used as referred to in Article 8;
#214.	(b) the date and time of the query;	(b) the date and time of the query;	(b) the date and time of the query;	<u>Provisionally agreed</u> (b) the date and time of the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				query;
#215.	(c) the EU information systems and the Interpol databases queried;	(c) the <del>EU</del> <b>Union</b> information systems and the <b>Europol and</b> Interpol databases queried;	(c) the EU information systems and the Interpol databases queried;	<u>Provisionally agreed</u> (c) the EU information systems and the Interpol databases queried;
#216.		<b>(ca) the ESP profile used;</b>		<u>Provisionally agreed</u> [...]
#217.	(d) in accordance with national rules or when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.	<del>(d) in accordance with national rules or when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.</del>	(d) <b>the unique transaction identification number</b> in accordance with national rules or when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.	<u>Provisionally agreed</u> [...]
#218.		<b><i>In addition, Member States and Union agencies shall keep logs of the unique user identity of the official performing the query.</i></b>		<u>Provisionally agreed</u> [...]
#219.			<b><i>1a. Each Member State shall keep logs of queries of the authority and the staff duly authorised to use the ESP including the transaction identification number referred to in point (d) of paragraph 1.</i></b>	<u>Provisionally agreed</u> <b><i>1a. Each Member State <u>and Union Agency</u> shall keep logs of queries of the authority and the staff duly authorised to use the ESP.</i></b>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#220.	<p>2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun.</p>	<p>2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, <b>for self-monitoring</b>, and for ensuring <del>data</del> <b>the proper functioning and data integrity</b> and security pursuant to Article 42. <b>To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to national supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680, and to the European Data Protection Supervisor.</b> Those logs shall be protected by appropriate measures against unauthorised access and erased <del>one year</del> <b>two years</b> after their creation, unless they are required for monitoring procedures that have already begun.</p>	<p>2. The logs <b>referred to in paragraphs 1 and 1a</b> may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be <b>made available to the competent supervisory authority on request. They shall be</b> protected by appropriate measures against unauthorised access <b>and modifications</b> and erased one year after their creation, unless they are required for monitoring procedures that have already begun <b>in which case they shall be erased once the monitoring procedures no longer require these logs.</b></p>	<p><u>Provisionally agreed</u></p> <p>2. The logs <b>referred to in paragraphs 1 and 1a</b> may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring <b>data security and integrity</b>. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun <b>in which case they shall be erased once the monitoring procedures no longer require these logs.</b></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#221.	<i>Article 11</i> <i>Fall-back procedures in case of technical impossibility to use the European search portal</i>	<i>Article 11</i> <i>Fall-back procedures in case of technical impossibility to use the European search portal</i>	<i>Article 11</i> <i>Fall-back procedures in case of technical impossibility to use the European search portal</i>	<i>Article 11</i> <i>Fall-back procedures in case of technical impossibility to use the European search portal</i>
#222.		<b>-1. Where it is technically impossible to use the ESP due to its failure, eu-LISA shall switch to the back-up ESP.</b>		<u>Provisionally agreed</u> [...]
#223.	1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the ESP, the users of the ESP shall be notified by eu-LISA.	1. Where it <b>remains</b> technically impossible to use the ESP to query one or several <del>EU</del> <b>Union</b> information systems <del>referred to in Article 9(1) or the CIR, because of a failure of the ESP</del> <b>or a failure in the Union information systems being queried</b> , the users of the ESP shall be <b>immediately</b> notified by eu-LISA.	1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the ESP, the users of the ESP shall be notified <b>automatically</b> by eu-LISA.	<u>Provisionally agreed</u> 1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the ESP, the users of the ESP shall be notified <b>in an automated manner</b> by eu-LISA.
#224.	2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the national infrastructure in a Member State,	2. Where it is technically impossible to use the ESP to query one or several <del>EU</del> <b>Union</b> information systems <del>referred to in Article 9(1) or the CIR, because of a failure of the national infrastructure in a Member State,</del>	2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the national infrastructure in a Member State,	<u>Provisionally agreed</u> 2. Where it is technically impossible to use the ESP to query one or several EU information systems <del>referred to in Article 9(1) or the CIR,</del>

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	that Member State's competent authority shall notify eu-LISA and the Commission.	that Member State's competent authority shall <b>immediately inform all its users and</b> notify eu-LISA and the Commission.	that Member State's <del>competent authority</del> shall notify eu-LISA and the Commission.	because of a failure of the national infrastructure in a Member State, that Member State's <del>competent authority</del> shall notify eu-LISA and the Commission <b><u>in an automated manner.</u></b>
#225.	3. In both scenarios, and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may access the information systems referred to in Article 9(1) or the CIR directly using their respective national uniform interfaces or national communication infrastructures.	3. In both scenarios <b>referred to in paragraphs 1 and 2 of this Article</b> , and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States <del>may</del> <b>shall</b> access the <b>Union</b> information systems <del>referred to in Article 9(1) or the CIR</del> , <b>where they are required to do so according to Union or national law</b> , directly using their respective national uniform interfaces or national communication infrastructures.	3. In <b>the cases referred to in paragraphs 1 or 2</b> <del>both scenarios</del> , and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may access the <b>EU</b> information systems referred to in Article 9(1) or the CIR <del>directly using their respective national uniform interfaces or national communication infrastructures.</del>	<u>Provisionally agreed</u> 3. In <b>the cases referred to in paragraphs 1 or 2</b> <del>both scenarios</del> , and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States <del>may</del> <b>shall</b> access the <b>EU</b> information systems referred to in Article 9(1) or the CIR <b>where they are required to do so according to Union or national law</b> <del>directly using their respective national uniform interfaces or national communication infrastructures.</del>
#226.		<b>3a. Where it is technically impossible to use the ESP to query one or several Union information systems or the CIR</b>		<u>Provisionally agreed</u> <b>4. Where it is technically impossible to use the ESP to query one or several EU</b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>because of a failure of the infrastructure of a Union agency that agency shall notify eu-LISA and the Commission.</i>		<i>information systems or the CIR because of a failure of the infrastructure of a Union agency that agency shall notify eu-LISA and the Commission <u>in an automated manner</u>.</i>
#227.			<i>4. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the infrastructure of a EU agency, that EU agency shall notify eu-LISA and the Commission.</i>	<u>Provisionally agreed</u> [...]



	<b>Amended Commission proposal</b> (ST 10178/18)	<b>EP amendments</b>	<b>Council negotiation mandate</b> (ST 11312/18)	<b>Compromise text proposals</b>
#228.	<b>CHAPTER III Shared Biometric Matching Service</b>	<b>CHAPTER III Shared Biometric Matching Service</b>	<b>CHAPTER III Shared Biometric Matching Service</b>	<b>CHAPTER III Shared Biometric Matching Service</b>
#229.	<i>Article 12 Shared biometric matching service</i>	<i>Article 12 Shared biometric matching service</i>	<i>Article 12 Shared biometric matching service</i>	<i>Article 12 Shared biometric matching service</i>
#230.	1. A shared biometric matching service (shared BMS) storing biometric templates and enabling querying with biometric data across several EU information systems is established for the purposes of supporting the CIR and the multiple-identity detector and the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].	1. A shared biometric matching service (shared BMS) storing biometric templates and enabling querying with biometric data across several EU <del>Union</del> information systems <b>containing biometric data</b> is established for the purposes of supporting the CIR and the multiple-identity detector and the objectives of the EES, <del>the</del> VIS, Eurodac, <del>the</del> SIS and [the ECRIS-TCN system]. <b>In line with the principles of necessity and proportionality, the shared BMS shall not store DNA data or palm print data.</b>	1. A shared biometric matching service (shared BMS) storing biometric templates <b>obtained from the biometric data referred to in Article 13, that are stored in the CIR and the SIS</b> , and enabling querying with biometric data across several EU information systems is established for the purposes of supporting the <b>Common Identity Repository (CIR)</b> and the multiple-identity detector ( <b>MID</b> ) and the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].	<u>Provisionally agreed</u> 1. A shared biometric matching service (shared BMS) storing biometric templates <b>obtained from the biometric data referred to in Article 13, that are stored in the CIR and the SIS</b> , and enabling querying with biometric data across several EU information systems is established for the purposes of supporting the CIR and <b>MID</b> and the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].
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	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#231.	2. The shared BMS shall be composed of:	2. The shared BMS shall be composed of:	2. The shared BMS shall be composed of:	<u>Provisionally agreed</u> 2. The shared BMS shall be composed of:
#232.	(a) a central infrastructure, including a search engine and the storage of the data referred to in Article 13;	(a) a central infrastructure, <del>including a</del> <b><i>that shall replace the Automated Fingerprint Identification Systems of respectively the EES, VIS, SIS, Eurodac and [ECRIS-TCN] to the extent that it allows to</i></b> search engine and the storage of the data referred <del>with biometric data as defined</del> in Article <del>13</del> <b><i>4(12)</i></b> ;	(a) a central infrastructure, including a search engine and the storage of the data referred to in Article 13;	<u>Provisionally agreed</u> (a) a central infrastructure, <b><i>that shall replace part of the central systems of respectively the EES, VIS, SIS, Eurodac and ECRIS-TCN to the extent that it shall store biometric templates and allow to</i></b> <del>including a search engine and the storage of</del> <b><i>with biometric</i></b> the data referred to in Article <del>13</del> ;
#233.	(b) a secure communication infrastructure between the shared BMS, Central-SIS and the CIR.	(b) a secure communication infrastructure between the shared BMS, Central-SIS, <del>and</del> the CIR <b><i>and the Union information systems.</i></b>	(b) a secure communication infrastructure between the shared BMS, Central-SIS and the CIR.	<u>Provisionally agreed</u> (b) a secure communication infrastructure between the shared BMS, Central-SIS and the CIR
#234.	3. eu-LISA shall develop the shared BMS and ensure its technical management.	3. eu-LISA shall develop the shared BMS and ensure its technical management. <b><i>It shall not, however, have access to any of the personal data processed through the shared BMS.</i></b>	3. eu-LISA shall develop the shared BMS and ensure its technical management.	<u>Provisionally agreed</u> 3. eu-LISA shall develop the shared BMS and ensure its technical management.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#235.	<i>Article 13</i> <i>Data stored in the shared biometric matching service</i>	<i>Article 13</i> <del>Data stored</del> <b>Storing biometric templates</b> in the shared biometric matching service	<i>Article 13</i> <i>Data stored in the shared biometric matching service</i>	<u>Provisionally agreed</u> <i>Article 13</i> <del>Data stored</del> <b>Storing biometric templates</b> in the shared biometric matching service
#236.	1. The shared BMS shall store the biometric templates that it shall obtain from the following biometric data:	1. The shared BMS shall store the biometric templates – <b>logically separated – according to the information system from which the data originates</b> , that it shall obtain from the following biometric data:	1. The shared BMS shall store the biometric templates that it shall obtain from the following biometric data:	<u>Provisionally agreed</u> 1. The shared BMS shall store the biometric templates – <b>logically separated – according to the information system from which the data originates</b> , that it shall obtain from the following biometric data:
#237.	(a) the data referred to in Article 16(1)(d) and Article 17(1)(b) and (c) of Regulation (EU) 2017/2226;	(a) the data referred to in Article 16(1)(d) and Article 17(1)(b) and (c) of Regulation (EU) 2017/2226;	(a) the data referred to in Article 16(1)(d) and Article 17(1)(b) and (c) <b>and Article 18(2)(a), (b) and (c)</b> of Regulation (EU) 2017/2226;	<u>Provisionally agreed</u> (a) the data referred to in Article 16(1)(d) and Article 17(1)(b) and (c) <b>and Article 18(2)(a), (b) and (c)</b> of Regulation (EU) 2017/2226;
#238.	(b) the data referred to in Article 9(6) of Regulation (EC) No 767/2008;	(b) the data referred to in Article 9(6) of Regulation (EC) No 767/2008;	(b) the data referred to in Article 9(5) <b>and</b> (6) of Regulation (EC) No 767/2008;	<u>Provisionally agreed</u> (b) the data referred to in Article 9(6) of Regulation (EC) No 767/2008;

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#239.	(c) [the data referred to in Article 20(2)(w) and (x) of the Regulation on SIS in the field of border checks;	(c) [the data referred to in Article 20(2)(w) and (x) of the Regulation on SIS in the field of border checks;	(c) [the data referred to in Article 20(2)(w) and (x) of the Regulation on SIS in the field of border checks;	<u>Provisionally agreed</u> (c) the data referred to in Article 20(2)(w) and (x), <b><i>excluding data on palm prints</i></b> , of the Regulation on SIS in the field of border checks;
#240.	(d) the data referred to in Article 20(3)(w) and (x) of the Regulation on SIS in the field of law enforcement;	(d) the data referred to in Article 20(3)(w) and <del>(x)</del> (y) of the Regulation on SIS in the field of law enforcement;	<del>(d) — the data referred to in Article 20(3)(w) and (x) of the Regulation on SIS in the field of law enforcement;</del>	<u>Provisionally agreed</u> [...]
#241.	(e) the data referred to in Article 4(3)(t) and (u) of the Regulation on SIS in the field of illegal return];	(e) the data referred to in Article 4(3)(t) and (u) of the Regulation on SIS in the field of illegal return];	(e) [the data referred to in Article 4(t) and (u) of the Regulation on SIS <b><i>for the return of illegally staying third-country nationals</i></b> in the field of illegal return];	<u>Provisionally agreed</u> (e) the data referred to in Article 4(t) and (u) of the Regulation on SIS <b><i>for the return of illegally staying third-country nationals</i></b> in the field of illegal return];
#242.	(f) [the data referred to in Article 13(a) of the Eurodac Regulation;]	(f) [the data referred to in Article <del>13(a)</del> <b><i>12(a) and (b), Article 13(2),(a) and (b) and Article 14(2),(a) and (b)</i></b> of the Eurodac Regulation;]	<del>(f) — [the data referred to in Article 13(a) of the Eurodac Regulation;]</del>	<u>Provisionally agreed</u> [...]
#243.	(g) [the data referred to in Article 5(1)(b) and Article 5(2) of the ECRIS-TCN Regulation.]	(g) [the data referred to in Article 5(1)(b) and Article 5(2) of the ECRIS-TCN Regulation.]	<del>(g) — [the data referred to in Article 5(1)(b) and Article 5(2) of the ECRIS-TCN Regulation.]</del>	<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#244.			<i>The shared BMS shall store the biometric templates - logically separated - according to the EU information system from which the data originated.</i>	<u>Provisionally agreed</u> [...]
#245.	2. The shared BMS shall include in each biometric template a reference to the information systems in which the corresponding biometric data is stored.	2. The shared BMS shall include in each biometric template a reference to the information systems in which the corresponding biometric data is stored.	2. <i>For each set of data referred to in paragraph 1</i> , the shared BMS shall include <del>in each biometric template</del> a reference to the <i>EU</i> information systems <i>and a reference to the actual record in the EU information systems</i> in which the corresponding biometric data <i>are</i> is stored.	<u>Provisionally agreed</u> 2. <i>For each set of data referred to in paragraph 1</i> , the shared BMS shall include in each biometric template a reference to the <i>EU</i> information systems <i>and a reference to the actual record in the EU information systems</i> in which the corresponding biometric data <i>are</i> is stored.
#246.	3. Biometric templates shall only be entered in the shared BMS following an automated quality check of the biometric data added to one of the information systems performed by the shared BMS to ascertain the fulfilment of a minimum data quality standard.	3. Biometric templates shall only be entered in the shared BMS following an automated quality check of the biometric data added to one of the information systems performed by the shared BMS to ascertain the fulfilment of a minimum data quality standard.	3. Biometric templates shall <del>only may</del> be entered <i>only</i> in the shared BMS following an automated quality check of the biometric data added to one of the <i>EU</i> information systems performed by the shared BMS to ascertain the fulfilment of a minimum data quality standard.	<u>Provisionally agreed</u> Biometric templates shall only be entered in the shared BMS following an automated quality check of the biometric data added to one of the <i>EU</i> information systems performed by the shared BMS to ascertain the fulfilment of a minimum data quality standard.

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#247.	4. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).	4. The storage of the data referred to in paragraph 1 <i>of this Article</i> shall meet the quality standards referred to in Article <del>37(2)</del> 37.	4. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2) <i>and (4)</i> .	<u>Provisionally agreed</u> 4. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2) <i>and (4)</i> .
#248.			5. <i>The Commission shall lay down the performance requirements and performance monitoring of the shared BMS, including the minimum requirements regarding the biometric performance of the shared BMS, in particular in terms of the required False Positive Identification Rate, False Negative Identification Rate and Failure To Enrol Rate, as well as the procedures and tools for notifying False Positive Identifications and False Negative verifications to eu-LISA in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>	<u>Provisionally agreed</u> <i>The Commission shall lay down, by means of an implementing act, performance requirements details and practical arrangements for monitoring the performance of the shared BMS in order to ensure that the effectiveness of biometric searches respect time-critical procedures such as border checks and identifications. Those performance details and practical arrangements shall be specified by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#249.			<i>For the specific purpose of monitoring the performance of the shared BMS, Member States shall be allowed to use the biometric templates stored in the shared BMS.</i>	<u>Provisionally agreed</u> [...]
#250.	<i>Article 14 Searching biometric data with the shared biometric matching service</i>	<i>Article 14 Searching biometric data with the shared biometric matching service</i>	<i>Article 14 Searching biometric data with the shared biometric matching service</i>	<i>Article 14 Searching biometric data with the shared biometric matching service</i>
#251.	In order to search the biometric data stored within the CIR and the SIS, the CIR and the SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].	In order to search the biometric data stored within the CIR and the SIS, the CIR and the SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].	In order to search the biometric data stored within the CIR and the SIS, the CIR and the SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in <del>the EES</del> Regulation ( <i>EU</i> 2017/2226, <del>the</del> <del>VIS</del> Regulation ( <i>EC</i> ) No 767/2008, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].	<u>Provisionally agreed</u> In order to search the biometric data stored within the CIR and the SIS, the CIR and the SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in <del>the EES</del> Regulation ( <i>EU</i> 2017/2226, <del>the</del> <del>VIS</del> Regulation ( <i>EC</i> ) No 767/2008, the Eurodac Regulation, the SIS Regulations and the ECRIS-TCN Regulation.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#252.	<i>Article 15 Data retention in the shared biometric matching service</i>	<i>Article 15 Data retention in the shared biometric matching service</i>	<i>Article 15 Data retention in the shared biometric matching service</i>	<i>Article 15 Data retention in the shared biometric matching service</i>
#253.	The data referred to in Article 13 shall be stored in the shared BMS for as long as the corresponding biometric data is stored in the CIR or the SIS.	The data referred to in Article 13 shall be stored in the shared BMS for as long as the corresponding biometric data is stored in the CIR <i>in accordance with Articles 18 and 19</i> <del>or the SIS or in SIS,</del> <i>after which it shall be automatically deleted.</i>	The data referred to in Article 13(1) <i>and</i> (2) shall be stored in the shared BMS for as long as the corresponding biometric data <i>are</i> is-stored in the CIR or the SIS <i>and shall be erased in an automated manner.</i>	<u>Provisionally agreed</u> The data referred to in Article 13(1) <i>and</i> (2) shall be stored in the shared BMS for as long as the corresponding biometric data <i>are</i> is-stored in the CIR or the SIS <i>and shall be erased in an automated manner.</i>
#254.	<i>Article 16 Keeping of logs</i>	<i>Article 16 Keeping of logs</i>	<i>Article 16 Keeping of logs</i>	<i>Article 16 Keeping of logs</i>
#255.	1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of Regulation (EC) No 767/2008 and [Article 12 and 18 of the Regulation on SIS in the field of law enforcement], eu-LISA shall keep logs of all data processing operations within the shared BMS. Those logs shall include, in particular, the following:	1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of Regulation (EC) No 767/2008 and [Article 12 and 18 of the Regulation on SIS in the field of <del>law enforcement</del> <i>border checks</i> ], eu-LISA shall keep logs of all data processing operations within the shared BMS. Those logs shall include, <del>in particular,</del> the following:	1. Without prejudice to {Article 46 of the <del>EES Regulation</del> } <i>(EU) 2017/2226</i> , Article 34 of Regulation (EC) No 767/2008, and [Article 12 and 18 of the Regulation on SIS in the field of <del>law enforcement</del> <i>border checks</i> ], eu-LISA shall keep logs of all data processing operations within the shared BMS. Those logs shall include, <del>in particular,</del> the following:	<u>Provisionally agreed</u> 1. Without prejudice to {Article 46 of the <del>EES Regulation</del> } <i>(EU) 2017/2226</i> , Article 34 of Regulation (EC) No 767/2008, and [Article 12 and 18 of the Regulation on SIS in the field of <del>law enforcement</del> <i>border checks</i> ], eu-LISA shall keep logs of all data processing operations within the shared BMS. Those logs shall include,



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				in particular, the following:
#256.		<i>(-a) the Member State authority or the Union agency launching the query;</i>		<u>Provisionally agreed</u> <i>(-a) the Member State authority or the Union agency launching the query;</i>
#257.	(a) the history related to the creation and storage of biometric templates;	(a) the history related to the creation and storage of biometric templates;	(a) the history related to the creation and storage of biometric templates;	<u>Provisionally agreed</u> (a) the history related to the creation and storage of biometric templates;
#258.	(b) a reference to the EU information systems queried with the biometric templates stored in the shared BMS;	(b) a reference to the EU information systems queried with the biometric templates stored in the shared BMS;	(b) a reference to the EU information systems queried with the biometric templates stored in the shared BMS;	<u>Provisionally agreed</u> (b) a reference to the EU information systems queried with the biometric templates stored in the shared BMS;
#259.	(c) the date and time of the query;	(c) the date and time of the query;	(c) the date and time of the query;	<u>Provisionally agreed</u> (c) the date and time of the query;
#260.	(d) the type of biometric data used to launch the query;	(d) the type of biometric data used to launch the query;	(d) the type of biometric data used to launch the query;	<u>Provisionally agreed</u> (d) the type of biometric data used to launch the query;
#261.	(e) the length of the query;	(e) the length of the query;	<del>(e) the length of the query;</del>	<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#262.	(f) the results of the query and date and time of the result;	(f) the results of the query and <i>the</i> date and time of the result <i>and the Union information system from which the data was received</i> ;	(f) the results of the query and date and time of the result;	<u>Provisionally agreed</u> (f) the results of the query and date and time of the result;
#263.	(g) in accordance with national rules or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.	<del>(g) in accordance with national rules or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.</del>	(g) <del>in accordance with national rules or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query</del> <i>the Member State or EU agency searching biometric data.</i>	<u>Provisionally agreed</u> [...]
#264.		<i>(ga) the specific purpose of the query and, where applicable, the case reference, pursuant to Article 14.</i>		<u>Provisionally agreed</u> [...]
#265.		<i>In addition, Member States and Union agencies shall keep logs of the unique user identity of the official performing the query.</i>	<i>1a. Each Member State shall keep logs of queries of the authority and the staff duly authorised to use the shared BMS.</i>	<u>Provisionally agreed</u> <i>1a. Each Member State and Union Agency shall keep logs of queries of the authority and the staff duly authorised to use the shared BMS.</i>
#266.	2. The logs may be used only for data protection monitoring, including checking	2. The logs may be used only for data protection monitoring <i>and monitoring the</i>	2. The logs <i>referred to in paragraphs 1 and 1a</i> may be used only for data protection	<u>Provisionally agreed</u> 2. The logs <i>referred to in paragraphs 1 and 1a</i> may be

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	<p>the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.</p>	<p><b><i>impact on fundamental rights</i></b>, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. <b><i>To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to the national supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680, and to the European Data Protection Supervisor.</i></b> Those logs shall be protected by appropriate measures against unauthorised access and erased <del>one year</del> <b><i>two years</i></b> after their creation, unless they are required for monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.</p>	<p>monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be <b><i>made available to the competent supervisory authority on request. They shall</i></b> protected by appropriate measures against unauthorised access <b><i>and modifications</i></b> and erased one year after their creation, unless they are required for monitoring procedures that have already begun, <b><i>in which case they shall be erased once the monitoring procedures no longer require these logs.</i></b> The logs referred to in paragraph 1(a) shall be erased once the data <b><i>are</i></b> is-erased.</p>	<p>used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring <b><i>data security and integrity.</i></b> Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun <b><i>in which case they shall be erased once the monitoring procedures no longer require these logs.</i></b></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#267.	<b>CHAPTER IV Common Identity Repository</b>	<b>CHAPTER IV Common Identity Repository</b>	<b>CHAPTER IV Common Identity Repository</b>	<b>CHAPTER IV Common Identity Repository</b>
#268.	<i>Article 17 Common identity repository</i>	<i>Article 17 Common identity repository</i>	<i>Article 17 Common identity repository</i>	<i>Article 17 Common identity repository</i>
#269.	1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by law enforcement authorities to non-law enforcement information systems	1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, <del>the</del> VIS, [ <del>the</del> ETIAS], Eurodac or [ <del>the</del> ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, <del>the</del> VIS, [ <del>the</del> ETIAS], the Eurodac and [ <del>the</del> ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by <del>law enforcement</del> <b>designated</b> authorities to non-law enforcement information systems	1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system] <b>in accordance with Article 20</b> , of supporting the functioning of the multiple-identity detector <b>in accordance with Article 21</b> and of facilitating and streamlining access by <del>law enforcement</del> <b>designated</b>	<u>Provisionally agreed</u> 1. A <del>common identity repository</del> (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or the ECRIS-TCN system containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, the ETIAS, the Eurodac and the ECRIS-TCN system <b>in accordance with Article 20</b> , of supporting the functioning of the multiple-identity detector <b>in accordance with Article 21</b> and of facilitating and streamlining

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.	at <del>EU</del> <b>Union</b> level, where necessary for the prevention, investigation, detection or prosecution of serious crime, <b>while fully respecting the principles of necessity and proportionality.</b>	authorities <b>and Europol</b> to non-law enforcement <b>EU</b> information systems <del>at EU level</del> , where necessary for the prevention, <del>investigation, detection or</del> <b>investigation or prosecution of terrorist offences or other</b> <del>of</del> serious <del>crime</del> <b>criminal offences in accordance with Article 22.</b>	access by <del>law enforcement</del> <b>designated</b> authorities <b>and Europol</b> to non-law enforcement <b>EU</b> information systems <del>at EU level</del> , where necessary for the prevention, <del>investigation,</del> detection <b>or investigation or</b> <del>prosecution of</del> <b>terrorist offences or other</b> <del>of</del> serious <del>crime</del> <b>criminal offences in accordance with Article 22.</b>
#270.	2. The CIR shall be composed of:	2. The CIR shall be composed of:	2. The CIR shall be composed of:	<u>Provisionally agreed</u> 2. The CIR shall be composed of:
#271.	(a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system] to the extent that it shall store the data referred to in Article 18;	(a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system] to the extent that it shall store the data referred to in Article 18;	(a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system] to the extent that it shall store the data referred to in Article 18;	<u>Provisionally agreed</u> (a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, the ETIAS, Eurodac and the ECRIS-TCN system to the extent that it shall store the data referred to in Article 18;
#272.	(b) a secure communication channel between the CIR,	(b) a secure communication channel between the CIR,	(b) a secure communication channel between the CIR,	<u>Provisionally agreed</u> (b) a secure communication

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	Member States and EU bodies that are entitled to use the European search portal (ESP) in accordance with Union law;	Member States and <del>EU bodies</del> <b>Union agencies</b> that are entitled to use the <del>European search portal (ESP)</del> <b>CIR</b> in accordance with Union <b>and national</b> law	Member States and EU <del>bodies</del> <b>agencies</b> that are entitled to use the <del>European search portal (ESP)</del> <b>CIR</b> in accordance with Union law <b>and national law</b> ;	channel between the CIR, Member States and <del>EU bodies</del> <b>Union agencies</b> that are entitled to use the <del>European search portal (ESP)</del> <b>CIR</b> in accordance with Union law <b>and national law</b> ;
#273.	(c) a secure communication infrastructure between the CIR and the EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system] as well as with the central infrastructures of the ESP, the shared BMS and the multiple-identity detector.	(c) a secure communication infrastructure between the CIR and the EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system] as well as with the central infrastructures of the ESP, the shared BMS and the multiple-identity detector.	(c) a secure communication infrastructure between the CIR and the EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system] as well as with the central infrastructures of the ESP, the shared BMS and the <b>MID</b> <del>multiple-identity detector</del> .	<u>Provisionally agreed</u> (c) a secure communication infrastructure between the CIR and the EES, the ETIAS, the VIS, Eurodac and the ECRIS-TCN system as well as with the central infrastructures of the ESP, the shared BMS and the <b>MID</b> <del>multiple-identity detector</del> .
#274.		<i>(ca) a central Union backup CIR capable of providing all the functionalities of the principal CIR and a similar level of performance as it in the event of its failure. The CIR and the backup CIR may operate simultaneously. The CIR and the backup CIR shall be located in technical sites of eu-LISA.</i>		<u>Provisionally agreed</u> [...]
#275.	3. eu-LISA shall develop the	3. eu-LISA shall develop the	3. eu-LISA shall develop the	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	CIR and ensure its technical management.	CIR and ensure its technical management.	CIR and ensure its technical management.	3. eu-LISA shall develop the CIR and ensure its technical management.
#276.		<i>3a. Where it is technically impossible to query the CIR for the purpose of identifying a person pursuant Article 20, for the detection of multiple identities pursuant Article 21 or for law enforcement purposes pursuant Article 22, because of a failure of the CIR, the users of the CIR shall be immediately notified by eu-LISA.</i>		<u>Provisionally agreed</u> <i>3a. Where it is technically impossible to query the CIR for the purpose of identifying a person pursuant Article 20, for the detection of multiple identities pursuant Article 21 or for law enforcement purposes pursuant Article 22, because of a failure of the CIR, the users of the CIR shall be immediately notified by eu-LISA in an automated manner.</i>
#277.			<i>4. eu-LISA, in cooperation with Member States, shall implement an interface control document based on the UMF referred to in Article 38 for the CIR.</i>	<u>Provisionally agreed</u> <i>4. eu-LISA, in cooperation with Member States, shall implement an interface control document based on the UMF referred to in Article 38 for the CIR.</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#278.	<i>Article 18</i> <i>The common identity repository data</i>	<i>Article 18</i> <i>The common identity repository data</i>	<i>Article 18</i> <i>The common identity repository data</i>	<i>Article 18</i> <i>The common identity repository data</i>
#279.	1. The CIR shall store the following data – logically separated – according to the information system from which the data was originated:	1. The CIR shall store the following data – logically separated – according to the information system from which the data was originated:	1. The CIR shall store the following data – logically separated – according to the <i>EU</i> information system from which the data was originated:	<u>Provisionally agreed</u> 1. The CIR shall store the following data – logically separated – according to the <del>EU</del> information system from which the data was originated:
#280.	(a) the data referred to in [Article 16(1)(a) to (d) and Article 17(1)(a) to (c) of the EES Regulation];	(a) the data referred to in [Article 16(1)(a) to (d) and Article 17(1)(a) to (c) of the EES Regulation];	(a) the data referred to in {Article 16(1)(a) to (d), <del>and</del> Article 17(1)(a) to (c) <b>and Article 18(1) and (2)</b> of the <del>EES</del> Regulation ( <i>EU</i> ) 2017/2226};	<u>Provisionally agreed</u> (a) the data referred to in {Article 16(1)(a) to (d), <del>and</del> Article 17(1)(a) to (c) <b>and Article 18(1) and (2)</b> of the <del>EES</del> Regulation ( <i>EU</i> ) 2017/2226};
#281.	(b) the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008;	(b) the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008;	(b) the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008;	<u>Provisionally agreed</u> (b) the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008;
#282.	(c) [the data referred to in Article 15(2)(a) to (e) of the [ETIAS Regulation];]	(c) [the data referred to in Article 15(2)(a) to (e) of the [ETIAS Regulation];]	(c) [the data referred to in Article <b>17(2) (a), (b), (c), (d) and (e)</b> 15(2)(a) to (e) of the [ETIAS Regulation];]	<u>Provisionally agreed</u> (c) the data referred to in Article <b>17(2) (a), (b), (c), (d) and (e)</b> 15(2)(a) to (e) of the [ETIAS



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				Regulation;
#283.	(d) – (not applicable)	<del>(d) – (not applicable)</del> (Horizontal amendment applies throughout the text.)	<del>(d) – (not applicable)</del>	<u>Provisionally agreed</u> [...]
#284.	(e) – (not applicable)	<del>(e) – (not applicable)</del>	<del>(e) – (not applicable)</del>	<u>Provisionally agreed</u> [...]
#285.	2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the information systems to which the data belongs.	2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the information systems to which the data belongs. <i>The officer accessing the CIR shall see only the data contained in the individual file stored in the CIR which originate from those information systems the officer is authorised to access.</i>	2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the <b>EU</b> information systems to which the data belongs.	<u>Provisionally agreed</u> 2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the <b>EU</b> information systems to which the data belongs. 2a. <i>The authorities accessing the CIR shall do so in accordance with their access rights as referred to in the legal instruments governing the EU information systems and in national law and in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 21 and 22.</i>
#286.			2a. <i>For each set of data</i>	<u>Provisionally agreed</u>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			<i>referred to in paragraph 1, the CIR shall include a reference to the actual record in the EU information systems to which the data belongs.</i>	<i>2a. For each set of data referred to in paragraph 1, the CIR shall include a reference to the actual record in the EU information systems to which the data belongs.</i>
#287.	3. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).	3. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).	3. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2) <b>and (4)</b> .	<u>Provisionally agreed</u> 3. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2) <b>and (4)</b> .
#288.	<i>Article 19</i> <i>Adding, amending and deleting data in the common identity repository</i>	<i>Article 19</i> <i>Adding, amending and deleting data in the common identity repository</i>	<i>Article 19</i> <i>Adding, amending and deleting data in the common identity repository</i>	<i>Article 19</i> <i>Adding, amending and deleting data in the common identity repository</i>
#289.	1. Where data is added, amended or deleted in the EES, the VIS and [the ETIAS], the data referred to in Article 18 stored in the individual file of the CIR shall be added, amended or deleted accordingly in an automated manner.	1. <b><i>Without duplicating the data from the respective Union information systems</i></b> , where data is added, amended or deleted in the EES, <del>the</del> VIS and [the ETIAS], the data referred to in Article 18 stored in the individual file of the CIR shall be	1. Where data <del>is</del> <b>are</b> added, amended or deleted in the EES, the VIS and [the ETIAS], the data referred to in Article 18 stored in the individual file of the CIR shall be added, amended or deleted accordingly in an automated manner.	<u>Provisionally agreed</u> 1. Where data <del>is</del> <b>are</b> added, amended or deleted in the EES, the VIS and the ETIAS, the data referred to in Article 18 stored in the individual file of the CIR shall be added, amended or deleted accordingly in an

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>simultaneously</i> added, amended or deleted accordingly in an automated manner.		automated manner.
#290.	2. Where the multiple-identity detector creates a white or red link in accordance with Articles 32 and 33 between the data of two or more of the EU information systems constituting the CIR, instead of creating a new individual file, the CIR shall add the new data to the individual file of the linked data.	2. Where the multiple-identity detector creates a white or red link in accordance with Articles 32 and 33 between the data of two or more of the EU information systems constituting the CIR, instead of creating a new individual file, the CIR shall add the new data to the individual file of the linked data.	2. Where <del>the multiple-identity detector creates</del> a white or red link <i>is created in the MID</i> in accordance with Articles 32 <del>and or</del> 33 between the data of two or more of the EU information systems constituting the CIR, instead of creating a new individual file, the CIR shall add the new data to the individual file of the linked data.	<u>Provisionally agreed</u> 2. Where <del>the multiple-identity detector creates</del> a white or red link <i>is created in the MID</i> in accordance with Articles 32 <del>and or</del> 33 between the data of two or more of the EU information systems constituting the CIR, instead of creating a new individual file, the CIR shall add the new data to the individual file of the linked data.
#291.	<i>Article 20</i> <i>Access to the common identity repository for identification</i>	<i>Article 20</i> <i>Access to the common identity repository for identification</i>	<i>Article 20</i> <i>Access to the common identity repository for identification</i>	<i>Article 20</i> <i>Access to the common identity repository for identification</i>
#292.		<b><i>-1 Where a Member State police authority is unable to identify a person due to the lack of a travel document or another credible document proving that person's identity, or where there are doubts about the identity data provided by that person or</i></b>		<u>Provisionally agreed -</u> <b><i>-1 The query of the CIR shall be carried out by a police authority in accordance with paragraphs 1 and 2 only in the following circumstances: - where a police authority is</i></b>

	<p>Amended Commission proposal (ST 10178/18)</p>	<p>EP amendments</p>	<p>Council negotiation mandate (ST 11312/18)</p>	<p>Compromise text proposals</p>
		<p><i>as to the authenticity of the travel document or the identity of its holder or where the person is unable or refuses to cooperate, the authority shall be able to query the CIR in accordance with paragraphs 1 and 2. Such query shall not be allowed against minors under the age of 12 years old, unless in the best interest of the child.</i></p>		<p><i>unable to identify a person due to the lack of a travel document or another credible document proving that person's identity,</i>  <i>- where there are doubts about the identity data provided by that person,</i>  <i>- where there are doubts as to the authenticity of the travel document <u>or another credible document</u> provided by that person,</i>  <i>- where there are doubts as to the identity of the holder of the travel document <u>or another credible document</u>, or</i>  <i>- where the person is unable or refuses to cooperate.</i></p> <p><i>Such query shall not be allowed against minors <u>appearing to be</u> under the age of 12 years old, unless in the best interest of the child.</i></p>
<p>#293.</p>	<p>1. Where a Member State police authority has been so</p>	<p>Where <i>the situation referred to in paragraph -1 arises during an</i></p>	<p>1. Where a <del>Member State</del> police authority has been so</p>	<p><u>Provisionally agreed</u></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check.	<i>identity check following rules and procedures provided for in national law and</i> a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, <i>in the presence of that person, and</i> solely for the purpose of identifying <i>that</i> person, query the CIR with the biometric data of that person taken during <del>an</del> <i>the</i> identity check.	empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check.	1. Where <u><i>one of the cases listed in paragraph -1 arises and</i></u> a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken <u><i>live</i></u> during an identity check, <u><i>provided that the procedure was initiated in the presence of that person.</i></u>
#294.			1a. <i>Where a police authority has been so empowered by national legislative measures as referred to in paragraph 2a, it may, for the purpose of identifying unknown persons who are not able to identify themselves or unidentified human remains, in the event of a disaster or an accident, query the CIR with the biometric data of those persons.</i>	<u>Provisionally agreed</u> [...]
#295.	Where the query indicates that	Where the query indicates that	1b. Where the query indicates	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	data on that person is stored in the CIR, the Member States authority shall have access to consult the data referred to in Article 18(1).	data on that person is stored in the CIR, the Member States <i>police</i> authority shall have access to consult the data referred to in Article 18(1). <i>The consultation shall not reveal to which Union information system the data belongs.</i>	that data on that person is stored in the CIR, the <del>Member States</del> <i>police</i> authority shall have access to consult the data referred to in Article 18(1).	<u>1a.</u> Where the query indicates that data on that person is stored in the CIR, the <del>Member States</del> <i>police</i> authority shall have access to consult the data referred to in Article 18(1).
#296.	Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.	<del>Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.</del>	Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.	<u>Provisionally agreed</u> Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.
#297.		<i>1a. Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, in the event of a disaster or an accident and solely for the purpose of identifying unknown persons who are not able to identify</i>		<u>Provisionally agreed</u> <i>1b. Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2a, it may, in the event of a <u>natural disaster</u>, <del>or</del> <u>an accident or a terrorist</u></i>

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
		<p><i>themselves or unidentified human remains, query the CIR with the biometric data of those persons.</i></p>		<p><i><u>attack and solely for the purpose of identifying unknown persons who are not able to identify themselves or unidentified human remains, query the CIR with the biometric data of those persons.</u></i></p>
<p>#298.</p>	<p>2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.</p>	<p>2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of <del>identity checks</del> <b>the identification</b> within the purposes referred to in Article <b>2(2)(b)</b> <del>2(1)(b) and (c)</del>. They shall <del>designate the police authorities competent</del> and lay down the procedures, conditions and criteria of such checks <b>for such identification. They shall designate the competent police authorities. Member States making use of this possibility shall transmit the text of their national legislative measures to</b></p>	<p>2. Member States wishing to avail themselves of the possibility provided for in <b>paragraph 1</b> <del>this Article</del> shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.</p>	<p><u>Provisionally agreed</u></p> <p>2. Member States wishing to avail themselves of the possibility provided for in <b>paragraph 1</b> <del>this Article</del> shall adopt national legislative measures. <b><u>When doing so, Member States shall take into account the need to avoid any discrimination against third-country nationals.</u></b> Such legislative measures shall specify the precise purposes of <b>the identification</b> <del>identity checks</del> within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>the Commission. Access to the CIR to establish the identity of a third country national for purposes of ensuring a high level of security shall only be allowed where access for the same purposes to similar national databases exist and under equivalent conditions.</i>		
#299.			<i>2a. Member States wishing to avail themselves of the possibility provided for in paragraph 1a shall adopt national legislative measures laying down the procedures, conditions and criteria.</i>	<u>Provisionally agreed</u> <i>2a. Member States wishing to avail themselves of the possibility provided for in paragraph 1<sub>b</sub> shall adopt national legislative measures laying down the procedures, conditions and criteria.</i>
#300.	<i>Article 21 Access to the common identity repository for the detection of multiple identities</i>	<i>Article 21 Access to the common identity repository for the detection of multiple identities</i>	<i>Article 21 Access to the common identity repository for the detection of multiple identities</i>	<i>Article 21 Access to the common identity repository for the detection of multiple identities</i>
#301.	1. Where a query of the CIR results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities	1. Where a query of the CIR results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities	1. Where a query of the CIR results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities	<u>Provisionally agreed</u> 1. Where a query of the CIR results in a yellow link in accordance with Article 28(4),



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the identity data stored in the CIR belonging to the various information systems connected to a yellow link.	determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the identity data stored in the CIR belonging to the various information systems connected to a yellow link.	determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the <del>identity</del> data <b><i>referred to in Article 18(1) and (2)</i></b> stored in the CIR belonging to the various <b><i>EU</i></b> information systems connected to a yellow link.	the authority responsible for the verification of different identities determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the <del>identity</del> data <b><i>referred to in Article 18(1) and (2)</i></b> stored in the CIR belonging to the various <b><i>EU</i></b> information systems connected to a yellow link.
#302.	2. Where a query of the CIR results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the identity data stored in the CIR belonging to the various information systems connected to a red link.	2. Where a query of the CIR results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the identity data stored in the CIR belonging to the various information systems connected to a red link.	2. Where a query of the CIR results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the <del>identity</del> data <b><i>referred to in Article 18(1) and (2)</i></b> stored in the CIR belonging to the various <b><i>EU</i></b> information systems connected to a red link.	<u>Provisionally agreed</u> 2. Where a query of the CIR results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the <del>identity</del> data <b><i>referred to in Article 18(1) and (2)</i></b> stored in the CIR belonging to the various <b><i>EU</i></b> information systems connected to a red link.

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#303.	Article 22 <i>Querying the common identity repository for law enforcement purposes</i>	Article 22 <i>Querying the common identity repository for law enforcement purposes</i>	Article 22 <i>Querying the common identity repository for <del>law enforcement</del> purposes <b>of preventing, detecting or investigating terrorist offences or other serious criminal offences</b></i>	<u>Provisionally agreed</u>  Article 22 <i>Querying the common identity repository for <del>law enforcement</del> purposes <b>of preventing, detecting or investigating terrorist offences or other serious criminal offences</b></i>
#304.	1. For the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences in a specific case and in order to obtain information on whether data on a specific person is present in the EES, the VIS and [the ETIAS] or the Member State designated authorities and Europol may consult the CIR.	1. <del>For the purposes of preventing, detecting and investigating</del> <b>Where there are reasonable grounds to believe that consultation of Union information systems will substantially contribute to the prevention, detection or investigation of</b> terrorist offences or other serious criminal offences <del>in a specific case and, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under a category of third-</del>	1. For the purposes of preventing, detecting <del>and</del> <b>or</b> investigating terrorist offences or other serious criminal offences in a specific case and in order to obtain information on whether data on a specific person is present in the EES, the VIS and [the ETIAS] <del>or the Member State</del> designated authorities and Europol may consult the CIR.	<u>Provisionally agreed</u> 1. <del>For the purposes of preventing, detecting and investigating</del> <b><u>In a specific case, where there are reasonable grounds to believe that consultation of EU information systems will contribute to the prevention, detection or investigation of</u></b> terrorist offences or other serious criminal offences, <b><u>in particular where there is a suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence is a person whose data are stored in</u></b>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>country nationals whose data are stored in [the EES], VIS, [ETIAS], and where a prior search in national databases has been carried out and a query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched, the Member States designated authorities and Europol may use the CIR in order to obtain information on whether data on a specific person is present in the EES, the VIS and the [ETIAS] or the Member State designated authorities and Europol may consult the CIR.</i>		<b><u>the EES, the VIS or the ETIAS</u></b> , the designated authorities and Europol may consult the CIR in order to obtain information on whether data on a specific person is present in the EES, the VIS and the ETIAS.
#305.	2. Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when consulting the CIR for the purposes listed in paragraph 1.	2. Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when consulting the CIR for the purposes listed in paragraph 1.	<del>2. Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when consulting the CIR for the purposes listed in paragraph 1.</del>	<u>Provisionally agreed</u> [...]
#306.	3. Where, in reply to a query the CIR indicates data on that person is present in the EES, the	3. Where, in reply to a query the CIR indicates data on that person is present in the EES, the	3. Where, in reply to a query, the CIR indicates data on that person is present in the EES,	<u>Provisionally agreed</u> 3. Where, in reply to a query, the CIR indicates data on

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p>VIS and [the ETIAS] the CIR shall provide to Member States' designated authorities and Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in Article 18(2). The CIR shall reply in such a way that the security of the data is not compromised.</p>	<p>VIS and [the ETIAS] the CIR shall provide to Member States' designated authorities and Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in Article 18(2). The CIR shall reply in such a way that the security of the data is not compromised.</p>	<p>the VIS and [the ETIAS], the CIR shall provide to <del>Member States'</del> designated authorities and Europol a reply in the form of a reference indicating which of the <b>EU</b> information systems contains matching data referred to in Article 18(2). The CIR shall reply in such a way that the security of the data is not compromised. <b><i>The reply indicating that data on that person is present in any of those systems may be used only for the purpose of submitting an access request subject to the conditions and procedures laid down in the respective legislative instruments governing such access.</i></b></p>	<p>that person is present in the EES, the VIS and {the ETIAS}, the CIR shall provide to <del>Member States'</del> designated authorities and Europol a reply in the form of a reference indicating which of the <b>EU</b> information systems contains matching data referred to in Article 18(2). The CIR shall reply in such a way that the security of the data is not compromised.</p>
<p>#307.</p>		<p><b><i>The reply indicating that data on that person is present in any of the Union information systems referred to in paragraph 1 may be used only for the purposes of submitting an access request subject to the conditions and procedures laid down in the respective legislative instruments</i></b></p>		<p>Provisionally agreed <b><i>The reply indicating that data on that person is present in any of the EU information systems referred to in paragraph 1 <u>shall</u> be used only for the purposes of submitting a <u>request for full access</u> <del>request</del> subject to the conditions and procedures</i></b></p>

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
		<p><i>governing such access.</i></p>		<p><i>laid down in the respective legislative instruments governing such access.</i></p> <p><i><u>In the event of a match or multiple hits, the designated authority or Europol shall make a request for full access of at least one of the information systems for which a hit was generated.</u></i></p> <p><i><u>Where exceptionally, such in exceptional circumstances it is no longer necessary to request full access is not requested, the designated authorities or Europol shall record the justification therefor traceable to the national file and Europol shall record the justification in the relevant file.</u></i></p>
<p>#308.</p>	<p>4. Full access to the data contained in the EU information systems for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences remains subject to the conditions</p>	<p>4. Full access to the data contained in the EU information systems for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences remains subject to the conditions</p>	<p>4. Full access to the data contained in the EU information systems for the purposes of preventing, detecting <del>and</del> <i>or</i> investigating terrorist offences or other serious criminal offences remains subject to the conditions</p>	<p><u>Provisionally agreed</u></p> <p>4. Full access to the data contained in the EU information systems for the purposes of preventing, detecting <del>and</del> <i>or</i> investigating terrorist offences or other serious criminal offences</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	and procedures laid down in the respective legislative instruments governing such access.	and procedures laid down in the respective legislative instruments governing such access.	and procedures laid down in the respective legislative instruments governing such access.	remains subject to the conditions and procedures laid down in the respective legislative instruments governing such access
#309.		<b>4a. The Member State designated authorities and Europol getting a hit shall refer to the national supervisory authorities that shall check whether the conditions of accessing the CIR were complied with. In case the ex post independent verification determines that the consultation of the CIR was not justified, the law enforcement authority shall erase all data originating from the CIR.</b>		<u>Provisionally agreed</u> [...]
#310.	<i>Article 23 Data retention in the common identity repository</i>	<i>Article 23 Data retention in the common identity repository</i>	<i>Article 23 Data retention in the common identity repository</i>	<i>Article 23 Data retention in the common identity repository</i>
#311.	1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the EES	1. The data referred to in Article 18(1) and (2) shall be <b>automatically</b> deleted from the CIR in accordance with the data retention provisions of [the EES	1. <b>Without prejudice to paragraphs 2 and 3,</b> <del>the data referred to in Article 18(1), and</del> (2) <b>and (2a)</b> shall be deleted from the CIR <b>in an automated manner</b>	<u>Provisionally agreed</u> 1. The data referred to in Article 18(1), <del>and (2)</del> <b>and (2a)</b> shall be deleted from the CIR <b>in an automated manner</b> in

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	Regulation], the VIS Regulation and [the ETIAS Regulation] respectively.	Regulation], the VIS Regulation and [the ETIAS Regulation] respectively.	in accordance with the data retention provisions of <del>the EES Regulation (EU) 2017/2226</del> , the VIS Regulation (EC) No 767/2008 and [the ETIAS Regulation] respectively.	accordance with the data retention provisions of <del>the EES Regulation (EU) 2017/2226</del> , the VIS Regulation (EC) No 767/2008 and the ETIAS Regulation respectively.
#312.	2. The individual file shall be stored in the CIR for as long as the corresponding data is stored in at least one of the information systems whose data is contained in the CIR. The creation of a link shall not affect the retention period of each item of the linked data.	2. The individual file shall be stored in the CIR for as long as the corresponding data is stored in at least one of the <b>Union</b> information systems whose data is contained in the CIR. The creation of a link shall not affect the retention period of each item of the linked data. <b><i>Once all data to which a link is created is deleted the link shall also be deleted automatically.</i></b>	2. The individual file shall be stored in the CIR for as long as the corresponding data <b><i>are</i></b> is stored in at least one of the <b>EU</b> information systems whose data <b><i>are</i></b> is contained in the CIR. The creation of a link shall not affect the retention period of each item of the linked data.	<u>Provisionally agreed</u> 2. The individual file shall be stored in the CIR for as long as the corresponding data <b><i>are</i></b> is stored in at least one of the <b>EU</b> information systems whose data <b><i>are</i></b> is contained in the CIR. The creation of a link shall not affect the retention period of each item of the linked data.
#313.			3. <b><i>Where a red link is stored in the MID in accordance with Article 32, the linked data referred to in Article 18(1), (2) and (2a) shall be stored in the CIR for as long as the corresponding data are stored in at least one of the EU information systems from which</i></b>	<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>the linked data originates.</i>	
#314.	<i>Article 24 Keeping of logs</i>	<i>Article 24 Keeping of logs</i>	<i>Article 24 Keeping of logs</i>	<i>Article 24 Keeping of logs</i>
#315.	1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of Regulation (EC) No 767/2008 and [Article 59 of the ETIAS proposal], eu-LISA shall keep logs of all data processing operations within the CIR in accordance with paragraphs 2, 3 and 4.	1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of Regulation (EC) No 767/2008 and [Article 59 of the ETIAS proposal], eu-LISA shall keep logs of all data processing operations within the CIR in accordance with paragraphs 2, 3 and 4.	1. Without prejudice to <del>{Article 46 of the EES Regulation (EU) 2017/2226</del> , Article 34 of Regulation (EC) No 767/2008 and [Article <del>69 59</del> of the ETIAS proposal], eu-LISA shall keep logs of all data processing operations within the CIR in accordance with paragraphs 2, 3 and 4.	<u>Provisionally agreed</u> 1. Without prejudice to <del>{Article 46 of the EES Regulation (EU) 2017/2226</del> , Article 34 of Regulation (EC) No 767/2008 and Article <del>69 59</del> of the ETIAS proposal, eu-LISA shall keep logs of all data processing operations within the CIR in accordance with paragraphs 2, 3 and 4.
#316.	2. Concerning any access to the CIR pursuant to Article 20, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, in particular, the following:	2. Concerning any access to the CIR pursuant to Article 20, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, <del>in particular</del> , the following:	2. Concerning any access to the CIR pursuant to Article 20, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, <del>in particular</del> , the following:	<u>Provisionally agreed</u> 2. Concerning any access to the CIR pursuant to Article 20, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, <del>in particular</del> , the following:
#317.		<i>(-a) the Member State authority launching the query;</i>		<u>Provisionally agreed</u> <i>(-a) the Member State</i>



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				<i><b>authority or EU agency launching the query;</b></i>
#318.	(a) the purpose of access of the user querying via the CIR;	(a) the purpose of access of the user querying via the CIR;	(a) the purpose of access of the user querying via the CIR;	<u>Provisionally agreed</u> (a) the purpose of access of the user querying via the CIR;
#319.	(b) the date and time of the query;	(b) the date and time of the query;	(b) the date and time of the query;	<u>Provisionally agreed</u> (b) the date and time of the query;
#320.	(c) the type of data used to launch the query;	(c) the type of data used to launch the query;	(c) the type of data used to launch the query;	<u>Provisionally agreed</u> (c) the type of data used to launch the query;
#321.	(d) the results of the query;	(d) the results of the query <i><b>and the Union information system from which the data was received.;</b></i>	(d) the results of the query;	<u>Provisionally agreed</u> (d) the results of the query;
#322.	(e) in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.	<del>(e) in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.</del>	(e) <del>in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query</del> <i><b>the Member State or EU agency querying the CIR.</b></i>	<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#323.		<i>In addition, Member States shall keep logs of the unique user identity of the official performing the query.</i>		<u>Provisionally agreed</u> [...]
#324.	3. Concerning any access to the CIR pursuant to Article 21, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, in particular, the following:	3. Concerning any access to the CIR pursuant to Article 21, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, <del>in particular,</del> the following:	3. Concerning any access to the CIR pursuant to Article 21, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, <del>in particular,</del> the following:	<u>Provisionally agreed</u> 3. Concerning any access to the CIR pursuant to Article 21, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include, <del>in particular,</del> the following:
#325.		<i>(-a) the Member State authority launching the query;</i>		<u>Provisionally agreed</u> <i>(-a) the Member State <u>or EU agency</u> launching the query;</i>
#326.	(a) the purpose of access of the user querying via the CIR;	(a) the purpose of access of the user querying via the CIR;	(a) the purpose of access of the user querying via the CIR;	<u>Provisionally agreed</u> (a) the purpose of access of the user querying via the CIR;
#327.	(b) the date and time of the query;	(b) the date and time of the query;	(b) the date and time of the query;	<u>Provisionally agreed</u> (b) the date and time of the query;
#328.	(c) where relevant, the data used to launch the query;	(c) <del>where relevant,</del> the data used to launch the query;	(c) where <del>relevant</del> <i>a link is created</i> , the data used to launch	<u>Provisionally agreed</u> (c) where <del>relevant</del> <i>a link is</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			the query;	<i>created</i> , the data used to launch the query;
#329.	(d) where relevant, the results of the query;	(d) <del>where relevant</del> , the results of the query <b>and the Union information system from which the data was received.</b>	(d) where <del>relevant</del> <b>a link is created</b> , the results of the query;	<u>Provisionally agreed</u> (d) where <del>relevant</del> <b>a link is created</b> , the results of the query <b>indicating the Union information system from which the data was received</b> ;
#330.	(e) in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.	(e) <del>in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.</del>	(e) <del>in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query</del> <b>the Member State or EU agency querying the CIR.</b>	<u>Provisionally agreed</u> [...]
#331.		<b><i>In addition, Member States shall keep logs of the unique user identity of the official performing the query.</i></b>		<u>Provisionally agreed</u> [...]
#332.	4. Concerning any access to the CIR pursuant to Article 22, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include,	4. Concerning any access to the CIR pursuant to Article 22, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include;	4. Concerning any access to the CIR pursuant to Article 22, eu-LISA shall keep logs of all data processing operations within the CIR. Those logs shall include;	<u>Provisionally agreed</u> 4. Concerning any access to the CIR pursuant to Article 22, eu-LISA shall keep logs of all data processing operations within

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	in particular, the following:	<del>in particular,</del> the following:	<del>in particular,</del> the following:	the CIR. Those logs shall include, <del>in particular,</del> the following:
#333.	(a) the national file reference;	(a) <b><i>the purpose of access and the reference to the national file reference investigation or case;</i></b>	<del>(a) the national file reference;</del>	<u>Provisionally agreed</u> [...]
#334.	(b) the date and time of the query;	(b) the date and time of the query;	(b) the date and time of the query;	<u>Provisionally agreed</u> (b) the date and time of the query;
#335.	(c) the type of data used to launch the query;	(c) <b><i>the data used to launch the query or, in the case of a query launched with biometric data,</i></b> the type of data used to launch the query;	(c) the type of data used to launch the query;	<u>Provisionally agreed</u> <b><i>(c) the data used to launch the query;</i></b>
#336.	(d) the results of the query;	(d) the results of the query <b><i>and the Union information system from which the data was received.;</i></b>	(d) the results of the query;	<u>Provisionally agreed</u> (d) the results of the query;
#337.	(e) the name of the authority consulting the CIR;	(e) the name of the authority consulting the CIR;	(e) <del>the name of the authority</del> <b><i>Member State or EU agency querying</i></b> consulting the CIR;	<u>Provisionally agreed</u> (e) <del>the name of the authority</del> <b><i>Member State or EU agency querying</i></b> consulting the CIR;

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#338.	(f) in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the official who carried out the query and of the official who ordered the query.	<del>(f) in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark of the official who carried out the query and of the official who ordered the query.</del>	(f) <i>when applicable, in accordance with national rules or with Regulation (EU) 2016/794 or, when applicable, Regulation (EU) 45/2001, the identifying mark <b>unique user identity</b> of the official who carried out the query and of the official who ordered the query <b>in accordance with Regulation (EU) 2016/794 or [Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC].</b></i>	<u>Provisionally agreed</u> [...]
#339.		<i>In addition, Member States shall keep logs of the unique user identity of the official performing the query.</i>		<u>Provisionally agreed</u> [...]
#340.	The logs of such access shall be regularly verified by the	The logs of such access shall be regularly verified by the	The logs of such access shall be regularly verified by the	<u>Provisionally agreed</u> The logs of such access shall be

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	competent supervisory authority established in accordance with Article 51 of Regulation (EU) 2016/679 or in accordance with Article 41 of Directive 2016/680, at intervals not exceeding six months, to verify whether the procedures and conditions set out in Article 22(1) to (3) are fulfilled.	competent supervisory authority established in accordance with Article 51 of Regulation (EU) 2016/679 or in accordance with Article 41 of Directive 2016/680, at intervals not exceeding six months, to verify whether the procedures and conditions set out in Article 22(1) to (3) are fulfilled. <i>eu-LISA shall make available to the supervisory authorities a practical tool to facilitate and automate as far as possible the verification of the logs.</i>	competent supervisory authority <del>established in accordance with Article 51 of Regulation (EU) 2016/679, or</del> in accordance with Article 41 of Directive 2016/680 <i>or by the European Data Protection Supervisor in accordance with Article 43 of Regulation (EU) 2016/794</i> , at intervals not exceeding <del>six months</del> <i>one year</i> , to verify whether the procedures and conditions set out in Article 22(1) to (3) are fulfilled.	regularly verified by the competent supervisory authority <del>established in accordance with Article 51 of Regulation (EU) 2016/679, or</del> in accordance with Article 41 of Directive 2016/680 <i>or by the European Data Protection Supervisor in accordance with Article 43 of Regulation (EU) 2016/794</i> , at intervals not exceeding six months, to verify whether the procedures and conditions set out in Article 22(1) to (3) are fulfilled.
#341.	5. Each Member State shall keep logs of queries of the staff duly authorised to use the CIR pursuant to Articles 20, 21 and 22.	5. Each Member State shall keep logs of queries of the staff duly authorised to use the CIR pursuant to Articles 20, 21 and 22.	5. Each Member State shall keep logs of queries of <i>the authority and</i> the staff duly authorised to use the CIR pursuant to Articles 20, 21 and 22.	<u>Provisionally agreed</u> 5. Each Member State <i>and Union agency</i> shall keep logs of queries of <i>the authority and</i> the staff duly authorised to use the CIR pursuant to Articles 20, 21 and 22.
#342.			<i>In addition, for any access to the CIR pursuant to Article 22, each Member State shall keep the</i>	<u>Provisionally agreed</u> <i>In addition, for any access to the CIR pursuant to Article 22,</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>following logs:</i>	<i>each Member State shall keep the following logs:</i>
#343.			<i>(a) the national file reference;</i>	<u>Provisionally agreed</u> (a) the national file reference. <b><i>(ab) the purpose of access</i></b>
#344.			<i>(b) in accordance with national rules, the unique user identity of the official who carried out the query and of the official who ordered the query.</i>	<u>Provisionally agreed</u> <i>(b) in accordance with national rules, the unique user identity of the official who carried out the query and of the official who ordered the query.</i>
#345.		<b><i>5a. Union agencies shall keep logs of queries of the staff duly authorised to use the CIR pursuant to Article 22.</i></b>		<u>Provisionally agreed</u> <b><i>5a. In accordance with Regulation (EU) 2016/794, for any access to the CIR pursuant to Article 22, Europol shall keep logs of the unique user identity of the official who carried out the query and of the official who ordered the query.</i></b>
#346.			<b><i>5a. Europol shall keep logs of queries of the staff duly authorised to use the CIR pursuant to Article 22.</i></b>	<u>Provisionally agreed</u> [...]

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#347.	6. The logs referred to in paragraphs 1 and 5 may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. They shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun.	6. The logs referred to in paragraphs 1 <del>and 5</del> , <b>5 and 5a</b> may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, <b>for self-monitoring</b> , and for ensuring <b>the proper functioning and the data integrity and data security</b> pursuant to Article 42. They shall be protected by appropriate measures against unauthorised access and erased <b>two years</b> <del>one year</del> after their creation, unless they are required for monitoring procedures that have already begun.	6. The logs referred to in paragraphs 1, <b>5</b> and <b>5a</b> may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. They shall be protected by appropriate measures against unauthorised access <b>and modifications</b> and erased one year after their creation, unless they are required for monitoring procedures that have already begun <b>in which case they shall be erased once the monitoring procedures no longer require these logs.</b>	<u>Provisionally agreed</u> <b>6. The logs referred to in paragraphs 2, 3, 4, 5 and 5a</b> may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring <b>data security and integrity</b> . Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun <b>in which case they shall be erased once the monitoring procedures no longer require these logs.</b>
#348.	7. eu-LISA shall keep the logs related to the history of the data stored in individual file, for purposes defined in paragraph 6. The logs related to the history of the data stored shall be erased once the data is erased.	7. eu-LISA shall keep the logs related to the history of the data stored in individual file, for purposes defined in paragraph 6. The logs related to the history of the data stored shall be erased <b>automatically</b> once the data is erased.	7. eu-LISA shall keep the logs related to the history of the data stored in individual file, for purposes defined in paragraph 6. <b>eu-LISA shall erase</b> the logs related to the history of the data stored <del>shall be erased</del> once the data <b>are</b> is erased.	<u>Provisionally agreed</u> 7. eu-LISA shall keep the logs related to the history of the data stored in individual file, for purposes defined in paragraph 6. <b>eu-LISA shall erase</b> the logs related to the history of the data stored <del>shall be erased</del> , <b>in an</b>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>automated manner</i> , once the data <i>are</i> is-erased.
#349.		<i>7 a. The competent national authorities in charge of checking whether or not access is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning, data integrity and security, shall have access, within the limits of their competence and at their request, to the logs for the purpose of fulfilling their duties.</i>		<u>Provisionally agreed</u> [...]
#350.		<i>7b. For the purposes of self-monitoring and ensuring the proper functioning of the CIR, data integrity and security, the eu-LISA shall have access, within the limits of its competence, to the logs.</i>		<u>Provisionally agreed</u> [...]
#351.		<i>7c. The European Data Protection Supervisor shall have access, within the limits of its competence and upon request, to those logs for the purpose of</i>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>fulfilling its tasks.</i>		
#352.	<b>CHAPTER V Multiple-identity Detector</b>	<b>CHAPTER V Multiple-identity Detector</b>	<b>CHAPTER V Multiple-identity Detector</b>	<b>CHAPTER V Multiple-identity Detector</b>
#353.	<i>Article 25 Multiple-identity detector</i>	<i>Article 25 Multiple-identity detector</i>	<i>Article 25 Multiple-identity detector</i>	<i>Article 25 Multiple-identity detector</i>
#354.	1. A multiple-identity detector (MID) creating and storing links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].	1. A multiple-identity detector (MID) creating and storing links between data in the <del>EU</del> <b>Union</b> information systems included in the <del>common identity repository (CIR)</del> and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, <del>the</del> VIS, <del>the</del> ETIAS], Eurodac, <del>the</del> SIS and [the ECRIS-TCN system], <b>while fully respecting the principles of necessity and proportionality.</b>	1. A multiple-identity detector (MID) creating and storing <b><i>an identity confirmation file containing</i></b> links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].	<u>Provisionally agreed</u> 1. A multiple-identity detector (MID) creating and storing <b><i>an identity confirmation file as referred to in Article 34 containing</i></b> links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS, Eurodac, the SIS and

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				[the ECRIS-TCN system].
#355.	2. The MID shall be composed of:	2. The MID shall be composed of:	2. The MID shall be composed of:	<u>Provisionally agreed</u> 2. The MID shall be composed of:
#356.	(a) a central infrastructure, storing links and references to information systems;	(a) a central infrastructure, storing links and references to information systems;	(a) a central infrastructure, storing links and references to <b>EU</b> information systems;	<u>Provisionally agreed</u> (a) a central infrastructure, storing links and references to <b>EU</b> information systems;
#357.	(b) a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the European search portal and the CIR.	(b) a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the European search portal and the CIR.	(b) a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the European search portal and the CIR.	<u>Provisionally agreed</u> (b) a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the <b>ESP</b> <del>European search portal</del> and the CIR.
#358.	3. eu-LISA shall develop the MID and ensure its technical management.	3. eu-LISA shall develop the MID and ensure its technical management. <b><i>It shall not have access to any of the personal data processed through the MID.</i></b>	3. eu-LISA shall develop the MID and ensure its technical management.	<u>Provisionally agreed</u> 3. eu-LISA shall develop the MID and ensure its technical management.
#359.		<b><i>3a. eu-LISA and the competent authorities of the Member States shall use appropriate procedures for the</i></b>		<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>profiling, implement technical and organizational measures appropriate to ensure, in particular, that factors which result in inaccuracies in personal data are corrected and the risk of errors is minimized, secure personal data in a manner that takes account of the potential risks involved for the interests and rights of the data subject and that prevents discriminatory effects on natural persons on the basis of social, racial or ethnic origin, political opinion, religion or beliefs, trade union membership, genetic or health status or sexual orientation, or that result in measures having such effect.</i>		
#360.	<i>Article 26 Access to the multiple-identity detector</i>	<i>Article 26 Access to the multiple-identity detector</i>	<i>Article 26 Access to the multiple-identity detector</i>	<i>Article 26 Access to the multiple-identity detector</i>
#361.	1. For the purposes of the manual identity verification referred to in Article 29, access to the data referred to in Article 34	1. For the purposes of the manual identity verification referred to in Article 29, access to the data referred to in Article 34	1. For the purposes of the manual identity verification referred to in Article 29, access to the data referred to in Article 34	<u>Provisionally agreed</u> 1. For the purposes of the manual identity verification

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	stored in the MID shall be granted to:	stored in the MID shall be granted to:	stored in the MID shall be granted to:	referred to in Article 29, access to the data referred to in Article 34 stored in the MID shall be granted to:
#362.	(a) border authorities when creating or updating an individual file as provided for in Article 14 of the [EES Regulation];	(a) border authorities when creating or updating an individual file as provided for in Article 14 of the [EES Regulation];	(a) <del>border-competent</del> authorities <i>referred to in Article 9(2) of Regulation (EU) 2017/2226</i> when creating or updating an individual file <i>in EES in accordance with</i> as provided for in Article 14 of <i>that</i> the <del>[EES Regulation]</del> ;	<u>Provisionally agreed</u> (a) <del>border-competent</del> authorities <i>referred to in Article 9(2) of Regulation (EU) 2017/2226</i> when creating or updating an individual file <i>in EES in accordance with</i> as provided for in Article 14 of <i>that</i> the <del>[EES Regulation]</del> ;
#363.	(b) competent authorities referred to in Article 6(1) and (2) of Regulation 767/2008 when creating or updating an application file in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;	(b) competent authorities referred to in Article 6(1) and (2) of Regulation 767/2008 when creating or updating an application file in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;	(b) competent authorities referred to in Article 6(1) <del>and (2)</del> of Regulation 767/2008 when creating or updating an application file in the VIS in accordance with <del>Article 8 of</del> <i>that</i> Regulation <del>(EC) No 767/2008;</del>	<u>Provisionally agreed</u> (b) competent authorities referred to in Article 6(1) <del>and (2)</del> of Regulation 767/2008 when creating or updating an application file in the VIS in accordance with <del>Article 8 of</del> <i>that</i> Regulation <del>(EC) No 767/2008;</del>
#364.	(c) [the ETIAS Central Unit and the ETIAS National Units when carrying out the assessment referred to in Articles 20 and 22	(c) [the ETIAS Central Unit and the ETIAS National Units when carrying out the assessment referred to in Articles 20 and 22	(c) [the ETIAS Central Unit and the ETIAS National Units when carrying out the assessment referred to in Articles 22 <del>20</del> and	<u>Provisionally agreed</u> (c) <del>the</del> ETIAS Central Unit and the ETIAS National Units when carrying out the assessment

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	of the ETIAS Regulation;]	of the ETIAS Regulation;]	<del>26</del> 22 of the ETIAS Regulation;]	referred to in Articles <del>22</del> 20 and <del>26</del> 22 of the <del>ETIAS</del> Regulation (EU) 2018/1240;]
#365.	(d) – (not applicable);	<del>(d)</del> – (not applicable);	<del>(d)</del> – (not applicable);	<u>Provisionally agreed</u> [...]
#366.	(e) the SIRENE Bureaux of the Member State creating a [SIS alert in accordance with the Regulation on SIS in the field of border checks];	(e) the SIRENE Bureaux of the Member State creating <i>or updating</i> a [SIS alert in accordance with the Regulation on SIS in the field of border checks];	(e) the SIRENE Bureaux of the Member State creating <i>or updating</i> a [SIS alert in accordance with the Regulation on SIS in the field of border checks <i>or Regulation on SIS for the return of illegally staying third-country nationals</i> ];	<u>Provisionally agreed</u> (e) the SIRENE Bureaux of the Member State creating <i>or updating</i> a SIS alert in accordance with the Regulation on SIS in the field of border checks <i>or Regulation on SIS for the return of illegally staying third-country nationals</i> ;
#367.	(f) – (not applicable).	<del>(f)</del> – (not applicable).	<del>(f)</del> – (not applicable).	<u>Provisionally agreed</u> [...]
#368.	2. Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository or to the SIS shall have access to the data referred to in Article 34(a) and (b) regarding any red links as	2. Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository or to the SIS shall have access to the data referred to in Article 34(a) and (b) regarding any red links as	2. Member State authorities and EU <i>agencies</i> bodies having access to at least one EU information system included in the <del>common identity repository</del> <i>CIR</i> or to the SIS shall have access to the data referred to in Article 34(a) and (b) regarding	<u>Provisionally agreed</u> 2. Member State authorities and EU <i>Union agencies</i> bodies having access to at least one EU information system included in the <del>common identity repository</del> <i>CIR</i> or to the SIS shall have access to the data referred to in

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p>referred to in Article 32.</p>	<p>referred to in Article 32.</p>	<p>any red links as referred to in Article 32.</p>	<p>Article 34(a) and (b) regarding any red links as referred to in Article 32.</p> <hr/> <p><u>Provisionally agreed</u></p> <p><b><i>3. Member State authorities and Union agencies shall have access to the white links referred to in Article 33 where they have access to the two EU informations systems between which the white link was created.</i></b></p> <p><b><i>4. Member State authorities and Union agencies shall have access to the green links referred to in Article 31 where they have access to the two EU informations systems between which the green link was created and a query towards those information systems revealed a match against the two sets of data linked.</i></b></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#369.	<i>Article 27 Multiple-identity detection</i>	<i>Article 27 Multiple-identity detection</i>	<i>Article 27 Multiple-identity detection</i>	<i>Article 27 Multiple-identity detection</i>
#370.	1. A multiple-identity detection in the common identity repository and the SIS shall be launched where:	1. A multiple-identity detection in the common identity repository and the SIS shall be launched where:	1. A multiple-identity detection in the <del>common identity repository</del> <b>CIR</b> and the SIS shall be launched where:	<u>Provisionally agreed</u> 1. A multiple-identity detection in the <del>common identity repository</del> <b>CIR</b> and the SIS shall be launched where:
#371.	(a) an individual file is created or updated in [the EES in accordance with Article 14 of the EES Regulation];	(a) an individual file is created or updated in [the EES in accordance with Article 14 of the EES Regulation];	(a) an individual file is created or updated in [the EES in accordance with <del>Article 14 of the EES Regulation</del> <b>(EU) 2017/2226</b> ];	<u>Provisionally agreed</u> (a) an individual file is created or updated in [the EES in accordance with <u>Article 14</u> of the <del>EES Regulation</del> <b>(EU) 2017/2226</b> ];
#372.	(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;	(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;	(b) an application file is created or updated in the VIS in accordance with <del>Article 8 of Regulation</del> (EC) No 767/2008	<u>Provisionally agreed</u> b) an application file is created or updated in the VIS in accordance with <del>Article 8 of Regulation</del> (EC) No 767/2008
#373.	(c) [an application file is created or updated in the ETIAS in accordance with Article 17 of the ETIAS Regulation;]	(c) [an application file is created or updated in the ETIAS in accordance with Article 17 of the ETIAS Regulation;]	(c) [an application file is created or updated in the ETIAS in accordance with <del>Article 17 of the ETIAS Regulation</del> ];]	<u>Provisionally agreed</u> c) an application file is created or updated in the ETIAS in accordance with <u>Article 19 of Regulation (EU) 2018/1240</u> <del>the ETIAS Regulation</del> ;



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#374.	(d) – (not applicable);	<del>(d) – (not applicable);</del>	<del>(d) – (not applicable);</del>	<u>Provisionally agreed</u> [...]
#375.	(e) [an alert on a person is created or updated in the SIS in accordance with Chapter V of the Regulation on SIS in the field of border checks];	(e) [an alert on a person is created or updated in the SIS in accordance with Chapter V of the Regulation on SIS in the field of border checks];	(e) [an alert on a person is created or updated in the SIS in accordance with Chapter V of the Regulation on SIS in the field of border checks <i>and Article 3 of the Regulation on SIS for the return of illegally staying third-country nationals</i> ];	<u>Provisionally agreed</u> (e) an alert on a person is created or updated in the SIS in accordance with Chapter V of the Regulation on SIS in the field of border checks <i>and Article 3 of the Regulation on SIS for the return of illegally staying third-country nationals</i> ;
#376.	(f) – (not applicable).	<del>(f) – (not applicable).</del>	<del>(f) – (not applicable).</del>	<u>Provisionally agreed</u> [...]
#377.	2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, the common identity repository (CIR) and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the biometric templates obtained from any new	2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, the common identity repository (CIR) and the Central SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the biometric templates obtained from any new	2. Where the data contained within an <i>EU</i> information system as referred to in paragraph 1 contains biometric data, the common identity repository (CIR) and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the biometric templates obtained from any new	<u>Provisionally agreed</u> 2. Where the data contained within an <i>EU</i> information system as referred to in paragraph 1 contains biometric data, the <del>common identity repository (CIR)</del> and the Central-SIS shall use the <del>shared biometric matching service (shared BMS)</del> in order to perform the multiple-identity detection. The shared BMS shall compare the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same third-country national is already stored in the CIR or in the Central SIS.	biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same <del>third-country national</del> <b>person</b> is already stored in the CIR or in the Central SIS.	biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same <del>third-country national</del> <b>person</b> is already stored in the CIR or in the Central SIS.	biometric templates obtained from any new biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same <del>third-country national</del> <b>person</b> is already stored in the CIR or in the Central SIS.
#378.	3. In addition to the process referred to in paragraph 2, the CIR and the Central-SIS shall use the European search portal to search the data stored in the CIR and the Central-SIS using the following data:	3. In addition to the process referred to in paragraph 2, the CIR and the Central-SIS shall use the European search portal to search the data stored in the CIR and the Central-SIS using the following data:	3. In addition to the process referred to in paragraph 2, the CIR and the Central-SIS shall use the European search portal to search the data stored in <del>the CIR</del> <b>and the Central-SIS and the CIR respectively</b> using the following data:	<u>Provisionally agreed</u> 3. In addition to the process referred to in paragraph 2, the CIR and the Central-SIS shall use the <del>European search portal</del> <b>ESP</b> to search the data stored in <del>the CIR and the Central-SIS and the CIR</del> <b>respectively</b> using the following data:
#379.	(a) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 16(1)(a) of the [EES Regulation];	(a) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 16(1)(a) of the [EES Regulation];	(a) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 16(1)(a) <b>as well as the relevant data referred to in Articles 17(1) and 18(1) of the [EES Regulation (EU)</b>	<u>Provisionally agreed</u> (a) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Articles 16(1)(a), <b>17(1) and 18(1) of the [EES Regulation (EU) 2017/2226];</b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<del>2017/2226</del> ;	
#380.	(b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a) of Regulation (EC) No 767/2008;	(b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a) of Regulation (EC) No 767/2008;	(b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a) of Regulation (EC) No 767/2008;	<u>Provisionally agreed</u> (b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a) of Regulation (EC) No 767/2008;
#381.	(c) [surname (family name); first name(s) (given name(s)); surname at birth; date of birth, place of birth, sex and nationality(ies) as referred to in Article 15(2) of the ETIAS Regulation;]	(c) [surname (family name); first name(s) (given name(s)); surname at birth; date of birth, place of birth, sex and nationality(ies) as referred to in Article 15(2) of the ETIAS Regulation;]	(c) [surname (family name); first name(s) (given name(s)); surname at birth; <i>alias(es)</i> , date of birth, place of birth, sex and nationality(ies) as referred to in Article <del>17</del> 15(2) of the ETIAS Regulation;]	<u>Provisionally agreed</u> (c) {surname (family name); first name(s) (given name(s)); surname at birth; <i>alias(es)</i> , date of birth, place of birth, sex and nationality(ies) as referred to in Article <del>17</del> 15(2) of the ETIAS Regulation ( <i>EU</i> 2018/1240);} ]
#382.	(d) – (not applicable);	<del>(d) – (not applicable);</del>	<del>(d) – (not applicable);</del>	<u>Provisionally agreed</u> [...]
#383.	(e) [surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 20(2) of the Regulation on SIS in the	(e) [surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 20(2) of the Regulation on SIS in the	(e) [surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and <i>gender sex</i> as referred to in Article 20(2) of the Regulation on SIS in the field of border checks;	<u>Provisionally agreed</u> (e) surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and <i>gender sex</i> as referred to in

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	field of border checks; ]	field of border checks; ]	]	Article 20(2) of the Regulation on SIS in the field of border checks;
#384.	(f) – (not applicable);	(f) — (not applicable);	(f) — (not applicable);	<u>Provisionally agreed</u> [...]
#385.	(g) – (not applicable);	(g) — (not applicable);	(g) <i>[surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 4 of the Regulation on SIS for the return of illegally staying third-country nationals;]</i> -(not applicable);	<u>Provisionally agreed</u> (g) <i>surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and gender as referred to in Article 4 of the Regulation on SIS for the return of illegally staying third-country nationals;</i> -(not applicable);
#386.	(h) – (not applicable).	(h) — (not applicable).	(h) — (not applicable).	<u>Provisionally agreed</u> [...]
#387.			<i>3a. In addition to the process referred to in paragraphs 2 and 3, the CIR and the Central-SIS shall use the European search portal to search the data stored in the Central-SIS and the CIR respectively using travel</i>	<u>Provisionally agreed</u> <i>3a. In addition to the process referred to in paragraphs 2 and 3, the CIR and the Central-SIS shall use the European search portal to</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			<i>document data.</i>	<i>search the data stored in the Central-SIS and the CIR respectively using travel document data.</i>
#388.	4. The multiple-identity detection shall only be launched in order to compare data available in one information system with data available in other information systems.	4. The multiple-identity detection shall only be launched in order to compare data available in one <b>Union</b> information system with data available in other <b>Union</b> information systems.	4. The multiple-identity detection <i>may shall only</i> be launched <b>only</b> in order to compare data available in one <b>EU</b> information system with data available in other <b>EU</b> information systems.	<u>Provisionally agreed</u> 4. The multiple-identity detection shall only be launched in order to compare data available in one <b>EU</b> information system with data available in other <b>EU</b> information systems.
#389.	<i>Article 28 Results of the multiple-identity detection</i>	<i>Article 28 Results of the multiple-identity detection</i>	<i>Article 28 Results of the multiple-identity detection</i>	<i>Article 28 Results of the multiple-identity detection</i>
#390.	1. Where the queries referred to in Article 27(2) and (3) do not report any hit, the procedures referred to in Article 27(1) shall continue in accordance with the respective Regulations governing them.	1. Where the queries referred to in Article 27(2) and (3) do not report any hit, the procedures referred to in Article 27(1) shall continue in accordance with the respective Regulations governing them.	1. Where the queries referred to in Article 27(2), (3) and (3a) do not report any <b>match hit</b> , the procedures referred to in Article 27(1) shall continue in accordance with the respective Regulations governing them.	<u>Provisionally agreed</u> 1. Where the queries referred to in Article 27(2), (3) and (3a) do not report any <b>match hit</b> , the procedures referred to in Article 27(1) shall continue in accordance with the respective Regulations governing them.
#391.	2. Where the query laid down in Article 27(2) and (3)	2. Where the query laid down in Article 27(2) and (3)	2. Where the query laid down in Article 27(2), (3) and	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	reports one or several hit(s), the common identity repository and, where relevant, the SIS shall create a link between the data used to launch the query and the data triggering the hit.	reports one or several hit(s), the common identity repository and, where relevant, the SIS shall create a link between the data used to launch the query and the data triggering the hit.	(3a) reports one or several <b>match(es)</b> <del>hit(s)</del> , the common identity repository and, where relevant, the SIS shall create a link between the data used to launch the query and the data triggering the <b>match</b> <del>hit</del> .	2. Where the query laid down in Article 27(2), (3) and (3a) reports one or several <b>match(es)</b> <del>hit(s)</del> , the <b>CIR</b> <del>common identity repository</del> and, where relevant, the SIS shall create a link between the data used to launch the query and the data triggering the <b>match</b> <del>hit</del> .
#392.	Where several hits are reported, a link shall be created between all data triggering the hit. Where data was already linked, the existing link shall be extended to the data used to launch the query.	Where several hits are reported, a link shall be created between all data triggering the hit. Where data was already linked, the existing link shall be extended to the data used to launch the query.	Where several <b>matches</b> <del>hits</del> are reported, a link shall be created between all data triggering the <b>match</b> <del>hit</del> . Where data was already linked, the existing link shall be extended to the data used to launch the query.	<u>Provisionally agreed</u> Where several <b>matches</b> <del>hits</del> are reported, a link shall be created between all data triggering the <b>match</b> <del>hit</del> . Where data was already linked, the existing link shall be extended to the data used to launch the query.
#393.	3. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.	3. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.	3. Where the query referred to in Article 27(2), (3) and (3a) reports one or several <del>hit(s)</del> <b>match(es)</b> and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.	<u>Provisionally agreed</u> 3. Where the query referred to in Article 27(2), (3) and (3a) reports one or several <del>hit(s)</del> <b>match(es)</b> and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#394.	4. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.	4. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.	4. Where the query referred to in Article 27(2), (3) and (3a) reports one or several <i>match(es)</i> hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.	<u>Provisionally agreed</u> 4. Where the query referred to in Article 27(2), (3) and (3a) reports one or several <i>match(es)</i> hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.
#395.	5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in <del>implementing</del> <i>delegated</i> acts. Those <del>implementing acts</del> <i>delegated act</i> shall be adopted in accordance with <del>the examination procedure referred to in Article 64(2)</del> 63. <i>Such acts shall be designed in a manner that ensures the protection of persons with multiple lawful identities against discrimination.</i>	5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as <i>the same identical</i> , or similar <i>or presenting some differences</i> in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	<u>Provisionally agreed</u> 5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as <i>the same identical</i> , or similar <i>or presenting some differences</i> in <del>implementing</del> <i>delegated</i> acts. Those <del>implementing acts</del> <i>delegated acts</i> shall be adopted in accordance with <del>the examination procedure referred to in Article 64(2)</del> 63.

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#396.			<b>5a.</b> <i>The Commission shall lay down the procedures to determine the cases where biometric data can be considered as the same in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>	<u>Provisionally agreed</u> [...]
#397.	6. The links shall be stored in the identity confirmation file referred to in Article 34.	6. The links shall be stored in the identity confirmation file referred to in Article 34.	6. The links shall be stored in the identity confirmation file referred to in Article 34.	<u>Provisionally agreed</u> 6. The links shall be stored in the identity confirmation file referred to in Article 34.
#398.	The Commission shall lay down the technical rules for linking data from different information systems by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	The Commission shall, <i>in cooperation with eu-LISA</i> , lay down the technical rules for linking data from different <i>Union</i> information systems by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	7. The Commission shall lay down the technical rules for <del>linking data</del> <i>creating links between data</i> from different <i>EU</i> information systems by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	<u>Provisionally agreed</u> 7. The Commission shall, <u><i>in cooperation with eu-LISA</i></u> , lay down the technical rules for <del>linking data</del> <i>creating links between data</i> from different <i>EU</i> information systems by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#399.	<i>Article 29 Manual verification of different identities</i>	<i>Article 29 Manual verification of different identities</i>	<i>Article 29 <b>Authorities responsible and manual verification of different identities</b></i>	<u>Provisionally agreed</u> <i>Article 29 <b>Authorities responsible and manual verification of different identities</b></i>
#400.	1. Without prejudice to paragraph 2, the authority responsible for verification of different identities shall be:	1. Without prejudice to paragraph 2, the authority responsible for verification of different identities shall be:	1. Without prejudice to paragraph 2, the authority responsible for verification of different identities shall be:	<u>Provisionally agreed</u> 1. Without prejudice to paragraph 2, the authority responsible for verification of different identities shall be:
#401.	(a) the border authority for hits that occurred when creating or updating an individual in [the EES in accordance with Article 14 of the EES Regulation];	(a) the border authority for hits that occurred when creating or updating an individual in [the EES in accordance with Article 14 of the EES Regulation];	(a) the <del>border</del> <b>competent</b> authority <b>referred to in Article 9(2) of Regulation (EU) 2017/2226</b> for <del>hits</del> <b>matches</b> that occurred when creating or updating an individual <b>file</b> in [the EES in accordance with <del>Article 14 of</del> <b>that</b> the EES Regulation];	<u>Provisionally agreed</u> (a) the <del>border</del> <b>competent</b> authority <b>referred to in Article 9(2) of Regulation (EU) 2017/2226</b> for <del>hits</del> <b>matches</b> that occurred when creating or updating an individual <b>file</b> in [the EES in accordance with <del>Article 14 of</del> <b>that</b> the EES Regulation];
#402.	(b) the competent authorities referred to in Article 6(1) and (2) of Regulation 767/2008 for hits that occurred when creating or updating an application file in the VIS in accordance with Article 8	(b) the competent authorities referred to in Article 6(1) and (2) of Regulation 767/2008 for hits that occurred when creating or updating an application file in the VIS in accordance with Article 8	(b) the competent authorities referred to in Article 6(1) <del>and (2)</del> of Regulation 767/2008 for <del>hits</del> <b>matches</b> that occurred when creating or updating an application file in the VIS in	<u>Provisionally agreed</u> (b) the competent authorities referred to in Article 6(1) <del>and (2)</del> of Regulation 767/2008 for <del>hits</del> <b>matches</b> that occurred when creating or updating an

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	of Regulation (EC) No 767/2008;	of Regulation (EC) No 767/2008;	accordance with <del>Article 8</del> of Regulation (EC) No 767/2008;	application file in the VIS in accordance with <del>Article 8</del> of Regulation (EC) No 767/2008
#403.	(c) [the ETIAS Central Unit and the ETIAS National Units for hits that occurred in accordance with Articles 18, 20 and 22 of the ETIAS Regulation;]	(c) [the ETIAS Central Unit and the ETIAS National Units for hits that occurred in accordance with Articles 18, 20 and 22 of the ETIAS Regulation;]	(c) [the ETIAS Central Unit and the ETIAS National Units for <del>hits</del> <b><i>matches</i></b> that occurred <b><i>when creating or updating an application file</i></b> in accordance with <del>Articles 18, 20 and 22</del> of the ETIAS Regulation;]	<u>Provisionally agreed</u> (c) [the ETIAS Central Unit and the ETIAS National Units for <del>hits</del> <b><i>matches</i></b> that occurred <b><i>when creating or updating an application file</i></b> in accordance with <del>Articles 18, 20 and 22</del> of the ETIAS Regulation ( <i>EU</i> ) <b>2018/1240</b> ];
#404.	(d) – (not applicable);	<del>(d)</del> – (not applicable);	<del>(d)</del> – (not applicable);	<u>Provisionally agreed</u> [...]
#405.	(e) the SIRENE Bureaux of the Member State for hits that occurred when creating a SIS alert in accordance with the [Regulations on SIS in the field of border checks];	(e) the SIRENE Bureaux of the Member State for hits that occurred when creating <b><i>or updating</i></b> a SIS alert in accordance with the [Regulations on SIS in the field of border checks];	(e) the SIRENE Bureaux of the Member State for <del>hits</del> <b><i>matches</i></b> that occurred when creating <b><i>or updating</i></b> a SIS alert in accordance with the [Regulations on SIS in the field of border checks <b><i>and on SIS for the return of illegally staying third-country nationals</i></b> ];	<u>Provisionally agreed</u> (e) the SIRENE Bureaux of the Member State for <del>hits</del> <b><i>matches</i></b> that occurred when creating <b><i>or updating</i></b> a SIS alert in accordance with the Regulations on SIS in the field of border checks <b><i>and on SIS for the return of illegally staying third-country nationals</i></b> ;

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#406.	(f) – (not applicable).	<del>(f) – (not applicable).</del>	<del>(f) – (not applicable).</del>	<u>Provisionally agreed</u> [...]
#407.	The multiple-identity detector shall indicate the authority responsible for the verification of different identities in the identity verification file.	The multiple-identity detector shall indicate the authority responsible for the verification of different identities in the identity verification file.	The multiple-identity detector shall indicate the authority responsible for the verification of different identities in the identity <del>verification</del> <b>confirmation</b> file.	<u>Provisionally agreed</u> The multiple-identity detector shall indicate the authority responsible for the verification of different identities in the identity <del>verification</del> <b>confirmation</b> file.
#408.	2. The authority responsible for the verification of different identities in the identity confirmation file shall be the SIRENE Bureau of the Member State that created the alert where a link is created to data contained:	2. The authority responsible for the verification of different identities in the identity confirmation file shall be the SIRENE Bureau of the Member State that created the alert where a link is created to data contained:	2. The authority responsible for the verification of different identities in the identity confirmation file shall be the SIRENE Bureau of the Member State that created the alert where a link is created to data contained:	<u>Provisionally agreed</u> 2. The authority responsible for the verification of different identities in the identity confirmation file shall be the SIRENE Bureau of the Member State that created the alert where a link is created to data contained:
#409.	(a) in an alert in respect of persons wanted for arrest or for surrender or extradition purposes as referred to in Article 26 of [the Regulation on SIS in the field of law enforcement];	(a) in an alert in respect of persons wanted for arrest or for surrender or extradition purposes as referred to in Article 26 of [the Regulation on SIS in the field of law enforcement];	(a) in an alert in respect of persons wanted for arrest or for surrender or extradition purposes as referred to in Article 26 of [the Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial cooperation in criminal matters</b> ];	<u>Provisionally agreed</u> (a) in an alert in respect of persons wanted for arrest or for surrender or extradition purposes as referred to in Article 26 of the Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial</b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>cooperation in criminal matters;</i>
#410.	(b) in an alert on missing or vulnerable persons as referred to in Article 32 of [the Regulation on SIS in the field of law enforcement];	(b) in an alert on missing or vulnerable persons as referred to in Article 32 of [the Regulation on SIS in the field of law enforcement];	(b) in an alert on missing or vulnerable persons as referred to in Article 32 of [the Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial cooperation in criminal matters</b> ];	<u>Provisionally agreed</u> (b) in an alert on missing or vulnerable persons as referred to in Article 32 of the Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial cooperation in criminal matters</b> ;
#411.	(c) in an alert on persons sought to assist with a judicial procedure as referred to in Article 34 of [the Regulation on SIS in the field of law enforcement];	(c) in an alert on persons sought to assist with a judicial procedure as referred to in Article 34 of [the Regulation on SIS in the field of law enforcement];	(c) in an alert on persons sought to assist with a judicial procedure as referred to in Article 34 of [the Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial cooperation in criminal matters</b> ];	<u>Provisionally agreed</u> (c) in an alert on persons sought to assist with a judicial procedure as referred to in Article 34 of the Regulation on SIS in the field of <del>law enforcement</del> <b>police cooperation and judicial cooperation in criminal matters</b> ;
#412.	(d) [in an alert on return in accordance with the Regulation on SIS in the field of illegal return];	(d) [in an alert on return in accordance with the Regulation on SIS in the field of illegal return];	<del>(d) — [in an alert on return in accordance with the Regulation on SIS in the field of illegal return];</del>	<u>Provisionally agreed</u> [...]
#413.	(e) in an alert on persons for discreet checks, inquiry checks or specific checks as referred to in	(e) in an alert on persons for discreet checks, inquiry checks or specific checks as referred to in	(e) in an alert on persons for discreet checks, inquiry checks or specific checks as referred to in	<u>Provisionally agreed</u> (e) in an alert on persons for discreet checks, inquiry checks

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	Article 36 of [the Regulation on SIS in the field of law enforcement];	Article 36 of [the Regulation on SIS in the field of law enforcement];	Article 36 of [the Regulation on SIS in the field of law enforcement <i>police cooperation and judicial cooperation in criminal matters</i> ].	or specific checks as referred to in Article 36 of the Regulation on SIS in the field of law enforcement <i>police cooperation and judicial cooperation in criminal matters</i> .
#414.	(f) in an alert on unknown wanted persons for identification according to national law and search with biometric data as referred to in Article 40 of [the Regulation on SIS in the field of law enforcement].	<del>(f) in an alert on unknown wanted persons for identification according to national law and search with biometric data as referred to in Article 40 of [the Regulation on SIS in the field of law enforcement].</del>	<del>(f) in an alert on unknown wanted persons for identification according to national law and search with biometric data as referred to in Article 40 of [the Regulation on SIS in the field of law enforcement].</del>	<u>Provisionally agreed</u> [...]
#415.		<i>2a. Where the SIRENE Bureau is responsible for manually verifying different identities but has not been involved in the addition of the new identity data which has given rise to a yellow link, it shall be informed immediately by the authority which added the new identity data. The SIRENE Bureau shall carry out the manual verification of the different identities as soon as possible.</i>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#416.	3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the common identity repository and, where relevant, in the SIS, and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file without delay.	3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the common identity repository and, where relevant, in the SIS, and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file without delay, <b>in any case within 24 hours.</b>	3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the common identity repository and, where relevant, in the SIS <del>and</del> . <b>It</b> shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file without delay.	<u>Provisionally agreed</u> 3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the common identity repository and, where relevant, in the SIS <del>and</del> . <b>It</b> shall assess the different identities <b><i>without delay. Once such assessment is completed,</i></b> <del>and it</del> shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file, <b><i>without delay.</i></b>
#417.	4. Where the authority responsible for the verification of different identities in the identity confirmation file is the border authority creating or updating an individual file in the EES in accordance with Article 14 of the EES Regulation, and where a yellow link is obtained, the	4. Where the authority responsible for the verification of different identities in the identity confirmation file is the border authority creating or updating an individual file in the EES in accordance with Article 14 of the EES Regulation, and where a yellow link is obtained, the	4. Where the authority responsible for the verification of different identities in the identity confirmation file is the <del>border</del> <b>competent</b> authority <b><i>referred to in Article 9(2) of Regulation (EU) 2017/2226</i></b> creating or updating an individual file in the EES in accordance with Article	<u>Provisionally agreed</u> 4. Where the authority responsible for the verification of different identities in the identity confirmation file is the <del>border</del> <b>competent</b> authority <b><i>referred to in Article 9(2) of Regulation (EU) 2017/2226</i></b> creating or updating an individual file in the

	<p style="text-align: center;"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>border authority shall carry out additional verifications as part of a second-line check. During this second-line check, the border authorities shall have access to the related data contained in the relevant identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31 to 33 and add it to the identity confirmation file without delay.</p>	<p>border authority shall carry out additional verifications as part of <del>a second-line check. During this second-line check.</del> <b>For that purpose only</b>, the border authorities shall have access to the related data contained in the relevant identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31 to 33 <b>of this Regulation</b> and add it to the identity confirmation file without delay.</p>	<p>14 of the EES Regulation (EU) 2017/2226, and where a yellow link is <b>created</b> obtained, <b>that</b> the border authority shall carry out additional verifications as part of <del>a second-line check. During this second-line check,</del> <b>† The That</b> border authorities shall have access to the related data contained in the relevant identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31 to 33 and add it to the identity confirmation file without delay.</p>	<p>EES in accordance with Article 14 of the EES Regulation (EU) 2017/2226, and where a yellow link is <b>created</b> obtained, <b>that</b> the border authority shall carry out additional verifications as part of <del>a second-line check. During this second-line check,</del> <b>† The That</b> border authorities shall, <b>for that purpose only</b>, have access to the related data contained in the relevant identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31 to 33 and add it to the identity confirmation file without delay.</p> <p><i><b>This verification of different identities shall take place <u>be initiated</u> in the presence of the person concerned who shall be offered the opportunity to explain the circumstances to the authority responsible, which shall take those explanations into account.</b></i></p> <p><i><b>In cases in which the manual</b></i></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				<i>verification of different identities takes place at the border, it shall take place within <u>12</u> &amp; hours from the creation of a yellow link under Article 28(4), where possible.</i>
#418.	5. Where more than one link is obtained, the authority responsible for the verification of different identities shall assess each link separately.	5. Where more than one link is obtained, the authority responsible for the verification of different identities shall assess each link separately.	5. Where more than one link is <i>created</i> <del>obtained</del> , the authority responsible for the verification of different identities shall assess each link separately.	<u>Provisionally agreed</u> 5. Where more than one link is <i>created</i> <del>obtained</del> , the authority responsible for the verification of different identities shall assess each link separately.
#419.		<i>5a. The verification of different identities under this Article shall, as a rule, take place in the presence of the person concerned who shall be offered the opportunity to explain the circumstances to the authority responsible, which shall take those explanations into account. Where the verification leads to the establishment of a red link, the person concerned shall receive a justification in writing.</i>		<u>Provisionally agreed</u> [...]



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#420.		<i>5b. The manual verification of different identities shall take place within 8 hours from the creation of a yellow link under Article 28(4).</i>		<u>Provisionally agreed</u> [...]
#421.	6. Where data reporting a hit was already linked, the authority responsible for the verification of different identities shall take into account the existing links when assessing the creation of new links.	6. Where data reporting a hit was already linked, the authority responsible for the verification of different identities shall take into account the existing links when assessing the creation of new links.	6. Where data reporting a <del>hit</del> <b>match</b> was already linked, the authority responsible for the verification of different identities shall take into account the existing links when assessing the creation of new links.	<u>Provisionally agreed</u> 6. Where data reporting a <del>hit</del> <b>match</b> was already linked, the authority responsible for the verification of different identities shall take into account the existing links when assessing the creation of new links.
#422.		<i>6a. Prior to being authorised to verify identities, the staff of the authorities referred to in paragraphs 1 and 2 shall receive specific training on how to conduct the verification of different identities.</i>		<u>Provisionally agreed</u> [...]
#423.	Article 30 Yellow link	Article 30 Yellow link	Article 30 Yellow link	Article 30 Yellow link
#424.	1. A link between data from two or more information systems shall be classified as yellow in	1. A link between data from two or more information systems shall be classified as yellow in	1. A link between data from two or more <b>EU</b> information systems shall be classified as	<u>Provisionally agreed</u> 1. A link between data from

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	any of the following cases:	any of the following cases:	yellow in any of the following cases:	two or more <i>EU</i> information systems shall be classified as yellow in any of the following cases:
#425.	(a) the linked data shares the same biometric but different identity data and no manual verification of different identity has taken place;	(a) the linked data shares the same biometric but different identity data and no manual verification of different identity has taken place;	(a) the linked data shares the same biometric but different identity data and no manual verification of different identity has taken place;	<u>Provisionally agreed</u> (a) the linked data shares the same biometric but <i>similar or</i> different identity data and no manual verification of different identity has taken place;
#426.	(b) the linked data has different identity data and no manual verification of different identity has taken place.	(b) the linked data has different identity data, <i>there is no biometric data to compare</i> , and no manual verification of different identity has taken place;	(b) the linked data has <del>different</del> <i>some differences in the identity data or in travel document data</i> , <del>and</del> no manual verification of different identity has taken place <i>and at least one of the EU information systems does not have biometric data on the person</i> ;	<u>Provisionally agreed</u> (b) the linked data has <i>different</i> identity data but the same <i>travel document data</i> , no manual verification of different identity has taken place <i>and at least one of the EU information systems does not have biometric data on the person</i> ;
#427.		<i>(ba) the linked data have the same identity data but different biometric data and no manual verification of different identities has taken place.</i>		<u>Provisionally agreed</u> <i>(ba) the linked data have the same identity data but different biometric data and no manual verification of different identities has taken place..</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#428.			<i>(c) the linked data has same or similar identity data, the same travel document data, but different biometric data and no manual verification of different identity has taken place.</i>	<u>Provisionally agreed</u> <i>(c) the linked data has similar or different identity data, the same travel document data, but different biometric data and no manual verification of different identity has taken place.</i>
#429.	2. Where a link is classified as yellow in accordance with paragraph 1, the procedure laid down in Article 29 applies.	2. Where a link is classified as yellow in accordance with paragraph 1, the procedure laid down in Article 29 applies.	2. Where a link is classified as yellow in accordance with paragraph 1, the procedure laid down in Article 29 applies.	<u>Provisionally agreed</u> 2. Where a link is classified as yellow in accordance with paragraph 1, the procedure laid down in Article 29 applies.
#430.	<i>Article 31 Green link</i>	<i>Article 31 Green link</i>	<i>Article 31 Green link</i>	<i>Article 31 Green link</i>
#431.	1. A link between data from two or more information systems shall be classified as green where the linked data do not share the same biometric but have similar identity data and the authority responsible for the verification of different identities concluded it refers to two different persons.	1. A link between data from two or more information systems shall be classified as green where <del>the linked data do not share the same biometric but have similar identity data and the authority responsible for the verification of different identities concluded it refers to two different persons.:</del>	1. A link between data from two or more <b>EU</b> information systems shall be classified as green where the linked data do not share the same biometric <b>data</b> but have <b>same or</b> similar identity data and the authority responsible for the verification of different identities concluded it refers to two different persons.	<u>Provisionally agreed</u> 1. A link between data from two or more <b>EU</b> information systems shall be classified as green where: (a) the linked data do not share the same biometric <b>data</b> but have the <b>same</b> identity data and the authority responsible for the

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
				<p>verification of different identities concluded it refers to two different persons;</p> <p>(b) the linked data do not share the same biometric data, have the similar or different identity data and have the same travel document data and the authority responsible for the verification of different identities concluded it refers to two different persons;</p> <p>(c) the linked data <del>do not share the same</del> <b>have different</b> identity data but <b>have</b> the same travel document data and at least one of the EU information systems does not have biometric data on the person and the authority responsible for the verification of different identities concluded it refers to two different persons.</p>
<p>#432.</p>		<p><i>(a) the linked data do not share the same biometric but have similar identity data and the authority responsible for the verification of different identities concluded it refers to two</i></p>		<p><u>Provisionally agreed</u> [...]</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>different persons;</i>		
#433.		<i>(b) the linked data share the same biometric data and the authority responsible for the verification of different identities has concluded that it refers to two different persons.</i>		<u>Provisionally agreed</u> [...]
#434.	2. Where the common identity repository (CIR) or the SIS are queried and where a green link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. The queried information system shall reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.	2. Where the common identity repository (CIR) or the SIS are queried and where a green link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. The queried information system shall reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.	2. Where the common identity repository (CIR) or the SIS are queried and where a green link exists between two or more of the <i>EU</i> information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. <del>The queried information system shall reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.</del>	<u>Provisionally agreed</u> 2. Where the common identity repository (CIR) or the SIS are queried and where a green link exists between two or more of the <i>EU</i> information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. <del>The queried information system shall reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.</del>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<p><u>Provisionally agreed</u></p> <p><b>3. If a Member State authority has evidence to suggest that a green link recorded in the MID is factually inaccurate, not up-to-date or that data were processed in the MID or the EU information systems in breach of this Regulation, it shall check the relevant data stored in the CIR and the SIS and shall, if necessary, rectify or erase the link from the MID without delay. That Member State authority shall inform the Member State responsible for the manual verification without delay.</b></p>
#435.	<p><i>Article 32</i></p> <p><i>Red link</i></p>	<p><i>Article 32</i></p> <p><i>Red link</i></p>	<p><i>Article 32</i></p> <p><i>Red link</i></p>	<p><i>Article 32</i></p> <p><i>Red link</i></p>
#436.	<p>1. A link between data from two or more information systems shall be classified as red in any of the following cases:</p>	<p>1. A link between data from two or more information systems shall be classified as red in any of the following cases:</p>	<p>1. A link between data from two or more <b>EU</b> information systems shall be classified as red in any of the following cases:</p>	<p><u>Provisionally agreed</u></p> <p>1. A link between data from two or more <b>EU</b> information systems shall be classified as red</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				in any of the following cases:
#437.	(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person;	(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers <del>unlawfully</del> to the same person <b><i>in an unjustified manner</i></b> ;	(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers <del>unlawfully</del> to the same person <b><i>in an unjustified manner</i></b> ;	<u>Provisionally agreed</u> (a) the linked data shares the same biometric but similar or different identity data and the authority responsible for the verification of different identities concluded it refers <del>unlawfully</del> to the same person <b><i>in an unjustified manner</i></b> ;
#438.	(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person.	(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers <del>unlawfully</del> to the same person <b><i>in an unjustified manner</i></b> .	<del>(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person.</del>	<u>Provisionally agreed</u> (b) the linked data has the same, similar or different identity data and the same travel document data but different biometric data and the authority responsible for the verification of different identities concluded it refers to <b><u>two</u></b> the different persons using the same travel document <b><i>in an unjustified manner</i></b> .

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#				<u>Provisionally agreed</u> (c) the linked data has the same identity data but different biometric data and different or no travel document data and the authority responsible for the verification of different identities concluded it refers to <b>two</b> different persons <i>in an unjustified manner</i> .
#439.			<i>(c) the linked data has different identity data, at least one of the EU information systems does not have biometric data on the person and the authority responsible for the verification of different identities concluded it refers to the same person in an unjustified manner;</i>	<u>Provisionally agreed</u> <i>(d) the linked data has different identity data and the same travel document, at least one of the EU information systems does not have biometric data on the person and the authority responsible for the verification of different identities concluded it refers to the same person in an unjustified manner;</i>
#440.			<i>(d) the linked data has same or similar identity data, the same travel document data, but different biometric data and the authority responsible for the</i>	<u>Provisionally agreed</u> [...]



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			<i>verification of different identities concluded it refers to different persons in an unjustified manner.</i>	
#441.	2. Where the CIR or the SIS are queried and where a red link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law.	2. Where the CIR or the SIS are queried and where a red link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law. <b><i>No legal consequence for the person or persons concerned shall derive solely from the existence of a red link.</i></b>	2. Where the CIR or the SIS are queried and where a red link exists between two or more of the <b><i>EU</i></b> information systems constituting the CIR or with the SIS, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law, <b><i>basing any legal consequence for the person only on the relevant data on that person and not on the red link itself.</i></b>	<u>Provisionally agreed</u> 2. Where the CIR or the SIS are queried and where a red link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law, <b><i>basing any legal consequence for the person only on the relevant data on that person. No legal consequence for the person concerned shall derive solely from the existence of a red link.</i></b>
#442.	3. Where a red link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN System], the individual file stored	3. Where a red link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN System], the individual file stored	3. Where a red link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN System], the individual file stored	<u>Provisionally agreed</u> 3. Where a red link is created between data from the EES, the VIS, the ETIAS,

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	in the CIR shall be updated in accordance with Article 19(1).	in the CIR shall be updated in accordance with Article 19(1).	in the CIR shall be updated in accordance with Article 19(42).	Eurodac or the ECRIS-TCN System, the individual file stored in the CIR shall be updated in accordance with Article 19(42).
#443.	4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.	4. <del>Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and</del> Without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities <b>in accordance with Articles 12, 13 and 14 of Regulation (EU) 2016/679 and Article 13 of Directive (EU) 680/2016.</b>	4. <b>Where a red link is created following a manual verification of multiple identities between data from the EES, the VIS, [the ETIAS] or the Eurodac,</b> <del>Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and</del> without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple <del>unlawful</del> <b>unjustified</b> identities.	<u>Provisionally agreed</u> 4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities <b>and shall provide the person in writing with the a single identification number as referred to in Article 34(c), a reference to the authority</b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>responsible for the verification of different identities as referred to in Article 34(d) and the website address of the web portal established in accordance with Article 47a.</i>
#444.			<b>4a.</b> <i>The information shall be given by means of a standard form by the authority responsible for verification of different identities. The Commission shall determine the content of that form and the modalities for the information by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>	<u>Provisionally agreed</u> <b>4a.</b> <i>The information shall be given by means of a standard form by the authority responsible for verification of different identities. The Commission shall determine the content of that form and the modalities for the information by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>
#445.	5. Where a red link is created, the authority responsible for verification of different identities shall provide a reference to the authorities responsible for the data linked.	5. Where a red link is created, the authority responsible for verification of different identities shall provide a reference to the authorities responsible for the data linked.	<del>5. Where a red link is created, the authority responsible for verification of different identities shall provide a reference to the authorities responsible for the data linked.</del>	<u>Provisionally agreed</u> 5. Where a red link is created, the MID shall notify in an automated manner the authorities responsible for the data linked.

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#446.		<p><i>5 a. Where a Member State authority or Union agency with access to the CIR or SIS obtains evidence showing that a red link recorded in the MID is incorrect or that the data processed in the MID, CIR and SIS were processed in breach of this Regulation, that authority shall, where the link relates to Union information systems either rectify or erase the link from the MID immediately, or where the link relates to SIS, inform the relevant SIRENE Bureau of the Member State that created the SIS alert immediately. That SIRENE Bureau shall verify the evidence provided by the Member State authority and rectify or erase the link from the MID immediately thereafter.</i></p>		<p><u>Provisionally agreed</u></p> <p><i>5a. Where a Member State authority or Union agency having access to CIR or SIS obtains evidence showing that a red link recorded in MID is incorrect or the data processed in MID, CIR and SIS is processed in breach of this Regulation, that authority shall:</i></p> <ul style="list-style-type: none"> <li><i>- where the link relates to Union information systems, either rectify or erase the link from MID immediately, or</i></li> <li><i>-where the link relates to <u>one of the SIS alerts referred to in Article 29(2)</u>, inform the relevant SIRENE Bureau of the Member State that created the SIS alert immediately. That SIRENE Bureau shall verify the evidence provided by the Member State authority and where relevant rectify or erase the link from the MID immediately.</i></li> </ul> <p><u>The Member State authority</u></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				<u><i>obtaining the evidence shall inform the Member State responsible for the manual verification without delay indicating where relevant any rectification or erasure of a red link.</i></u>
#447.			<b>6. If a Member State authority has evidence to suggest that a red link recorded in the MID is factually inaccurate or not up-to-date or that data were processed in the MID, the CIR or the SIS in breach of this Regulation, it shall check the relevant data stored in the CIR and SIS and shall, if necessary, rectify or erase the link from the MID without delay. That Member State authority shall inform the Member State responsible for the manual verification without delay.</b>	<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#448.	<i>Article 33 White link</i>	<i>Article 33 White link</i>	<i>Article 33 White link</i>	<i>Article 33 White link</i>
#449.	1. A link between data from two or more information systems shall be classified as white in any of the following cases:	1. A link between data from two or more information systems shall be classified as white in any of the following cases:	1. A link between data from two or more <b>EU</b> information systems shall be classified as white in any of the following cases:	<u>Provisionally agreed</u> 1. A link between data from two or more <b>EU</b> information systems shall be classified as white in any of the following cases:
#450.	(a) the linked data shares the same biometric and the same or similar identity data;	(a) the linked data shares the same biometric and the same or similar identity data;	(a) the linked data shares the same biometric and the same or similar identity data;	<u>Provisionally agreed</u> (a) the linked data shares the same biometric and the same or similar identity data;
#451.	(b) the linked data shares the same or similar identity data and at least one of the information systems does not have biometric data on the person;	(b) the linked data shares the same or similar identity data and at least one of the information systems does not have biometric data on the person;	(b) the linked data shares the same or similar identity data, <del>and</del> <b>the same travel document data,</b> and at least one of the <b>EU</b> information systems does not have biometric data on the person;	<u>Provisionally agreed</u> (b) the linked data shares the same or similar identity data, <b>the same travel document data,</b> and at least one of the <b>EU</b> information systems does not have biometric data on the person;
#452.			<b>(ba) the linked data shares the same or similar identity data and at least one of the EU information systems does not</b>	<u>Provisionally agreed</u> <b>(ba) the linked data shares the same biometric, the same travel document data but similar</b>

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
			<p><i>have biometric data on the person and the authority responsible for the verification of different identities concluded it refers to the same person having different identity data in a justified manner;</i></p>	<p><i>identity data;</i></p>
<p>#453.</p>	<p>(c) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person legally having different identity data.</p>	<p>(c) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person legally having different identity data.</p>	<p>(c) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person <del>legally</del> having different identity data <i>in a justified manner</i>.</p>	<p><u>Provisionally agreed</u> (c) the linked data shares the same biometric but similar or different identity data and the authority responsible for the verification of different identities concluded it refers to the same person <del>legally</del> having different identity data <i>in a justified manner</i>.</p>
<p>#454.</p>		<p><i>(ca) the linked data shares the same identity data and different biometric data and the authority responsible for the verification of different identities has concluded that it refers to the same person and their biometric data has changed due to injury, illness or another legitimate</i></p>		<p><u>Provisionally agreed</u> [...]</p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>reason.</i>		
#455.	2. Where the CIR or the SIS are queried and where a white link exists between one or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data correspond to the same person. The queried information systems shall reply indicating, where relevant, all the linked data on the person, hence triggering a hit against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.	2. Where the CIR or the SIS are queried and where a white link exists between one or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data correspond to the same person. The queried information systems shall reply indicating, where relevant, all the linked data on the person, hence triggering a hit against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.	2. Where the CIR or the SIS are queried and where a white link exists between <del>one</del> <i>two</i> or more of the <i>EU</i> information systems constituting the CIR or with the SIS, the <del>multiple-identity detector</del> <i>MID</i> shall indicate that the identity data of the linked data correspond to the same person. The queried <i>EU</i> information systems shall reply indicating, where relevant, all the linked data on the person, hence triggering a <del>hit</del> <i>match</i> against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.	<u>Provisionally agreed</u> 2. Where the CIR or the SIS are queried and where a white link exists between <del>one</del> <i>two</i> or more of the <i>EU</i> information systems constituting the CIR or with the SIS, the <del>multiple-identity detector</del> <i>MID</i> shall indicate that the identity data of the linked data correspond to the same person. The queried <i>EU</i> information systems shall reply indicating, where relevant, all the linked data on the person, hence triggering a <del>hit</del> <i>match</i> against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.
#456.	3. Where a white link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system], the individual file stored in the CIR shall be updated in accordance with Article 19(1).	3. Where a white link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system], the individual file stored in the CIR shall be updated in accordance with Article 19(1).	3. Where a white link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system], the individual file stored in the CIR shall be updated in accordance with Article 19( <del>1</del> 2).	<u>Provisionally agreed</u> 3. Where a white link is created between data from the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system, the individual file stored



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				in the CIR shall be updated in accordance with Article 19(42).
#457.	4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], where a white link is created following a manual verification of multiple identities, the authority responsible for verification of different identities shall inform the person of the presence of discrepancies between his or her personal data between systems and shall provide a reference to the authorities responsible for the data linked.	4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], where a white link is created following a manual verification of multiple identities, the authority responsible for verification of different identities shall inform the person of the presence of discrepancies between his or her personal data between systems and shall provide a reference to the authorities responsible for the data linked.	4. <del>Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return],</del> Where a white link is created following a manual verification of multiple identities <i>between data from the EES, the VIS, [the ETIAS] or Eurodac</i> , the authority responsible for <i>the</i> verification of different identities shall inform the person of the presence of discrepancies between his or her personal data between systems and shall provide a reference to the authorities responsible for the data linked.	Provisionally agreed 4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return, and without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, where a <b>white</b> link is created <b>following a manual verification of multiple identities</b> , the authority responsible for verification of different identities shall inform the person of the presence of <del>multiple unlawful</del> <b>similar</b> identities <i>and shall provide the person in writing with the a single identification number as referred to in Article 34(c), a</i>

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
				<p><i>reference to the authority responsible for the verification of different identities as referred to in Article 34(d) and the website address of the web portal established in accordance with Article 47a.</i></p>
<p>#458.</p>		<p><i>4a. If a Member State authority has evidence to suggest that a white link recorded in the MID is factually inaccurate, not up-to-date or that data were processed in the MID or the Union information systems or SIS in breach of this Regulation, it shall check the relevant data stored in the Union information systems and SIS and shall, if necessary, rectify or erase the link from the MID without delay. That Member State authority shall inform the Member State responsible for the manual verification without delay.</i></p>		<p><u>Provisionally agreed</u> <i>4a. If a Member State authority has evidence to suggest that a white link recorded in the MID is factually inaccurate, not up-to-date or that data were processed in the MID or the EU information systems in breach of this Regulation, it shall check the relevant data stored in the CIR and the SIS and shall, if necessary, rectify or erase the link from the MID without delay. That Member State authority shall inform the Member State responsible for the manual verification without delay.</i></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#459.			<i>4a. The information shall be given by means of a standard form by the authority responsible for verification of different identities. The Commission shall determine the content of that form and the modalities for the information by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>	<u>Provisionally agreed</u> <i>4a. The information shall be given by means of a standard form by the authority responsible for verification of different identities. The Commission shall determine the content of that form and the modalities for the information by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#460.			<b>5. If a Member State authority has evidence to suggest that a white link recorded in the MID is factually incorrect or that data were processed in the MID, the CIR or the SIS in breach of this Regulation, it shall check the relevant data stored in the CIR and SIS and shall, if necessary, rectify the link in the MID without delay. That Member State authority shall inform the Member State responsible for the manual verification without delay.</b>	<u>Provisionally agreed</u> [...]
#461.	<i>Article 34 Identity confirmation file</i>	<i>Article 34 Identity confirmation file</i>	<i>Article 34 Identity confirmation file</i>	<i>Article 34 Identity confirmation file</i>
#462.	The identity confirmation file shall contain the following data:	The identity confirmation file shall contain the following data:	The identity confirmation file shall contain the following data:	<u>Provisionally agreed</u> The identity confirmation file shall contain the following data:
#463.	(a) the links, including their description in form of colours, as referred to in Articles 30 to 33;	(a) the links, including their description in form of colours, as referred to in Articles 30 to 33;	(a) the links, <del>including their description in form of colours,</del> as referred to in Articles 30 to 33;	<u>Provisionally agreed</u> (a) the links, <del>including their description in form of colours,</del> as referred to in Articles 30 to 33;
#464.	(b) a reference to the	(b) a reference to the	(b) a reference to the <b>EU</b>	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	information systems whose data is linked;	information systems whose data is linked;	information systems whose data <del>are</del> is-linked;	(b) a reference to the <i>EU</i> information systems whose data <del>are</del> is-linked;
#465.	(c) a single identification number allowing to retrieve the data from the information systems of corresponding linked files;	(c) a single identification number allowing to retrieve the data from the information systems of corresponding linked files;	(c) a single identification number allowing to retrieve the data from the <i>EU</i> information systems of corresponding linked files <i>in accordance with respective access rights under Union and national law</i> ;	<u>Provisionally agreed</u> (c) a single identification number allowing to retrieve the data from the <i>EU</i> information systems of corresponding linked files;
#466.	(d) where relevant, the authority responsible for the verification of different identities.	(d) <del>where relevant</del> , the authority responsible for the verification of different identities.	(d) <del>where relevant</del> , the authority responsible for the verification of different identities;	<u>Provisionally agreed</u> (d) <del>where relevant</del> , the authority responsible for the verification of different identities;
#467.			(e) <i>date of creation or update of the link.</i>	<u>Provisionally agreed</u> (e) <i>date of creation or update of the link.</i>
#468.	<i>Article 35 Data retention in the multiple-identity detector</i>	<i>Article 35 Data retention in the multiple-identity detector</i>	<i>Article 35 Data retention in the multiple-identity detector</i>	<i>Article 35 Data retention in the multiple-identity detector</i>
#469.	The identity confirmation files and its data, including the links, shall be stored in the multiple-	The identity confirmation files and its data, including the links, shall be stored in the multiple-	<b>1. Without prejudice to paragraphs 2 and 3</b> , the identity confirmation files and <del>its</del> <i>their</i>	<u>Provisionally agreed</u> <b>1.</b> The identity confirmation files and <del>its</del> <i>their</i> data, including

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	identity detector (MID) only for as long as the linked data is stored in two or more EU information systems.	identity detector (MID) only for as long as the linked data is stored in two or more <del>EU</del> <b>Union</b> information systems. <i>Once this condition is no longer met, the identity confirmation files and their data, including all related links, shall be deleted automatically.</i>	data, including the links, shall be stored in the <del>multiple-identity detector (MID)</del> only for as long as the linked data <del>is</del> <b>are</b> stored in two or more EU information systems <i>and be deleted thereafter in an automated manner.</i>	the links, shall be stored in the <del>multiple-identity detector (MID)</del> only for as long as the linked data <del>is</del> <b>are</b> stored in two or more EU information systems <i>and be deleted thereafter in an automated manner.</i>
#470.			2. <i>Where a red link is created between data in the CIR, the identity confirmation files and their data, including the red link, shall be stored in the MID only for as long as the corresponding data are stored in at least one of the EU information systems from which the linked data originates and be deleted thereafter in an automated manner.</i>	<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#471.			<b>3. Where a red link is created between data in the CIR and the SIS, the identity confirmation files and their data, including the red link, shall be stored in the MID only for as long as the corresponding data are stored in the SIS and be deleted thereafter in an automated manner.</b>	<u>Provisionally agreed</u> [...]
#472.	<i>Article 36 Keeping of logs</i>	<i>Article 36 Keeping of logs</i>	<i>Article 36 Keeping of logs</i>	<i>Article 36 Keeping of logs</i>
#473.	1. eu-LISA shall keep logs of all data processing operations within the MID. Those logs shall include, in particular, the following:	1. eu-LISA shall keep logs of all data processing operations within the MID. Those logs shall include, <del>in particular,</del> the following:	1. eu-LISA shall keep logs of all data processing operations within the MID. Those logs shall include, <del>in particular,</del> the following:	<u>Provisionally agreed</u> 1. eu-LISA shall keep logs of all data processing operations within the MID. Those logs shall include, <del>in particular,</del> the following:
#474.		<b>(-a) the Member State authority launching the query;</b>		<u>Provisionally agreed</u> <b>(-a) the Member State authority launching the query;</b>
#475.	(a) the purpose of access of the user and his or her access rights;	(a) the purpose of access of the user and his or her access rights;	<del>(a) the purpose of access of the user and his or her access rights;</del>	<u>Provisionally agreed</u> (a) the purpose of access of the user;

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#476.	(b) the date and time of the query;	(b) the date and time of the query;	(b) the date and time of the query;	<u>Provisionally agreed</u>  (b) the date and time of the query;
#477.	(c) the type of data used to launch the query or queries;	(c) the type of data used to launch the query or queries;	(c) the type of data used to launch the query or queries;	<u>Provisionally agreed</u>  (c) the type of data used to launch the query or queries;
#478.	(d) the reference to the data linked;	(d) the reference to the data linked;	(d) the reference to the data linked;	<u>Provisionally agreed</u>  (d) the reference to the data linked;
#479.	(e) the history of the identity confirmation file;	(e) the history of the identity confirmation file;	(e) the history of the identity confirmation file;	<u>Provisionally agreed</u>  (e) the history of the identity confirmation file;
#480.	(f) the identifying mark of the person who carried out the query.	<del>(f) the identifying mark of the person who carried out the query.</del>	(f) <del>the identifying mark of the person who carried out the query</del> <b>Member State or EU agency querying the MID.</b>	<u>Provisionally agreed</u>  [...]
#481.		<b><i>In addition, Member States shall keep logs of the unique user identity of the official performing the query.</i></b>		<u>Provisionally agreed</u>  [...]
#482.	2. Each Member State shall	2. Each Member State shall	2. Each Member State shall	<u>Provisionally agreed</u>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	keep logs of the staff duly authorised to use the MID.	keep logs of the staff duly authorised to use the MID.	keep logs of the <i>authority, the purpose of access and the</i> staff duly authorised to use the MID.	2. <i>Each Member State and Union Agency shall keep logs of queries of the authority and the staff duly authorised to use the MID.</i>
#483.	3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. The logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.	3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, <i>for self-monitoring</i> , and for ensuring <i>the proper functioning and the data integrity and data</i> security pursuant to Article 42. <i>To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to the national supervisory authorities referred to in Article 51 of Regulation (EU)2016/679 and Article 41 of Directive (EU) 2016/680, and to the European Data Protection Supervisor.</i> The logs shall be protected by appropriate measures against unauthorised access and erased	3. The logs <i>referred to in paragraphs 1 and 2</i> may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be <i>made available to the competent supervisory authority on request. They shall be</i> protected by appropriate measures against unauthorised access <i>and modification. and They shall be erased in an automated manner</i> one year after their creation, unless they are required for monitoring procedures that have already begun <i>in which case they shall be erased once the monitoring procedures no longer require</i>	<u>Provisionally agreed</u> 3. The logs <i>referred to in paragraphs 1 and 2</i> may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring <i>data security and integrity</i> . Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun <i>in which case they shall be erased once the monitoring procedures no longer require these logs.</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<del>one year</del> <i>two years</i> after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.	<i>those logs</i> . The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased	
<b>#484.</b>	<b>CHAPTER VI Measures supporting interoperability</b>	<b>CHAPTER VI Measures supporting interoperability</b>	<b>CHAPTER VI Measures supporting interoperability</b>	<b>CHAPTER VI Measures supporting interoperability</b>
#485.	<i>Article 37 Data quality</i>	<i>Article 37 Data quality</i>	<i>Article 37 Data quality</i>	<i>Article 37 Data quality</i>
#486.		<b>-1. Member States shall ensure that the quality of the data in the EES,[ETIAS], VIS, SIS, the shared BMS, the CIR and the MID are closely monitored in order to ensure that they meet the overall requirements for the proper functioning of the respective Union information systems and the interoperability components.</b>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>Member States shall also ensure that all staff entering data in any of those Union information systems has received prior training on data quality.</i>		
#487.	1. eu-LISA shall establish automated data quality control mechanisms and procedures on the data stored in the EES, the [ETIAS], the VIS, the SIS, the shared biometric matching service (shared BMS), the common identity repository (CIR) and the multiple-identity detector (MID).	1. eu-LISA shall establish <i>as soon as possible</i> automated data quality control mechanisms and procedures on the data stored in the EES, <del>the</del> ETIAS, <del>the</del> VIS, <del>the</del> SIS, the shared biometric matching service (shared BMS); <del>the common identity repository (CIR) and the multiple-identity detector (MID).</del> <i>Those automated data quality control mechanisms shall be adequately tested prior to the start of operations of the interoperability components under Article 62.</i>	1. <i>Without prejudice to Member States' responsibilities with regard to the quality of data entered into the systems</i> , eu-LISA shall establish automated data quality control mechanisms and procedures on the data stored in the EES, <i>the VIS</i> , the [ETIAS], <del>the</del> VIS, the SIS, the shared biometric matching service (shared BMS); <i>and</i> the common identity repository (CIR) <del>and the multiple-identity detector (MID).</del>	<u>Provisionally agreed</u> 1. <i><u>In addition to Member States' responsibilities with regard to the quality of data entered into the systems</u></i> , eu-LISA shall establish automated data quality control mechanisms and procedures on the data stored in the EES, <i>the VIS</i> , the ETIAS, <del>the</del> VIS, the SIS, the shared biometric matching service (shared BMS); <i>and</i> the common identity repository (CIR) <del>and the multiple-identity</del> .
#488.	2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, the CIR and the MID.	2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the EES, <del>the</del> ETIAS, <del>the</del> VIS, the SIS, the shared BMS, the CIR and the MID.	2. eu-LISA shall <del>establish</del> <i>implement mechanisms for evaluating the accuracy of the shared BMS</i> , common data quality indicators and the minimum quality standards to store data in the EES, <i>the VIS</i> ,	<u>Provisionally agreed</u> 2. eu-LISA shall <del>establish</del> <i>implement mechanisms for evaluating the accuracy of the shared BMS</i> , common data quality indicators and the minimum quality standards to

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<p><i>Only data fulfilling the minimum quality standards may be entered in the EES, [ETIAS], VIS, SIS, the shared BMS, the CIR and the MID.</i></p> <p><i>If an authority attempts to enter data not fulfilling the applicable minimum quality standards, it shall immediately receive an automated warning from the relevant Union information system that the data cannot be entered, suggesting methods for satisfying the minimum quality standards.</i></p>	<p>the [ETIAS], <del>the VIS</del>, the SIS, the shared BMS; <i>and</i> the CIR <del>and the MID</del>.</p>	<p>store data in the EES, <i>the VIS</i>, the ETIAS, <del>the VIS</del>, the SIS, the shared BMS; <i>and</i> the CIR <del>and the MID</del>.</p> <p><i>Only data fulfilling the minimum quality standards may be entered in the EES, [ETIAS], VIS, SIS, the shared BMS, the CIR and the MID.</i></p>
#489.	<p>3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the Member States. eu-LISA shall also provide a regular report to the Commission covering the issues encountered and the Member States concerned.</p>	<p>3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the Member States. eu-LISA shall also provide a regular report to the Commission covering the issues encountered and the Member States concerned. <i>eu-LISA shall also provide that report to the European</i></p>	<p>3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the Member States. eu-LISA shall also provide a regular report to the Commission covering the issues encountered and the Member States concerned.</p>	<p><u>Provisionally agreed</u></p> <p>3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the Member States. eu-LISA shall also provide a regular report to the Commission covering the issues encountered and the Member States concerned. <i>eu-LISA shall also provide that</i></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>Parliament and the Council upon request. No reports provided under this paragraph shall contain any personal data.</i>		<i>report to the European Parliament and the Council upon request. No reports provided under this paragraph shall contain any personal data.</i>
#490.	4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, the CIR and the MID, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, the CIR and the MID, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	4. The details of the automated data quality control mechanisms and procedures, <del>and</del> the common data quality indicators and the minimum quality standards to store data in the EES, <i>the VIS</i> , the [ETIAS], <del>the VIS</del> , the SIS, the shared BMS, <i>and</i> the CIR <del>and the MID</del> , in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	<u>Provisionally agreed</u> 4. The details of the automated data quality control mechanisms and procedures, <del>and</del> the common data quality indicators and the minimum quality standards to store data in the EES, <i>the VIS</i> , the [ETIAS], <del>the VIS</del> , the SIS, the shared BMS, <i>and</i> the CIR <del>and the MID</del> , in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).
#491.	5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year	5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year	5. One year after the establishment of the automated data quality control mechanisms and procedures, <del>and</del> common data quality indicators <i>and the</i>	<u>Provisionally agreed</u> 5. One year after the establishment of the automated data quality control mechanisms

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	thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented.	thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and, <i>in particular, data quality issues deriving from erroneous data in existing Union information systems and in SIS. The Commission</i> shall report on any progress against this action plan until it is fully implemented.	<i>minimum quality standards</i> and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall <i>regularly</i> report on any progress against this action plan until it is fully implemented.	and procedures, and common data quality indicators <i>and the minimum quality standards</i> and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and, <i>in particular, data quality issues deriving from erroneous data in existing EU information systems</i> and shall <i>regularly</i> report <i>to the Commission</i> on any progress against this action plan until it is fully implemented.
#492.	The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC)	The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor, <b>the European Data Protection Board</b> and to the European Union Agency for Fundamental	The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC)	<u>Provisionally agreed</u> The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor, <i>the European Data Protection Board</i> and to the European

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	No 168/2007. <sup>136</sup>	Rights established by Council Regulation (EC) No 168/2007. <sup>137</sup>	No 168/2007. <sup>138</sup>	Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007. <sup>139</sup>
#493.		<i>Article 37a Availability and response time for interrogation</i>		<u>Provisionally agreed</u> [...]
#494.		<i>All interoperability components shall be developed and managed in such a way as to ensure fast, seamless, efficient, controlled access, their full availability as laid down in Article 53(1) and a response time in line with the operational needs of the Member States' authorities.</i>		<u>Provisionally agreed</u> [...]

<sup>136</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

<sup>137</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

<sup>138</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

<sup>139</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

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#495.	<i>Article 38 Universal Message Format</i>	<i>Article 38 Universal Message Format</i>	<i>Article 38 Universal Message Format</i>	<i>Article 38 Universal Message Format</i>
#496.	1. The Universal Message Format (UMF) standard is hereby established. The UMF defines standards for certain content elements of cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs	1. The Universal Message Format (UMF) standard is hereby established. The UMF defines standards for certain content elements of cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs	1. The Universal Message Format (UMF) standard is hereby established. The UMF defines standards for certain content elements of cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home Affairs	<u>Provisionally agreed</u> 1. The Universal Message Format (UMF) standard is hereby established. The UMF defines standards for certain content elements of cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home Affairs
#497.	2. The UMF standard shall be used in the development of the EES, the [ETIAS], , the European search portal, the CIR, the MID and, if appropriate, in the development by eu-LISA or any other EU body of new information exchange models and information systems in the area of Justice and Home Affairs.	2. The UMF standard shall be used in the development of the EES, [the ETIAS], <del>the European search portal</del> <b>ESP</b> , the CIR, the MID <b>where feasible</b> and, if appropriate, in the development by eu-LISA or any other <del>EU body</del> <b>Union agency</b> of new information exchange models and <b>Union</b> information systems in the area of Justice and Home Affairs.	2. The UMF standard shall be used in the development of the EES, the [ETIAS], <del>the European search portal</del> , the CIR, the MID and, if appropriate, in the development by eu-LISA or any other EU <del>body</del> <b>agency</b> of new information exchange models and information systems in the area of Justice and Home Affairs.	<u>Provisionally agreed</u> 2. The UMF standard shall be used in the development of the EES, [the ETIAS], <del>the European search portal</del> <b>ESP</b> , the CIR, the MID <b>where feasible</b> and, if appropriate, in the development by eu-LISA or any other <del>EU body</del> <b>Union agency</b> of new information exchange models and information systems in the area of Justice and Home Affairs.
#498.	3. The implementation of the	<del>3. The implementation of the</del>	3. The implementation of the	<u>Provisionally agreed</u>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	UMF standard may be considered in the VIS, the SIS and in any existing or new cross-border information exchange models and information systems in the area of Justice and Home Affairs, developed by Member States or associated countries.	<del>UMF standard may be considered in the VIS, the SIS and in any existing or new cross-border information exchange models and information systems in the area of Justice and Home Affairs, developed by Member States or associated countries.</del>	UMF standard may be considered in the VIS, the SIS and in any existing or new cross-border information exchange models and information systems in the area of Justice and Home Affairs, developed by Member States or associated countries.	[...]
#499.	4. The Commission shall adopt an implementing act to lay down and develop the UMF standard referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	4. The Commission shall adopt an implementing act to lay down and develop the UMF standard referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	4. The Commission shall adopt an implementing act to lay down and develop the UMF standard referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	<u>Provisionally agreed</u> 4. The Commission shall adopt an implementing act to lay down and develop the UMF standard referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).
#500.	<i>Article 39 Central repository for reporting and statistics</i>	<i>Article 39 Central repository for reporting and statistics</i>	<i>Article 39 Central repository for reporting and statistics</i>	<i>Article 39 Central repository for reporting and statistics</i>
#501.	1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the EES, the VIS, [the ETIAS] and the SIS and to generate cross-	1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the EES, the VIS, [the ETIAS] and the SIS and to <del>generate</del> <b>provide</b>	1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the EES, the VIS, [the ETIAS] and the SIS, <b>in accordance with the</b>	<u>Provisionally agreed</u> 1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the

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	system statistical data and analytical reporting for policy, operational and data quality purposes.	cross-system statistical data and analytical reporting for policy, operational and data quality purposes.	<i>respective legal instruments, as well as the Schengen Evaluation Mechanism provided for in Regulation (EU) No 1053/2013</i> , and to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes.	EES, the VIS, {the ETIAS} and the SIS, <i>in accordance with the respective legal instruments, as well as the Schengen Evaluation Mechanism provided for in Regulation (EU) No 1053/2013</i> , and to generate <b>provide</b> cross-system statistical data and analytical reporting for policy, operational and data quality purposes.
#502.	2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks], logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-	2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks], logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-	2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data referred to in {Article 63 of the <del>EES</del> Regulation (EU) 2017/2226}, Article 17 of Regulation (EC) No 767/2008, [Article 84 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks <i>and Article 16 of the Regulation on the use of SIS for the return of illegally staying third-country nationals</i> ], logically separated. The data contained in the CRRS shall not	<u>Provisionally agreed</u> 2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data <b>and statistics</b> referred to in {Article 63 of the <del>EES</del> Regulation (EU) 2017/2226}, Article 17 of Regulation (EC) No 767/2008, Article 84 73 of the <del>ETIAS</del> Regulation (EU) 2018/1240 and Article 54 of the Regulation on SIS in the field of border checks <i>and Article 16 of the Regulation on the use of SIS for the return of illegally staying third-country nationals</i> ,

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks],.	European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks],.	enable the identification of individuals. Access to the repository <b>CRRS</b> shall be granted by means of secured access <del>through the Trans-European Services for Telematics between Administrations (TESTA) network service</del> with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in <del>{Article 63 of the EES Regulation (EU) 2017/2226}</del> , Article 17 of Regulation (EC) No 767/2008, [Article <del>84</del> 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks];.	logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository <b>CRRS</b> shall be granted by means of secured access <del>through the Trans-European Services for Telematics between Administrations (TESTA) network service</del> with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 63 of the <del>EES</del> Regulation ( <b>EU</b> ) <del>2017/2226</del> , Article 17 of Regulation (EC) No 767/2008, [Article <del>84</del> 73 of the ETIAS Regulation ( <b>EU</b> ) 2018/1240] and Article 54 of the Regulation on SIS in the field of border checks;.
#503.	3. eu-LISA shall render the data anonymous and shall record such anonymous data in the CRRS. The process for rendering	3. eu-LISA shall render the data anonymous, <b>by ensuring that the data subject is non-identifiable</b> , and shall record such	3. eu-LISA shall render the data anonymous and shall record such anonymous data in the CRRS. The process for rendering	<u>Provisionally agreed</u> 3. eu-LISA shall render the data anonymous and shall record such <del>anonymous</del> <b>anonymised</b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	the data anonymous shall be automated.	anonymous data in the CRRS. The process for rendering the data anonymous shall be automated. <i>No access by eu-LISA staff shall be granted to any personal data stored in the Union information systems or in the interoperability components. The data contained in CRRS shall not allow for the identification of individuals.</i>	the data anonymous shall be automated.	data in the CRRS. The process for rendering the data anonymous shall be automated. <i>The data contained in CRRS shall not allow for the identification of individuals.</i>
#504.	4. The CRRS shall be composed of:	4. The CRRS shall be composed of:	4. The CRRS shall be composed of:	<u>Provisionally agreed</u> 4. The CRRS shall be composed of:
#505.			<i>(-a) the tools necessary for anonymising data;</i>	<u>Provisionally agreed</u> <i>(-a) the tools necessary for anonymising data;</i>
#506.	(a) a central infrastructure, consisting of a data repository enabling the rendering of anonymous data;	(a) a central infrastructure, consisting of a data repository <i>and a mechanism that ensures for the data to be rendered enabling the rendering of anonymous data before it is stored in CRRS;</i>	(a) a central infrastructure, consisting of a data repository <del>enabling the rendering of</del> anonymous data;	<u>Provisionally agreed</u> (a) a central infrastructure, consisting of a data repository <del>enabling the rendering of</del> anonymous data;

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#507.	(b) a secure communication infrastructure to connect the CRRS to the EES, [the ETIAS], the VIS and the SIS, as well as the central infrastructures of the shared BMS, the CIR and the MID.	(b) a secure communication infrastructure to connect the CRRS to the EES, [the ETIAS], the VIS and the SIS, as well as the central infrastructures of the shared BMS, the CIR and the MID.	(b) a secure communication infrastructure to connect the CRRS to the EES, <i>the VIS</i> , [the ETIAS], <del>the VIS</del> and the SIS, as well as the central infrastructures of the shared BMS, the CIR and the MID.	<u>Provisionally agreed</u> (b) a secure communication infrastructure to connect the CRRS to the EES, <i>the VIS</i> , [the ETIAS], <del>the VIS</del> and the SIS, as well as the central infrastructures of the shared BMS, the CIR and the MID.
#508.	5. The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	5. The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of <i>a delegated act</i> <del>implementing acts</del> . <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2)</del> <b>63</b> .	5. The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	<u>Provisionally agreed</u> 5. The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of <i>a delegated act</i> <del>implementing acts</del> . <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2)</del> <b>63</b> .

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#509.	<b>CHAPTER VII Data protection</b>	<b>CHAPTER VII Data protection</b>	<b>CHAPTER VII Data protection</b>	<b>CHAPTER VII Data protection</b>
#510.	<i>Article 40 Data controller</i>	<i>Article 40 Data controller</i>	<i>Article 40 Data controller</i>	<i>Article 40 Data controller</i>
#511.	<p>1. In relation to the processing of data in the shared biometric matching service (shared BMS), the Member State authorities that are controllers for the VIS, EES, and SIS respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to the biometric templates obtained from the data referred to in Article 13 that they enter into respective systems and shall have responsibility for the processing of the biometric templates in the shared BMS.</p>	<p>1. In relation to the processing of data in the <del>shared biometric matching service</del> (shared BMS), the Member State authorities that are controllers for the VIS, EES, and SIS respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 <b>or Article 3(8) of Directive (EU) 2016/680</b> in relation to the biometric templates obtained from the data referred to in Article 13 that they enter into respective systems and shall have responsibility for the processing of the biometric templates in the shared BMS. <b><i>In relation to information security management of the shared BMS, eu-LISA shall be considered a</i></b></p>	<p>1. In relation to the processing of data in the shared biometric matching service (shared BMS), the Member State authorities that are controllers for the <del>VIS, EES,</del> <b><i>the VIS</i></b> and SIS respectively, shall <del>also</del> be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 <b>or Article 3(8) of Directive (EU) 2016/680</b> in relation to the biometric templates obtained from the data referred to in Article 13 that they enter into respective systems and shall have responsibility for the processing of the biometric templates in the shared BMS.</p>	<p><u>Provisionally agreed</u></p> <p>1. In relation to the processing of data in the <del>shared biometric matching service</del> (shared BMS), the Member State authorities that are controllers for the <del>VIS, EES,</del> <b><i>the VIS</i></b> and SIS respectively, shall <del>also</del> be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 <b>or Article 3(8) of Directive (EU) 2016/680</b> in relation to the biometric templates obtained from the data referred to in Article 13 that they enter into respective systems and shall have responsibility for the processing of the biometric templates in the shared BMS.</p>

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		<i>controller.</i>		
#512.	2. In relation to the processing of data in the common identity repository (CIR), the Member State authorities that are controllers for the VIS, EES and [ETIAS], respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to data referred to in Article 18 that they enter into respective systems and shall have responsibility for the processing of that personal data in the CIR.	2. In relation to the processing of data in the common identity repository (CIR), the Member State authorities that are controllers for the VIS, EES and [ETIAS], respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to data referred to in Article 18 that they enter into respective systems and shall have responsibility for the processing of that personal data in the CIR.	2. In relation to the processing of data in the common identity repository (CIR), the Member State authorities that are controllers for the <del>VIS</del> , EES, <b>the VIS</b> and [ETIAS], respectively, shall <del>also be considered as</del> controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to data referred to in Article 18 that they enter into respective systems and shall have responsibility for the processing of that personal data in the CIR.	<u>Provisionally agreed</u> 2. In relation to the processing of data in the common identity repository (CIR), the Member State authorities that are controllers for the <del>VIS</del> , EES, <b>the VIS</b> and ETIAS, respectively, shall <del>also be considered as</del> controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to data referred to in Article 18 that they enter into respective systems and shall have responsibility for the processing of that personal data in the CIR.
#513.	3. In relation to the processing of data in the multiple-identity detector:	3. In relation to the processing of data in the multiple-identity detector:	3. In relation to the processing of data in the multiple-identity detector ( <b>MID</b> ):	<u>Provisionally agreed</u> 3. In relation to the processing of data in the multiple-identity detector ( <b>MID</b> ):
#514.	(a) the European Border and Coast Guard Agency shall be considered a data controller in accordance with Article 2(b) of Regulation No 45/2001 in	(a) the European Border and Coast Guard Agency shall be considered a data controller in accordance with Article 2( <del>b</del> ) <b>2(d)</b> of Regulation ( <b>EC</b> ) No 45/2001	(a) the European Border and Coast Guard Agency shall be <del>considered</del> a data controller in accordance with Article 2( <del>b</del> ) <b>(d)</b> of Regulation No 45/2001 <b>[or</b>	<u>Provisionally agreed</u> (a) the European Border and Coast Guard Agency shall be <del>considered</del> a data controller in

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	relation to processing of personal data by the ETIAS Central Unit;	in relation to processing of personal data by the ETIAS Central Unit;	<i>Article 3(2)(b) of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC]</i> in relation to the processing of personal data by the ETIAS Central Unit;	accordance with Article 2(b)(d) of Regulation No 45/2001 [ <i>or Article 3(2)(b) of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC]</i> in relation to the processing of personal data by the ETIAS Central Unit;
#515.	(b) the Member State authorities adding or modifying the data in the identity confirmation file are also to be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of the personal data in the multiple-identity detector;	(b) the Member State authorities adding or modifying the data in the identity confirmation file are also to be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of the personal data in the multiple-identity detector;	(b) the Member State authorities adding or modifying the data in the identity confirmation file <del>are also to be considered as</del> <i>shall be</i> controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 <i>or Article 3(8) of Directive (EU) 2016/680</i> and shall have responsibility for the processing of the personal data in the	<u>Provisionally agreed</u> (b) the Member State authorities adding or modifying the data in the identity confirmation file <del>are also to be considered as</del> <i>shall be</i> controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 <i>or Article 3(8) of Directive (EU) 2016/680</i> and shall have responsibility for the processing of the personal data in



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			<del>multiple identity detector MID;</del>	the <del>multiple identity detector MID;</del> <i>MID;</i>
#516.		<i>3a. In relation to information security management of the interoperability components eu-LISA shall be considered a data controller in accordance with Regulation (EC) No 45/2001.</i>		<u>Provisionally agreed</u> <i>4. For the purposes of data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have access to the logs referred to in Articles 10, 16, 24 and 36 for self-monitoring as referred to in Article 45.</i>
#517.	<i>Article 41 Data processor</i>	<i>Article 41 Data processor</i>	<i>Article 41 Data processor</i>	<i>Article 41 Data processor</i>
#518.	In relation to the processing of personal data in the CIR, eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001.	In relation to the processing of personal data in the <i>shared BMS, the CIR and the MID</i> , eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001.	In relation to the processing of personal data in <i>the shared BMS</i> , the CIR <i>and the MID</i> , eu-LISA <del>shall is to be considered</del> the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001 <i>[or Article 3(1)(a) of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the</i>	<u>Provisionally agreed</u> In relation to the processing of personal data in <i>the shared BMS</i> , the CIR <i>and the MID</i> , eu-LISA <del>shall is to be considered</del> the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001 <i>[or Article 3(1)(a) of Regulation XX/2018 of the European Parliament and of the Council on the protection</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC].</i>	<i>of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC].</i>
#519.	<i>Article 42 Security of processing</i>	<i>Article 42 Security of processing</i>	<i>Article 42 Security of processing</i>	<i>Article 42 Security of processing</i>
#520.	1. Both eu-LISA and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA, [the ETIAS Central Unit] and the Member State authorities shall cooperate on security-related tasks.	1. <del>Both</del> eu-LISA, and the Member State authorities <i>and Europol</i> shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA, <del>shall be responsible for the [the ETIAS central Unit] infrastructure of the interoperability components and Member States shall be responsible for the parts referred to in Article 54. eu-LISA, [the European Border and Coast Guard Agency], Europol</del> and the Member State authorities shall cooperate on security-related	1. <del>Both</del> eu-LISA, [ <i>the ETIAS Central Unit</i> ], <i>Europol</i> and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA, [the ETIAS Central Unit], <i>Europol</i> and the Member State authorities shall cooperate on security-related tasks.	<u>Provisionally agreed</u> 1. <del>Both</del> eu-LISA, <i>the ETIAS Central Unit, Europol</i> and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA, [the ETIAS Central Unit], <i>Europol</i> and the Member State authorities shall cooperate on security-related tasks.

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		tasks.		
#521.	2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the interoperability components and their related communication infrastructure.	2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the interoperability components and their related communication infrastructure.	2. Without prejudice to Article 22 of Regulation (EC) No 45/2001 <i>[or Article 33 of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC]</i> , eu-LISA shall take the necessary measures to ensure the security of the interoperability components and their related communication infrastructure.	<u>Provisionally agreed</u> 2. Without prejudice to Article 22 of Regulation (EC) No 45/2001 <i>[or Article 33 of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC]</i> , eu-LISA shall take the necessary measures to ensure the security of the interoperability components and their related communication infrastructure.
#522.	3. In particular, eu-LISA shall adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan, in	3. In particular, eu-LISA shall adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan, in	3. In particular, eu-LISA shall adopt the necessary <b>security</b> measures, including a security plan, a business continuity plan and a disaster recovery plan, in	<u>Provisionally agreed</u> 3. In particular, eu-LISA shall adopt the necessary <b>security</b> measures, including a security plan, a business continuity plan and a disaster recovery plan, in

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	order to:	order to:	order to:	order to:
#523.	(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;	(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;	(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;	<u>Provisionally agreed</u> (a) physically protect data, including by making contingency plans for the protection of critical infrastructure;
#524.		<i>(aa) deny unauthorised persons access to data-processing equipment and installations;</i>		<u>Provisionally agreed</u> <i>(aa) deny unauthorised persons access to data-processing equipment and installations;</i>
#525.	(b) prevent the unauthorised reading, copying, modification or removal of data media;	(b) prevent the unauthorised reading, copying, modification or removal of data media;	(b) prevent the unauthorised reading, copying, modification or removal of data media;	<u>Provisionally agreed</u> (b) prevent the unauthorised reading, copying, modification or removal of data media;
#526.	(c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;	(c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;	(c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;	<u>Provisionally agreed</u> (c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;
#527.	(d) prevent the unauthorised processing of data and any unauthorised copying,	(d) prevent the unauthorised processing of data and any unauthorised copying,	(d) prevent the unauthorised processing of data and any unauthorised copying,	<u>Provisionally agreed</u> (d) prevent the unauthorised processing of data and any

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	modification or deletion of data;	modification or deletion of data;	modification or deletion of data;	unauthorised copying, modification or deletion of data;
#528.		<i>(da) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment;</i>		<u>Provisionally agreed</u> <i>(da) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment;</i>
#529.	(e) ensure that persons authorised to access the interoperability components have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;	(e) ensure that persons authorised to access the interoperability components have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;	(e) ensure that persons authorised to access the interoperability components have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;	<u>Provisionally agreed</u> (e) ensure that persons authorised to access the interoperability components have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;
#530.	(f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment;	(f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment;	(f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment;	<u>Provisionally agreed</u> (f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment;

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#531.	(g) ensure that it is possible to verify and establish what data has been processed in the interoperability components, when, by whom and for what purpose;	(g) ensure that it is possible to verify and establish what data has been processed in the interoperability components, when, by whom and for what purpose;	(g) ensure that it is possible to verify and establish what data has been processed in the interoperability components, when, by whom and for what purpose;	<u>Provisionally agreed</u> (g) ensure that it is possible to verify and establish what data has been processed in the interoperability components, when, by whom and for what purpose;
#532.	(h) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the interoperability components or during the transport of data media, in particular by means of appropriate encryption techniques;	(h) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the interoperability components or during the transport of data media, in particular by means of appropriate encryption techniques;	(h) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the interoperability components or during the transport of data media, in particular by means of appropriate encryption techniques;	<u>Provisionally agreed</u> (h) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the interoperability components or during the transport of data media, in particular by means of appropriate encryption techniques;
#533.		<i>(ha) ensure that, in the event of interruption, installed systems can be restored to normal operation;</i>		<u>Provisionally agreed</u> <i>(ha) ensure that, in the event of interruption, installed systems can be restored to normal operation;</i>
#534.		<i>(hb) ensure reliability by making sure that any faults in</i>		<u>Provisionally agreed</u> <i>(hb) ensure reliability by</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>the functioning of the interoperability components are properly reported;</i>		<i>making sure that any faults in the functioning of the interoperability components are properly reported;</i>
#535.	(i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.	(i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation <i>and to assess those security measures in the light of new technological developments.</i>	(i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.	<u>Provisionally agreed</u> (i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation <i>and to assess those security measures in the light of new technological developments.</i>
#536.	4. Member States shall take measures equivalent to those referred to in paragraph 3 as regards security in respect of the processing of personal data by the authorities having a right to access any of the interoperability components.	4. Member States, <i>Europol and the European Border and Coast Guard Agency</i> shall take measures equivalent to those referred to in paragraph 3 as regards security in respect of the processing of personal data by the authorities having a right to access any of the interoperability components.	4. Member States, <i>[the ETIAS Central Unit] and Europol</i> shall take measures equivalent to those referred to in paragraph 3 as regards security in respect of the processing of personal data by the authorities having a right to access any of the interoperability components.	<u>Provisionally agreed</u> 4. Member States, <i>Europol and the ETIAS Central Unit</i> shall take measures equivalent to those referred to in paragraph 3 as regards security in respect of the processing of personal data by the authorities having a right to access any of the interoperability components.

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#537.	<i>Article 43 Confidentiality of SIS data</i>	<i>Article 43 Confidentiality of <del>SIS</del> data</i>	<i>Article 43 Confidentiality of SIS data</i>	<u>Provisionally agreed</u> [...]
#538.	1. Each Member State shall apply its rules of professional secrecy or other equivalent duties of confidentiality to all persons and bodies required to work with SIS data accessed through any of the interoperability components in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.	1. Each Member State shall apply its rules of professional secrecy or other equivalent duties of confidentiality to all persons and bodies required to work with <del>SIS</del> data accessed through any of the interoperability components in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.	1. Each Member State shall apply its rules of professional secrecy or other equivalent duties of confidentiality to all persons and bodies required to work with SIS data accessed through any of the interoperability components in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.	<u>Provisionally agreed</u> [...]
#539.	2. Without prejudice to Article 17 of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality of comparable standards to those laid down in paragraph 1 to all its staff	2. Without prejudice to Article 17 of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality of comparable standards to those laid down in paragraph 1 <i>of this Article</i> to all	2. Without prejudice to Article 17 of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality of comparable standards to those laid down in paragraph 1 to all its staff	<u>Provisionally agreed</u> [...]



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	required to work with SIS data. This obligation shall also apply after those persons leave office or employment or after the termination of their activities.	its staff required to work with SIS data. This obligation shall also apply after those persons leave office or employment or after the termination of their activities.	required to work with SIS data. This obligation shall also apply after those persons leave office or employment or after the termination of their activities.	
#540.		<b><i>2a. Where eu-LISA or a Member State cooperates with external contractors in any task related to the interoperability components, it shall closely monitor the activities of the contractor to ensure compliance with all provisions of this Regulation, in particular those on security, confidentiality and data protection.</i></b>		<u>Provisionally agreed</u> [...]
#541.	<i>Article 44 Security incidents</i>	<i>Article 44 Security incidents</i>	<i>Article 44 Security incidents</i>	<i>Article 44 Security incidents</i>
#542.	1. Any event that has or may have an impact on the security of the interoperability components and may cause damage to or loss of data stored in them shall be considered to be a security incident, in particular where unauthorised access to data may	1. Any event that has or may have an impact on the security of the interoperability components and may cause <b><i>unauthorised access to</i></b> , damage to or loss of data stored in them shall be considered to be a security incident, in particular where	1. Any event that has or may have an impact on the security of the interoperability components and may cause damage to or loss of data stored in them shall be considered to be a security incident, in particular where unauthorised access to data may	<u>Provisionally agreed</u> 1. Any event that has or may have an impact on the security of the interoperability components and may cause damage to or loss of data stored in them shall be considered to be a security incident, in particular

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.	unauthorised access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.	have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.	where unauthorised access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.
#543.	2. Security incidents shall be managed so as to ensure a quick, effective and proper response.	2. Security incidents shall be managed so as to ensure a quick, effective and proper response.	2. Security incidents shall be managed so as to ensure a quick, effective and proper response.	<u>Provisionally agreed</u> 2. Security incidents shall be managed so as to ensure a quick, effective and proper response.
#544.	3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents.	3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States <i>and Europol</i> shall notify the Commission, eu-LISA, <i>competent supervisory authorities</i> and the European Data Protection Supervisor of <i>any</i> security incidents <i>without delay</i> . In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-	3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of <i>any</i> security incidents.	<u>Provisionally agreed</u> 3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA, <i>competent supervisory authorities</i> and the European Data Protection Supervisor of <i>any</i> security incidents <i>without delay</i> .

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		LISA shall notify the Commission and the European Data Protection Supervisor.		
#545.		<b>3a. The Commission shall report serious incidents immediately to the European Parliament and to the Council. Those reports shall be classified as EURESTRICTED/ RESTREINT UE in accordance with applicable security rules.</b>		<u>Provisionally agreed</u> [...]
#546.			<b><i>Without prejudice to [Articles 34 and 35 of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC] and Article 34 of Regulation (EU) 2016/794, [the ETIAS Central Unit] and Europol shall notify the Commission, eu-LISA and the</i></b>	<u>Provisionally agreed</u> <b><i>Without prejudice to Articles 34 and 35 of Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC] and Article 34 of Regulation (EU) 2016/794, [the</i></b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>European Data Protection Supervisor of any security incident.</i>	<i>ETIAS Central Unit] and Europol shall notify the Commission, eu-LISA and the European Data Protection Supervisor of any security incident, <u>without delay.</u></i>
#547.	In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.	In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.	In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.	<u>Provisionally agreed</u> In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.
#548.	4. Information regarding a security incident that has or may have an impact on the operation of the interoperability components or on the availability, integrity and confidentiality of the data shall be provided to the Member States and reported in compliance with the incident management plan to be provided by eu-LISA.	4. Information regarding a security incident that has or may have an impact on the operation of the interoperability components or on the availability, integrity and confidentiality of the data shall be provided to the Member States, <i>the ETIAS Central Unit where necessary, and Europol without delay</i> and reported in compliance with the	4. Information regarding a security incident that has or may have an impact on the operation of the interoperability components or on the availability, integrity and confidentiality of the data shall be provided to the Member States, <i>[the ETIAS Central Unit] and Europol</i> and reported in compliance with the incident management plan to be	<u>Provisionally agreed</u> 4. Information regarding a security incident that has or may have an impact on the operation of the interoperability components or on the availability, integrity and confidentiality of the data shall be provided to the Member States, <i>the ETIAS Central Unit and Europol</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		incident management plan to be provided by eu-LISA.	provided by eu-LISA.	<b><i>without delay</i></b> and reported in compliance with the incident management plan to be provided by eu-LISA.
#549.	5. The Member States concerned and eu-LISA shall cooperate in the event of a security incident. The Commission shall lay down the specification of this cooperation procedure by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	5. The Member States concerned, <b><i>the ETIAS Central Unit, Europol</i></b> and eu-LISA shall cooperate in the event of a security incident. The Commission shall lay down the specification of this cooperation procedure by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	5. The Member States concerned, <b><i>[the ETIAS Central Unit], Europol</i></b> and eu-LISA shall cooperate in the event of a security incident. The Commission shall lay down the specification of this cooperation procedure by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).	<u>Provisionally agreed</u> 5. The Member States concerned, <b><i>the ETIAS Central Unit, Europol</i></b> and eu-LISA shall cooperate in the event of a security incident. The Commission shall lay down the specification of this cooperation procedure by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).
#550.	<i>Article 45 Self-monitoring</i>	<i>Article 45 Self-monitoring</i>	<i>Article 45 Self-monitoring</i>	<i>Article 45 Self-monitoring</i>
#551.	Member States and the relevant EU bodies shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its compliance with this	Member States and the relevant <del>EU bodies</del> <b><i>Union agencies</i></b> shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its	Member States and the relevant EU <del>bodies</del> <b><i>agencies</i></b> shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its	<u>Provisionally agreed</u> Member States and the relevant Union <del>EU bodies</del> <b><i>agencies</i></b> shall ensure that each authority entitled to access the interoperability components

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	Regulation and cooperates, where necessary, with the supervisory authority.	compliance with this Regulation and cooperates, <del>where necessary,</del> with the supervisory authority.	compliance with this Regulation and cooperates, where necessary, with the supervisory authority.	takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority.
#552.	The data controllers as referred to in Article 40 shall take the necessary measures to monitor the compliance of the data processing pursuant to this Regulation, including frequent verification of logs, and cooperate, where necessary, with the supervisory authorities referred to in Articles 49 and 50.	The data controllers as referred to in Article 40 shall take the necessary measures to monitor the compliance of the data processing pursuant to this Regulation, including frequent verification of logs, and cooperate, where necessary, with the supervisory authorities referred to in Articles 49 and 50.	The data controllers as referred to in Article 40 shall take the necessary measures to monitor the compliance of the data processing pursuant to this Regulation, including frequent verification of logs, and cooperate, where necessary, with the supervisory authorities referred to in Articles 49 and <i>with the European Data Protection Supervisor as referred to in Article 50.</i>	<u>Provisionally agreed</u> The data controllers as referred to in Article 40 shall take the necessary measures to monitor the compliance of the data processing pursuant to this Regulation, including frequent verification of <i>the logs referred to in Articles 10, 16, 24 and 36,</i> and cooperate, where necessary, with the supervisory authorities referred to in Articles 49 and <i>with the European Data Protection Supervisor as referred to in Article 50.</i>
#553.		<i>Article 45a Penalties</i>	<i>Article 47a<sup>140</sup> Penalties</i>	<i>Article 45a Penalties</i>

<sup>140</sup> Articles 47a and 47b are copied from the text agreed with the EP on the ETIAS Regulation.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#554.		<i>Member States shall ensure that any misuse of data, processing of data or exchange of data contrary to this Regulation is punishable in accordance with national law. The penalties provided shall be effective, proportionate and dissuasive and shall include the possibility for administrative and criminal penalties.</i>	<i>Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.</i>	<u>Provisionally agreed</u> <i>Member States shall ensure that any misuse of data, processing of data or exchange of data contrary to this Regulation is punishable in accordance with national law. The penalties provided shall be effective, proportionate and dissuasive.</i>
#555.		<b>Article 45b Liability</b>	<b>Article 47b Liability</b>	<b>Article 45b Liability</b>
#556.		<i>1. Without prejudice to the right to compensation from, and liability of, the controller or processor under Regulations (EC) No 45/2001 and (EU) 2016/679 and Directive (EU) 2016/680:</i>	<i>1. Without prejudice to the right to compensation from, and liability of the controller or processor under Regulation (EU) 2016/679, Directive (EU) 2016/680 and [Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free</i>	<u>Provisionally agreed</u> <i>1. Without prejudice to the right to compensation from, and liability of the controller or processor under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation 2018/1725:</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC];</i>	
#557.		<i>(a) any person or Member State that has suffered material or non-material damage as a result of an unlawful personal data processing operation or any other act incompatible with this Regulation by a Member State shall be entitled to receive compensation from that Member State; and</i>	<i>(a) any person or Member State that has suffered material or non-material damage as a result of an unlawful personal data processing operation or any other act incompatible with this Regulation by a Member State shall be entitled to receive compensation from that Member State;</i>	<u>Provisionally agreed</u> <i>(a) any person or Member State that has suffered material or non-material damage as a result of an unlawful personal data processing operation or any other act incompatible with this Regulation by a Member State shall be entitled to receive compensation from that Member State;</i>
#558.		<i>(b) any person or Member State that has suffered material or non-material damage as a result of any act by Europol, the European Border and Coast Guard Agency or eu-LISA incompatible with this Regulation shall be entitled to receive compensation from the agency in question.</i>	<i>(b) any person or Member State that has suffered material or non-material damage as a result of any act by eu-LISA incompatible with this Regulation shall be entitled to receive compensation from that agency. eu-LISA shall be liable for unlawful personal data processing operations in accordance with its role as</i>	<u>Provisionally agreed</u> <i>(b) any person or Member State that has suffered material or non-material damage as a result of any act by <u>Europol, the European Border and Coast Guard Agency</u> or eu-LISA incompatible with this Regulation shall be entitled to receive compensation from the agency in question.</i>



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			<i>processor.</i>	
#559.		<i>The Member State concerned, Europol, the European Border and Coast Guard Agency or eu-LISA shall be exempted from their liability under the first subparagraph, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.</i>	<i>That Member State or eu-LISA shall be exempted from their liability, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.</i>	<u>Provisionally agreed</u> <i>The Member State concerned, <u>Europol, the European Border and Coast Guard Agency</u> or eu-LISA shall be exempted from their liability <del>under the first subparagraph</del>, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.</i>
#560.		<i>2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to the interoperability components, that Member State shall be liable for such damage, unless and insofar as eu-LISA or another Member State bound by this Regulation failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.</i>	<i>2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to the interoperability components, that Member State shall be held liable for such damage, unless and insofar as eu-LISA or another Member State participating in the interoperability components failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.</i>	<u>Provisionally agreed</u> <i>2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to the interoperability components, that Member State shall be liable for such damage, unless and insofar as eu-LISA or another Member State <u>bound by this Regulation</u> failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#561.		<i>3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of the defendant Member State. Claims for compensation against the controller or eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.</i>	<i>3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of the defendant Member State. Claims for compensation against the controller or eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.</i>	<u>Provisionally agreed</u> <i>3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of the defendant Member State. Claims for compensation against the controller or eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.</i>
#562.	<i>Article 46 Right of information</i>	<i>Article 46 Right of to information</i>	<i>Article 46 Right of information</i>	<u>Provisionally agreed</u> <i>Article 46 Right of to information</i>
#563.	<i>1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the</i>	<i>1. <del>Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679,</del> <b>The authority collecting the data of</b> persons whose data are stored in the shared biometric matching service <b>BMS</b>, the common</i>	<i>1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 [or <b>Articles 15 and 16 of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies,</b></i>	<u>Provisionally agreed</u> <i>1. <del>Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679,</del> <b>The authority collecting the data of</b> persons whose data are stored in the</i>

	<p style="text-align: center;"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.</p>	<p><del>identity repository <i>CIR</i> or the multiple identity detector <i>MID</i> shall be informed by</del> <b>provide those persons with the information required under Articles 11 and 12 of Regulation, (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679 in the manner required by Article 12 and Article 13 of Directive 2016/680.</b> The authority collecting their data, <b>shall provide the information</b> at the time <del>their</del> <b>that such</b> data are collected, <del>about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.</del></p>	<p><del>offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC], Articles 13 and 14 of Directive (EU) 2016/680 and Articles 13 and 14 of Regulation (EU) 2016/679,</del> persons whose data are stored in the shared biometric matching service <i>BMS</i>, the common identity repository <i>CIR</i> or the multiple identity detector <i>MID</i> shall be informed by the authority collecting their data <b>data controller</b>, at the time their data are collected <b>in accordance with paragraph 2</b>, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, <b>about the period for which the personal data will be stored or about the criteria used to determine that period</b>, and about the procedures for exercising their rights of access,</p>	<p><del>shared biometric matching service <i>BMS</i>, the common identity repository <i>CIR</i> or the multiple identity detector <i>MID</i> shall be informed by</del> <b>provide those persons with the information required under Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679 in the manner required and Article 12 and Article 13 of Directive 2016/680.</b> The authority collecting their data, <b>shall provide the information</b> at the time <del>their</del> <b>that such</b> data are collected, <del>about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national</del></p>

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
			<p>rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.</p>	<p><del>supervisory authority of the Member State responsible for the collection of the data.</del></p>
#564.		<p><i>1a. All information shall be provided to data subjects in a manner and language which they understand, or are reasonably expected to understand. This shall include providing information in a manner which is appropriate to the age of the data subjects who are minors.</i></p>		<p><u>Provisionally agreed</u> <i>1a. All information shall be made available, using clear and plain language, in a linguistic version the person concerned understands or is reasonably expected to understand. This shall include providing information in a manner which is appropriate to the age of the data subjects who are minors.</i></p>
#565.	<p>2. Persons whose data is recorded in the EES, the VIS or [the ETIAS] shall be informed about the processing of data for the purposes of this Regulation in accordance with paragraph 1 when:</p>	<p>2. Persons whose data is recorded in the EES, the VIS or [the ETIAS] shall be informed about the processing of data for the purposes of this Regulation in accordance with paragraph 1 when:</p>	<p>2. Persons whose data is <b>are</b> recorded in the EES, the VIS or [the ETIAS] shall be informed about the processing of <b>personal</b> data for the purposes of this Regulation in accordance with paragraph 1 when:</p>	<p><u>Provisionally agreed</u> 2. Persons whose data is <b>are</b> recorded in the EES, the VIS or the ETIAS shall be informed about the processing of <b>personal</b> data for the purposes of this Regulation in accordance with paragraph 1 when:</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#566.	(a) [an individual file is created or updated in the EES in accordance with Article 14 of the EES Regulation];	(a) [an individual file is created or updated in the EES in accordance with Article 14 of the EES Regulation];	(a) <del>{</del> an individual file is created or updated in the EES in accordance with Article 14 of the <del>EES</del> Regulation ( <i>EU</i> 2017/2226 <del>}</del> ;	<u>Provisionally agreed</u> (a) an individual file is created or updated in the EES in accordance with Article 14 of the <del>EES</del> Regulation ( <i>EU</i> 2017/2226;
#567.	(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;	(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;	(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;	<u>Provisionally agreed</u> (b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;
#568.	(c) [an application file is created or updated in the ETIAS in accordance with Article 17 of the ETIAS Regulation;]	(c) [an application file is created or updated in the ETIAS in accordance with Article 17 of the ETIAS Regulation;]	(c) [an application file is created or updated in the ETIAS in accordance with Article <del>17</del> 19 of the ETIAS Regulation;].	<u>Provisionally agreed</u> (c) an application file is created or updated in the ETIAS in accordance with Article <del>17</del> 19 of the ETIAS Regulation;.
#569.	(d) – (not applicable);	<del>(d) — (not applicable);</del>	<del>(d) — (not applicable);</del>	<u>Provisionally agreed</u> [...]
#570.	(e) – (not applicable).	<del>(e) — (not applicable).</del>	<del>(e) — (not applicable).</del>	<u>Provisionally agreed</u> [...]
#571.		<b>Article 46a Information Campaign</b>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#572.		<i>The Commission shall, in cooperation with the supervisory authorities and the European Data Protection Supervisor, accompany the start of operations of each interoperability component with an information campaign informing the public and, in particular, third-country nationals, about the objectives and the functioning of those components, the authorities having access and the conditions for such access, and the rights of persons concerned. Such information campaigns shall be conducted continuously.</i>		<u>Provisionally agreed</u> [...]
#573.	Article 47 <i>Right of access, correction and erasure</i>	Article 47 <i>Right of access to, rectification, completion, <del>correction</del> and erasure of personal data, and of restriction of the processing thereof - web service</i>	Article 47 <i>Right of access, <del>correction</del> rectification and erasure of data stored in the MID</i>	<u>Provisionally agreed</u> Article 47 <i>Right of access <u>to</u>, <del>correction</del> rectification, and erasure of <u>personal data stored in the MID and restriction of processing thereof</u></i>
#574.	1. In order to exercise their rights under Articles 13, 14, 15	1. In order to exercise their rights under Articles 13, 14, 15	1. In order to exercise their rights under Articles 13, 14, 15	<u>Provisionally agreed</u> 1. In order to exercise their

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.	and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679 <b>and Articles 14 and 16 of Directive (EU) 2016/680 as regards the processing of personal data in the CIR, the shared BMS and the MID</b> , any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any <b>to any other</b> Member State, who shall examine and reply to the request.	and 16 of Regulation (EC) 45/2001 <b>[or Articles 17, 18, 19 and 20 of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC], Article 16 of Directive (EU) 2016/680</b> and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the <del>Member State responsible for the manual verification of different identities or</del> <b>competent authority</b> of any Member State, who shall examine and reply to the request.	rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 <b>or Articles 17, 18, 19 and 20 of Regulation 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, Articles <u>14, 15</u> and 16 of Directive (EU) 2016/680</b> and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities <del>or</del> <b>competent authority</b> of any Member State, who shall examine and reply to the request.
#575.		<b>1a. Without prejudice to paragraph 1, and in order to</b>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<p><i>facilitate and better enable the effective exercise of the rights of data subjects as described in paragraph 1 to access, rectify, erase or restrict the processing of their personal data under interoperability components, in particular for those third-country nationals who may be outside the territory of the Member States, eu-LISA shall establish a web service, hosted in its technical site, which shall enable data subjects to make requests for access, correction, erasure or rectification of their personal data. The web service shall act as a single point of contact for those third-country nationals who are outside the territory of the Member States.</i></p> <p><i>The web service shall immediately transmit such requests to the Member State responsible for manual verification of different identities in accordance with Article 29 or, where appropriate, to the</i></p>		



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>Member State responsible for the entry of the data in the underlying Union information system which is the subject of the request.</i>		
#576.		<i>1b. The Commission shall adopt implementing acts concerning the detailed rules on the conditions for the operation of the web service and the applicable data protection and security rules. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64.</i>		<u>Provisionally agreed</u> [...]
#577.	2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests within 45 days of receipt of the request.	2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made, <i>either directly from the data subject in accordance with paragraph 1 or via the web service in accordance with paragraph 1a</i> , shall reply to such requests	2. <del>The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made</del> <i>The Member State which examined such request</i> shall reply to such requests within <del>45</del> 60 days of receipt of the request. <i>Member States may decide that these</i>	<u>Provisionally agreed</u> 2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made <i>The Member State which examined such request</i> shall reply to such requests <u>without undue delay and in any event</u> within <u>45</u> days

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
		<p><i>without undue delay and in any event</i> within 45 days <del>one month</del> of receipt of the request.</p>	<p><i>replies are given by central offices.</i></p>	<p>of receipt of the request. <b><u>That period may be extended by 15 further days where necessary, taking into account the complexity and number of the requests.</u></b> <i>The Member State which examined such request shall inform the data subject of any such extension within <del>30</del> 45 days of receipt of the request, together with the reasons for the delay. Member States may decide that these replies are given by central offices.</i></p>
<p>#578.</p>	<p>3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within 30 days of such contact.</p>	<p>3. If a request for <b><i>access</i></b>, correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible <b><i>in writing</i></b> within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing <b><i>without undue delay and in any event</i></b> within <del>30</del> days</p>	<p>3. If a request for <del>correction</del> <b><i>rectification</i></b> or erasure of personal data is made to a Member State other than the Member State responsible <b><i>for the manual verification of different identities</i></b>, the Member State to which the request has been made shall contact the authorities of the Member State responsible <b><i>for the manual verification of different identities</i></b> within seven days. <del>and</del> <del>†</del> The Member State responsible <b><i>for the manual verification of</i></b></p>	<p><u>Provisionally agreed</u> If a request for <del>correction</del> <b><i>rectification</i></b> or erasure of personal data is made to a Member State other than the Member State responsible <b><i>for the manual verification of different identities</i></b>, the Member State to which the request has been made shall contact the authorities of the Member State responsible <b><i>for the manual verification of different identities</i></b> within seven</p>

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
		<p><i>one month</i> of such contact. <i>The person concerned shall be informed by the Member State which contacted the authority of the Member State responsible that his or her request was forwarded about the further procedure.</i></p>	<p><i>different identities</i> shall check the accuracy of the data and the lawfulness of the data processing within <del>30</del> 45 days of such contact.</p>	<p>days. <del>and</del> <del>+</del> The Member State responsible <i>for the manual verification of different identities</i> shall check the accuracy of the data and the lawfulness of the data processing <u>without undue delay and in any event</u> within <del>45</del> <u>30</u> days of such contact. <u>That period may be extended by 15 further days where necessary, taking into account the complexity and number of the requests.</u> <i>The controller shall inform the data subject of any such extension within 30 days of receipt of the request, together with the reasons for the delay. The person concerned shall be informed by the Member State which contacted the authority of the Member State responsible that his or her request was forwarded about the further procedure.</i></p>
<p>#579.</p>			<p><i>3a. If a request for rectification or erasure of</i></p>	<p>Provisionally agreed <i>If a request for rectification or</i></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
			<i>personal data is made to a Member State where the ETIAS Central Unit was responsible for the manual verification of different identities, the Member State to which the request has been made shall contact the ETIAS Central Unit within seven days and ask for its opinion to be given within 45 days of such contact.</i>	<i>erasure of personal data is made to a Member State where the ETIAS Central Unit was responsible for the manual verification of different identities, the Member State to which the request has been made shall contact the ETIAS Central Unit within seven days and ask for its opinion to be given <u>without undue delay and in any event within 45 30 days of such contact. That period may be extended by 15 further days where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within 30 days of receipt of the request, together with the reasons for the delay.</u></i>
#580.	4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been	4. Where, following an examination, it is found that the data stored in the <del>multiple-identity detector (MID)</del> <i>CIR, the shared BMS and MID</i> are	4. Where, following an examination, it is found that the data stored in the <del>multiple-identity detector (MID)</del> are factually inaccurate or have been	<u>Provisionally agreed</u> 4. Where, following an examination, it is found that the data stored in the <del>multiple-identity detector (MID)</del> are

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p>recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.</p>	<p>factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall <i>immediately</i> correct or delete these data. <i>The person concerned shall be informed in writing that his or her data has been rectified or erased.</i></p>	<p>recorded unlawfully, the Member State responsible <i>for the manual verification of different identities</i> or, where <i>there was no Member State responsible for the manual verification or where the ETIAS Central Unit was responsible for the manual verification</i> applicable, the Member State to which the request has been made shall correct or delete these data.</p>	<p><del>factually</del> inaccurate or have been recorded unlawfully, the Member State responsible <i>for the manual verification of different identities</i> or, where <i>there was no Member State responsible for the manual verification or where the ETIAS Central Unit was responsible for the manual verification</i> applicable, the Member State to which the request has been made shall correct or delete these data <u><i>without any undue delay. The person concerned shall be informed in writing that his or her data has been rectified or erased.</i></u></p>
<p>#581.</p>		<p><i>4a. Any person shall have the right to lodge a complaint and the right to a legal remedy in the Member State which has refused the right of access to or the right of rectification or erasure of data relating to him or her, in accordance with Union or national law.</i></p>		<p><u>Provisionally agreed</u> [...]</p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#582.	5. Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.	5. Where data <i>in the CIR, the shared BMS or</i> in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.	5. Where data <i>stored</i> in the MID is amended by <del>a the</del> responsible Member State during its validity period, <del>the responsible</del> <i>that</i> Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any <del>hit</del> <i>match</i> , <del>the responsible</del> <i>that</i> Member State <del>or, where applicable, the Member State to which the request has been made</del> shall delete the data from the identity confirmation file. Where the automated processing reports one or several <i>match(es)</i> <del>hit(s)</del> , <del>the responsible</del> <i>that</i> Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.	<u>Provisionally agreed</u> 5. Where data <i>stored</i> in the MID is amended by <del>a the</del> responsible Member State during its validity period, <del>the responsible</del> <i>that</i> Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any <del>hit</del> <i>match</i> , <del>the responsible</del> <i>that</i> Member State <del>or, where applicable, the Member State to which the request has been made</del> shall delete the data from the identity confirmation file. Where the automated processing reports one or several <i>match(es)</i> <del>hit(s)</del> , <del>the responsible</del> <i>that</i> Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.
#583.	6. Where the responsible Member State or, where	6. Where the responsible Member State or, where	6. Where the <del>responsible</del> Member State <i>responsible for the</i>	<u>Provisionally agreed</u> 6. Where the <del>responsible</del>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	applicable, the Member State to which the request has been made does not agree that data stored in the MID are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.	applicable, the Member State to which the request has been made does not agree that data stored in <i>the CIR, the shared BMS or</i> the MID are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.	<i>manual verification of different identities</i> or, where applicable, the Member State to which the request has been made does not agree that data stored in the MID are <del>factually</del> inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.	Member State <i>responsible for the manual verification of different identities</i> or, where applicable, the Member State to which the request has been made does not agree that data stored in the MID are <del>factually</del> inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.
#584.	7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred in paragraph 3 and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent national supervisory	7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred <i>to</i> in <i>paragraphs 1, 2 and</i> <del>paragraph 3</del> and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent	7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request <i>for rectification or erasure of personal data</i> referred <del>in paragraph 3</del> and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance,	<u>Provisionally agreed</u> 7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request <i>for access, rectification, restriction of processing or erasure of personal data</i> referred <del>in paragraph 3</del> and, where relevant, information on how to bring an action or a

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	authorities.	national supervisory authorities <i>together with its contact details</i> .	including from the <del>competent</del> national supervisory authorities.	complaint before the competent authorities or courts, and any assistance, including from the <del>competent</del> national supervisory authorities.
#585.	8. Any request made pursuant to paragraph 3 shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in paragraph 3 and shall be erased immediately afterwards.	8. Any request made pursuant to <del>paragraph</del> <i>paragraphs 1, 2 and 3</i> shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in paragraph 3 and shall be erased immediately afterwards.	8. Any request <i>for rectification or erasure of personal data</i> made pursuant to <del>paragraph 3</del> shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in <del>paragraph 3</del> <i>this Article</i> and shall be erased immediately afterwards.	<u>Provisionally agreed</u> 8. Any request <i>for access, rectification, restriction of processing or erasure of personal data</i> made pursuant to <del>paragraph 3</del> shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in <del>paragraph 3</del> <i>this Article</i> and shall be erased immediately afterwards.
#586.	9. The responsible Member State or, where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in paragraph 3 was made and how it was addressed, and shall	9. The responsible Member State or, where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in <del>paragraph</del> <i>paragraphs 1, 2</i>	9. The <del>responsible</del> Member State <i>responsible for the manual verification of different identities</i> or, where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request <i>for</i>	<u>Provisionally agreed</u> 9. The <del>responsible</del> Member State <i>responsible for the manual verification of different identities</i> or, where applicable, the Member State to which the request has been made shall keep



	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p>make that document available to competent data protection national supervisory authorities without delay.</p>	<p><i>and</i> 3 was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.</p>	<p><i>rectification or erasure of personal data</i> referred to in paragraph 3 was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.</p>	<p>a record in the form of a written document that a request <i>for access, rectification, restriction of processing or erasure of personal data</i> referred to in paragraph 3 was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.</p> <p><u>Provisionally agreed</u>  <b><i>10. This article is without prejudice to the limitations and restrictions to the rights set out in this article which are provided for under Regulation 2016/679/EU and Directive 2016/680/EU.</i></b></p>
<p>#587.</p>				<p><u>Provisionally agreed</u>  <i>Article 47a</i>  <b><i>Web portal</i></b></p> <p><b><i>1. A web portal is established for the purpose of facilitating the exercise of the right of access, rectification,</i></b></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				<p><b><i><u>restriction of processing or erasure of personal data of personal data.</u></i></b></p> <p><b><i>2. The web portal shall contain information on the rights and procedures referred to in Article 46 and 47 and a user interface enabling persons whose data is processed in the MID and who were informed of the presence of a red link in accordance with Article 32(4) to receive the contact information of the competent authority of the Member State responsible for the verification of different identities.</i></b></p> <p><b><i>3. In order to obtain the contact information of the competent authority of the Member State responsible for the verification of different identities, the person whose data is processed in the MID should enter the reference to the authority responsible for the verification of different</i></b></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				<p><i>identities referred to in Article 34(d). The web portal shall use this reference in order to retrieve the contact information of the competent authority of the Member State responsible for the verification of different identities. The web portal shall also include a template e-mail to facilitate the communication between the user and the competent authority of the Member State responsible for the verification of different identities. Such e-mail shall include the single identification number referred to in Article 34(c) in order to allow the competent authority of the Member State responsible for the verification of different identities to identify the data concerned.</i></p> <p><del>4. — The web portal shall be available in Arabic, Chinese, English, French, Russian and Spanish.</del></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				<p><b>4. Member States shall provide eu-LISA with the contact details of all authorities that are competent to examine and reply to any request as referred to in Articles 46 and 47 and shall regularly review whether these data are up to date.</b></p> <p><b>5. eu-LISA shall develop the web portal and ensure its technical management.</b></p> <p><b>6. The Commission shall adopt a delegated act in accordance with Article 63 to adopt detailed rules on the operation of the web portal, including the user interface, <u>the languages in which the web portal shall be available</u> and the template e-mail to facilitate the communication between the user and the competent authority of the Member State responsible for the verification of different identities.</b></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#			<i>Article 47a<sup>141</sup> Penalties</i>	
#588.			<i>Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.</i>	
#589.			<i>Article 47b Liability</i>	
#590.			<i>1. — Without prejudice to the right to compensation from, and liability of the controller or processor under Regulation (EU) 2016/679, Directive (EU) 2016/680 and [Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and</i>	

<sup>141</sup> Articles 47a and 47b are copied from the text agreed with the EP on the ETIAS Regulation.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC];</i>	
#591.			<i>(a) — any person or Member State that has suffered material or non-material damage as a result of an unlawful personal data processing operation or any other act incompatible with this Regulation by a Member State shall be entitled to receive compensation from that Member State;</i>	
#592.			<i>(b) — any person or Member State that has suffered material or non-material damage as a result of any act by eu-LISA incompatible with this Regulation shall be entitled to receive compensation from that agency. eu-LISA shall be liable for unlawful personal data processing operations in accordance with its role as processor.</i>	

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#593.			<i><del>That Member State or eu-LISA shall be exempted from their liability, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.</del></i>	
#594.			<i><del>2. — If any failure of a Member State to comply with its obligations under this Regulation causes damage to the interoperability components, that Member State shall be held liable for such damage, unless and insofar as eu-LISA or another Member State participating in the interoperability components failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.</del></i>	

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#595.			<del>3. — Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of the defendant Member State. Claims for compensation against the controller or eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.</del>	
#596.	<i>Article 48 Communication of personal data to third countries, international organisations and private parties</i>	<i>Article 48 Communication of personal data to third countries, international organisations and private parties</i>	<i>Article 48 Communication of personal data to third countries, international organisations and private parties</i>	<i>Article 48 Communication of personal data to third countries, international organisations and private parties</i>
#597.	Personal data stored in or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party, with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred	<b><i>Without prejudice to [Article 65 of the ETIAS Regulation], Article 41 of Regulation (EU) 2017/2226, Article 31 of Regulation (EC) No 767/2008, Article 25 of Regulation (EU) 2016/794 and the querying of Interpol databases through the ESP in accordance with Article 9(5) of this Regulation,</i></b> personal	<b><i>Without prejudice to [Article 65 of the ETIAS Regulation], Article 41 of Regulation (EU) 2017/2226, and Article 31 of Regulation (EC) 767/2008,</i></b> Personal data stored in or accessed by the interoperability components shall not be transferred or made available to any third country, to any	<u>Provisionally agreed</u> <b><i>Without prejudice to Article 65 of the ETIAS Regulation, Article 41 of Regulation (EU) 2017/2226, Article 31 of Regulation (EC) No 767/2008, and the querying of Interpol databases through the ESP in accordance with Article 9(5) of this Regulation</i></b> which comply



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.	data stored in, <i>processed</i> or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party, <del>with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399.</del> Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.	international organisation or to any private party, with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 <i>[or Chapter V of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC]</i> and Chapter V of Regulation (EU) 2016/679.	with the provisions of <del>Article 9 of Regulation (EC) No 45/2001</del> <i>for Chapter V of Regulation (EU) 2018/1725</i> and Chapter V of Regulation (EU) 2016/679, personal data stored in, <i>processed</i> or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party, <del>with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399.</del> Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.
#598.		<i>Any breach of this Article shall</i>		<u>Provisionally agreed</u>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>be considered a serious security incident and shall be immediately reported and addressed in accordance with Article 44.</i>		[...]
#599.	Article 49 Supervision by the national supervisory authority	Article 49 Supervision by the national supervisory authority	Article 49 Supervision by the <del>national</del> supervisory authorities	<u>Provisionally agreed</u> Article 49 Supervision by the <del>national</del> supervisory authorities
#600.		<b>-1. Each Member State shall ensure that the supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 independently monitors the lawfulness of the processing of personal data pursuant to this Regulation by the Member State concerned.</b>		<u>Provisionally agreed</u> <b>-1. Each Member State shall ensure that the supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and Article 41(1) of Directive (EU) 2016/680 independently monitors the lawfulness of the processing of personal data referred to in this Regulation by the Member State concerned, including their transmission to and from the components of interoperability.</b>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#601.		<i>-1a. Each Member State shall ensure that the national laws, regulations and administrative provisions adopted pursuant to Directive (EU) 2016/680 are also applicable to access to the interoperability components by police authorities and designated authorities, including in relation to the rights of the persons whose data are so accessed.</i>		<u>Provisionally agreed</u> <i>-1a. Each Member State shall ensure that the national laws, regulations and administrative provisions adopted pursuant to Directive (EU) 2016/680 are also applicable, <u>where relevant</u>, to access to the interoperability components by police authorities and designated authorities, including in relation to the rights of the persons whose data are so accessed.</i>
#602.		<i>-1b. The supervisory authority referred to in Article 41(1) of Directive (EU)2016/680 shall monitor the lawfulness of the access to personal data by the Member States police authorities and designated authorities. Article 49(2) and (2a) of this Regulation shall apply accordingly.</i>		<u>Provisionally agreed</u> [...]
#603.	1. The supervisory authority or authorities designated pursuant to Article 49 of Regulation (EU)	1. The supervisory authority or authorities designated pursuant to <i>referred to in</i> Article 49 51(1)	1. The supervisory authority or authorities designated pursuant to Article 49 of Regulation (EU)	<u>Provisionally agreed</u> 1. The supervisory authority or authorities designated

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	2016/679 shall ensure that an audit of the data processing operations by the responsible national authorities is carried out in accordance with relevant international auditing standards at least every four years.	of Regulation (EU)2016/679 <i>or pursuant to Article 41 of Directive (EU) 2016/680</i> shall ensure that an audit of the data processing operations by the responsible national authorities is carried out in accordance with relevant international auditing standards at least every four years. <i>The first such audit shall be carried out two years after the date on which the last interoperability component starts operations under Article 62. The results of the audit may be taken into account in the evaluations conducted under the mechanism established by Council Regulation (EU) No 1053/2013<sup>142</sup>. The supervisory authorities referred to in Article 51(1) of Regulation (EU) 2016/679 and Article 41(1) of</i>	2016/679 shall ensure that an audit of the <i>personal</i> data processing operations by the responsible national authorities <i>for the purposes of this Regulation</i> is carried out in accordance with relevant international auditing standards at least every four years.	<del>pursuant to Article 49 of Regulation (EU) 2016/679</del> shall ensure that an audit of the <i>personal</i> data processing operations by the responsible national authorities <i>for the purposes of this Regulation</i> is carried out in accordance with relevant international auditing standards at least every four years. <i>The supervisory authorities referred to in Article 51(1) of Regulation (EU) 2016/679 and Article 41(1) of Directive (EU) 2016/680 shall publish annually the number of requests for rectification, <u>completion</u> or erasure, or restriction of processing of data, the action subsequently taken and the number of rectifications, erasures and restrictions of</i>

<sup>142</sup> Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>Directive (EU) 2016/680 shall publish annually the number of requests for rectification, completion or erasure, or restriction of processing of data, the action subsequently taken and the number of rectifications, completions, erasures and restrictions of processing made in response to requests by the persons concerned.</i>		<i>processing made in response to requests by the persons concerned.</i>
#604.	2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.	2. Member States shall ensure that their supervisory authority has sufficient resources, <b>including both human and financial resources</b> , to fulfil the tasks entrusted to it under this Regulation <b>and has access to advice from persons with sufficient knowledge of biometric data. Member States shall grant the supervisory authority access to their logs without prejudice to constraints imposed binational security interests.</b>	2. Member States shall ensure that their supervisory <del>authority has</del> <b>authorities have</b> sufficient resources to fulfil the tasks entrusted to <del>it</del> <b>them</b> under this Regulation.	<u>Provisionally agreed</u> 2. Member States shall ensure that their supervisory <del>authority has</del> <b>authorities have</b> sufficient resources <b>and expertise</b> to fulfil the tasks entrusted to <del>it</del> <b>them</b> under this Regulation.
#605.		<b>2a. Member States shall</b>		<u>Provisionally agreed</u>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<p><i>supply any information requested by a supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 and shall, in particular, provide it with information on the activities carried out in accordance with their responsibilities as laid down in this Regulation. Member States shall grant the supervisory authorities referred to in Article 51(1) of Regulation (EU) 2016/679 access to their logs and allow them to access all their premises used for interoperability purposes at all times.</i></p>		<p><i>2a. Member States shall supply any information requested by a supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 and shall, in particular, provide it with information on the activities carried out in accordance with their responsibilities as laid down in this Regulation. Member States shall grant the supervisory authorities referred to in Article 51(1) of Regulation (EU) 2016/679 access to their logs <u>as referred to in Articles 10, 16, 24 and 36, to their justification referred to in Article 22(3)</u> and allow them to access all their premises used for interoperability purposes at all times.</i></p>
#606.			<p><i>3. Each Member State shall ensure that the supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and</i></p>	<p><u>Provisionally agreed</u> [...]</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>Article 41(1) of Directive (EU) 2016/680 independently monitors the lawfulness of the processing of personal data referred to in this Regulation by the Member State concerned, including their transmission to and from the components of interoperability.</i>	
#607.	<i>Article 50 Supervision by the European Data Protection Supervisor</i>	<i>Article 50 Supervision by the European Data Protection Supervisor</i>	<i>Article 50 <del>Supervision</del> <b>Audit</b> by the European Data Protection Supervisor</i>	<u>Provisionally agreed</u> <i>Article 50 <del>Supervision</del> <b>Audit</b> by the European Data Protection Supervisor</i>
#608.	The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments	<b><i>The European Data Protection Supervisor shall be responsible for monitoring the personal data processing activities of eu-LISA, Europol and the European Border and Coast Guard Agency under this Regulation and for ensuring that such activities are carried out in accordance with Regulation (EC) No 45/2001, Regulation (EU) 2016/794 and with this Regulation.</i></b>	The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities <b>operations by eu-LISA, [the ETIAS Central Unit] and Europol for the purposes of this Regulation</b> is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-	<u>Provisionally agreed</u> The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities <b>operations by eu-LISA, the ETIAS Central Unit and Europol for the purposes of this Regulation</b> is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European

	<p style="text-align: center;"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p>before the reports are adopted.</p>	<p><i>eu-LISA shall supply information requested by the European Data Protection Supervisor to it, give the European Data Protection Supervisor access to all the documents and to its logs referred to in Articles 10, 16, 24 and 36 and allow the European Data Protection Supervisor access to all its premises at any time.</i></p> <p>The European Data Protection Supervisor shall ensure that an audit of eu-LISA’s personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. <i>The first such audit shall be carried out two years after the date on which the last interoperability component starts operations in accordance with Article 62.</i> A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member</p>	<p>LISA, the Commission, and the Member States <i>and the EU agency concerned.</i> eu-LISA, <i>[the ETIAS Central Unit] and Europol</i> shall be given an opportunity to make comments before the reports are adopted.</p>	<p>Parliament, the Council, eu-LISA, the Commission, and the Member States <i>and the EU agency concerned.</i> eu-LISA, <i>[the ETIAS Central Unit] and Europol</i> shall be given an opportunity to make comments before the reports are adopted.</p> <p><i>eu-LISA and the ETIAS Central Unit shall supply information requested by the European Data Protection Supervisor to it, give the European Data Protection Supervisor access to all the documents and to its logs as referred to in Articles 10, 16, 24 and 36 and allow the European Data Protection Supervisor access to all its premises at any time.</i></p>



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		States. eu-LISA shall be given an opportunity to make comments before the reports are adopted. <b><i>The European Data Protection Supervisor shall have sufficient additional resources, including both human and financial resources, to fulfil the tasks entrusted to it under this Regulation.</i></b>		
#609.	<i>Article 51 Cooperation between national supervisory authorities and the European Data Protection Supervisor</i>	<i>Article 51 Cooperation between national supervisory authorities and the European Data Protection Supervisor</i>	<i>Article 51 Cooperation between <del>national</del> supervisory authorities and the European Data Protection Supervisor</i>	<u>Provisionally agreed</u> <i>Article 51 Cooperation between <del>national</del> supervisory authorities and the European Data Protection Supervisor</i>
#610.	1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member	1. <b><i>The supervisory authorities and</i></b> the European Data Protection Supervisor shall <del>act in close cooperation with national supervisory authorities</del> with respect to specific issues requiring national involvement, <b><i>each acting within the scope of their respective competences, cooperate actively within the framework of their respective</i></b>	1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a <del>national</del> supervisory authority finds major discrepancies between practices of Member	<u>Provisionally agreed</u> 1. <b><i>The supervisory authorities and</i></b> the European Data Protection Supervisor shall <del>act in close cooperation with national supervisory authorities</del> with respect to specific issues requiring national involvement, <b><i>each acting within the scope of their respective competences, cooperate actively within the</i></b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	States or finds potentially unlawful transfers using the communication channels of the interoperability components, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.	<i>responsibilities and ensure coordinated supervision of the use of the interoperability components and the application of other provisions of this Regulation</i> , in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the interoperability components <del>, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.</del>	States or finds potentially unlawful transfers using the communication channels of the interoperability components, or in the context of questions raised by one or more <del>national</del> supervisory authorities on the implementation and interpretation of this Regulation.	<i>framework of their respective responsibilities and ensure coordinated supervision of the use of the interoperability components and the application of other provisions of this Regulation</i> , in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the interoperability components <del>, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.</del>
#611.	2. In the cases referred to in paragraph 1, coordinated supervision shall be ensured in accordance with Article 62 of Regulation (EU) XXXX/2018 [revised Regulation 45/2001].	2. <i>The European Data Protection Supervisor and the supervisory authorities shall exchange relevant information, assist each other in carrying out audits and inspections, examine any difficulties concerning the</i>	2. In the cases referred to in paragraph 1, coordinated supervision shall be ensured in accordance with [Article <del>61</del> 62 of Regulation (EU) XXXX/2018 <del>[revised Regulation 45/2001]</del> of the European Parliament and of	<u>Provisionally agreed</u> 2. In the cases referred to in paragraph 1, coordinated supervision shall be ensured in accordance with Article 62 of Regulation (EU) 2018/1725 <del>[revised Regulation 45/2001]</del> .

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>interpretation or application of this Regulation, assess problems in the cases referred to in paragraph 1, coordinated exercise of independent supervision or in the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary shall be ensured in accordance with Article 62 of Regulation (EU) XXXX/2018 [revised Regulation 45/2001].</i>	<i>the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC].</i>	
#612.		<i>2a. For the purpose of paragraph 2, the supervisory authorities and the European Data Protection Supervisor shall meet at least twice a year within the framework of the European Data Protection Board established by Regulation (EU)2016/679 (the ‘European Data Protection Board’). The costs of those meetings shall be borne by that Board, which shall</i>		<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>also organise them. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.</i>		
#613.		<i>2b. The European Data Protection Board shall send a joint report of activities to the European Parliament, the Council, the Commission, Europol, the European Border and Coast Guard Agency and eu-LISA two years after entry into force of this Regulation and every two years thereafter. That report shall include a chapter on each Member State prepared by the supervisory authority of that Member State.</i>		<u>Provisionally agreed</u> <i>2b. The European Data Protection Board shall send a joint report of activities to the European Parliament, the Council, the Commission, Europol, the European Border and Coast Guard Agency and eu-LISA two years after entry into force of this Regulation and every two years thereafter. That report shall include a chapter on each Member State prepared by the supervisory authority of that Member State.</i>

	<b>Amended Commission proposal</b> (ST 10178/18)	<b>EP amendments</b>	<b>Council negotiation mandate</b> (ST 11312/18)	<b>Compromise text proposals</b>
#614.	<b>CHAPTER VIII Responsibilities</b>	<b>CHAPTER VIII Responsibilities</b>	<b>CHAPTER VIII Responsibilities</b>	<b>CHAPTER VIII Responsibilities</b>
#615.	<i>Article 52 Responsibilities of eu-LISA during the design and development phase</i>	<i>Article 52 Responsibilities of eu-LISA during the design and development phase</i>	<i>Article 52 Responsibilities of eu-LISA during the design and development phase</i>	<i>Article 52 Responsibilities of eu-LISA during the design and development phase</i>
#616.	1. eu-LISA shall ensure that the central infrastructures of the interoperability components are operated in accordance with this Regulation.	1. eu-LISA shall ensure that the central infrastructures of the interoperability components are operated in accordance with this Regulation.	1. eu-LISA shall ensure that the central infrastructures of the interoperability components are operated in accordance with this Regulation.	<u>Provisionally agreed</u> 1. eu-LISA shall ensure that the central infrastructures of the interoperability components are operated in accordance with this Regulation.
#617.	2. The interoperability components shall be hosted by eu-LISA in its technical sites and shall provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed referred to in Article 53(1).	2. The interoperability components shall be hosted by eu-LISA in its technical sites and shall provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed referred to in Article 37, <i>Article 37a and Article 53(1)</i> .	2. The interoperability components shall be hosted by eu-LISA in its technical sites and shall provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and <del>speed</del> <b>performance</b> referred to in Article 53(1).	<u>Provisionally agreed</u> 2. The interoperability components shall be hosted by eu-LISA in its technical sites and shall provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and <del>speed</del> <b>performance</b> referred to in Article 53(1).
#618.	3. eu-LISA shall be responsible for the development	eu-LISA shall be responsible for the <b>design and</b> development of	3. eu-LISA shall be responsible for the development	<u>Provisionally agreed</u> 3. eu-LISA shall be

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	of the interoperability components, for any adaptations required for establishing interoperability between the central systems of the EES, VIS, [ETIAS], SIS, and Eurodac, and [the ECRIS-TCN system], and the European search portal, the shared biometric matching service, the common identity repository and the multiple-identity detector.	the interoperability components, for any adaptations required for establishing interoperability between the central systems of the EES, VIS, [ETIAS], SIS, and Eurodac, and [ <del>the</del> ECRIS-TCN system], and the <del>European search portal</del> <i>ESP</i> , the shared biometric matching service <i>BMS</i> , the common identity repository <i>CIR</i> , <i>the MID</i> and the <del>multiple-identity detector</del> <i>CRRS</i> .	of the interoperability components, for any adaptations required for establishing interoperability between the central systems of the EES, VIS, [ETIAS], SIS, and Eurodac, and [the ECRIS-TCN system], and the European search portal ( <i>ESP</i> ), the shared biometric matching service ( <i>BMS</i> ), the common identity repository ( <i>CIR</i> ), and the multiple-identity detector ( <i>MID</i> ) <i>and the central repository for reporting and statistics (CRRS)</i> .	responsible for the development of the interoperability components, for any adaptations required for establishing interoperability between the central systems of the EES, VIS, {ETIAS}, SIS, and Eurodac, and the ECRIS-TCN system, and the <del>European search portal</del> ( <i>ESP</i> ), the shared biometric matching service <del>(BMS)</del> , the common identity repository <del>(CIR)</del> , and the multiple-identity detector <del>(MID)</del> <i>and the central repository for reporting and statistics (CRRS)</i> . <i>Without prejudice to Article 56, it shall not have access to any of the personal data processed through the ESP, the shared BMS, the CIR and the MID.</i>
#619.	eu-LISA shall define the design of the physical architecture of the interoperability components including their communication infrastructures and the technical specifications and their evolution as regards the central	eu-LISA shall define the design of the physical architecture of the interoperability components including their communication infrastructures and the technical specifications and their evolution as regards the central	eu-LISA shall define the design of the physical architecture of the interoperability components including their communication infrastructures and the technical specifications and their evolution as regards the central	<u>Provisionally agreed</u> eu-LISA shall define the design of the physical architecture of the interoperability components including their communication infrastructures and the technical specifications and their evolution

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	infrastructure and the secure communication infrastructure, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, [ETIAS], SIS or VIS deriving from the establishment of interoperability and provided for by this Regulation.	infrastructure and the secure communication infrastructure, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, [ETIAS], SIS or VIS deriving from the establishment of interoperability and provided for by this Regulation.	infrastructure and the secure communication infrastructure, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, <b>VIS</b> , [ETIAS]; <b>or</b> SIS <del>or</del> <del>VIS</del> deriving from the establishment of interoperability and provided for by this Regulation.	as regards the central infrastructure and the secure communication infrastructure, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, <b>VIS</b> , ETIAS <b>or</b> SIS <del>or</del> <del>VIS</del> deriving from the establishment of interoperability and provided for by this Regulation.
#620.	eu-LISA shall develop and implement the interoperability components as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Articles 8(2), 9(7), 28(5) and (6), 37(4), 38(4), 39(5) and 44(5).	eu-LISA shall develop and implement the interoperability components as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Articles 8(2), 9(7), 28(5) and (6), 37(4), 38(4), 39(5) and 44(5).	eu-LISA shall develop and implement the interoperability components as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Articles 8(2), 9(7), 28(5) and (6), 37(4), 38(4), 39(5), <del>and</del> 44(5) <b>and 68(7a)</b> .	<u>Provisionally agreed</u> eu-LISA shall develop and implement the interoperability components as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Articles 8(2), 9(7), 28(5) and (6), 37(4), 38(4), 39(5), <del>and</del> 44(5) <b>and 68(7a)</b> .
#621.	The development shall consist of the elaboration and implementation of the technical specifications, testing and overall	The development shall consist of the elaboration and implementation of the technical specifications, testing and overall	The development shall consist of the elaboration and implementation of the technical specifications, testing and overall	<u>Provisionally agreed</u> The development shall consist of the elaboration and implementation of the technical

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	project coordination.	project <i>management and</i> coordination. <i>eu-LISA shall follow the principles of privacy by design and by default during the entire lifecycle of the development of the interoperability components.</i>	project coordination.	specifications, testing and overall project <i>management and</i> coordination.
#622.	4. During the design and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of seven members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the Interoperability Advisory Group referred to in Article 65, a member representing eu-LISA appointed by its Executive Director, and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States that are fully bound under Union law by the legislative	4. During the design and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of seven members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the Interoperability Advisory Group referred to in Article 65, a member representing eu-LISA appointed by its Executive Director, and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States that are fully bound under Union law by the legislative	4. During the design and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of seven members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the Interoperability Advisory Group referred to in Article 65, a member representing eu-LISA appointed by its Executive Director, and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States that are fully bound under Union law by the legislative	<u>Provisionally agreed</u> 4. During the design and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of seven members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the Interoperability Advisory Group referred to in Article 65, a member representing eu-LISA appointed by its Executive Director, and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	instruments governing the development, establishment, operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the interoperability components.	instruments governing the development, establishment, operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the interoperability components.	instruments governing the development, establishment, operation and use of all the <del>large-scale IT</del> <b>EU information</b> systems managed by eu-LISA and which will participate in the interoperability components.	Member States that are fully bound under Union law by the legislative instruments governing the development, establishment, operation and use of all the <del>large-scale IT</del> <b>EU information</b> systems managed by eu-LISA and which will participate in the interoperability components.
#623.	5. The Programme Management Board shall meet regularly and at least three times per quarter. It shall ensure the adequate management of the design and development phase of the interoperability components.	5. The Programme Management Board shall meet regularly and at least three times per quarter. It shall ensure the adequate management of the design and development phase of the interoperability components.	5. The Programme Management Board shall meet regularly and at least three times per quarter. It shall ensure the adequate management of the design and development phase of the interoperability components.	<u>Provisionally agreed</u> 5. The Programme Management Board shall meet regularly and at least three times per quarter. It shall ensure the adequate management of the design and development phase of the interoperability components.
#624.	The Programme Management Board shall every month submit to the Management Board written reports on progress of the project. The Programme Management Board shall have no decision-making power nor any mandate to represent the members of eu-LISA's Management Board.	The Programme Management Board shall every month submit to the Management Board written reports on progress of the project. The Programme Management Board shall have no decision-making power nor any mandate to represent the members of eu-LISA's Management Board.	The Programme Management Board shall every month submit to <i>eu-LISA's</i> <del>the</del> Management Board written reports on progress of the project. The Programme Management Board shall have no decision-making power nor any mandate to represent the members of eu-LISA's	<u>Provisionally agreed</u> The Programme Management Board shall every month submit to <i>eu-LISA's</i> <del>the</del> Management Board written reports on progress of the project. The Programme Management Board shall have no decision-making power nor any mandate to represent the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			Management Board.	members of eu-LISA's Management Board.
#625.	6. eu-LISA's Management Board shall establish the rules of procedure of the Programme Management Board, which shall include in particular rules on:	6. eu-LISA's Management Board shall establish the rules of procedure of the Programme Management Board, which shall include in particular rules on:	6. eu-LISA's Management Board shall establish the rules of procedure of the Programme Management Board, which shall include in particular rules on:	<u>Provisionally agreed</u> 6. eu-LISA's Management Board shall establish the rules of procedure of the Programme Management Board, which shall include in particular rules on:
#626.	(a) chairmanship;	(a) chairmanship;	(a) chairmanship;	<u>Provisionally agreed</u> (a) chairmanship;
#627.	(b) meeting venues;	(b) meeting venues;	(b) meeting venues;	<u>Provisionally agreed</u> (b) meeting venues;
#628.	(c) preparation of meetings;	(c) preparation of meetings;	(c) preparation of meetings;	<u>Provisionally agreed</u> (c) preparation of meetings;
#629.	(d) admission of experts to the meetings;	(d) admission of experts to the meetings;	(d) admission of experts to the meetings;	<u>Provisionally agreed</u> (d) admission of experts to the meetings;
#630.	(e) communication plans ensuring full information to non-participating Members of the Management Board.	(e) communication plans ensuring full information to non-participating Members of the Management Board.	(e) communication plans ensuring full information to non-participating Members of the Management Board.	<u>Provisionally agreed</u> (e) communication plans ensuring full information to non-participating Members of the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				Management Board.
#631.	The chairmanship shall be held by a Member State that is fully bound under Union law by the legislative instruments governing the development, establishment, operation and use of all the large-scale IT systems managed by eu-LISA.	The chairmanship shall be held by a Member State that is fully bound under Union law by the legislative instruments governing the development, establishment, operation and use of all the large-scale IT systems managed by eu-LISA.	The chairmanship shall be held by a Member State that is fully bound under Union law by the legislative instruments governing the development, establishment, operation and use of all the <b>EU information systems</b> <del>large-scale IT systems managed by eu-LISA.</del>	<u>Provisionally agreed</u> The chairmanship shall be held by a Member State that is fully bound under Union law by the legislative instruments governing the development, establishment, operation and use of all the <b>EU information systems</b> <del>large-scale IT systems managed by eu-LISA.</del>
#632.	All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency, and Article 10 of the eu-LISA Rules of Procedure shall apply <i>mutatis mutandis</i> . eu-LISA shall provide the Programme Management Board with a secretariat.	All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency, and Article 10 of the eu-LISA Rules of Procedure shall apply <i>mutatis mutandis</i> . eu-LISA shall provide the Programme Management Board with a secretariat.	All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency, and Article 10 of the eu-LISA Rules of Procedure shall apply <i>mutatis mutandis</i> . eu-LISA shall provide the Programme Management Board with a secretariat.	<u>Provisionally agreed</u> All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency, and Article 10 of the eu-LISA Rules of Procedure shall apply <i>mutatis mutandis</i> . eu-LISA shall provide the Programme Management Board with a secretariat.
#633.	The Interoperability Advisory Group referred to in Article 65 shall meet regularly until the start of operations of the	The Interoperability Advisory Group referred to in Article 65 shall meet regularly until the start of operations of the	The Interoperability Advisory Group referred to in Article 65 shall meet regularly until the start of operations of the	<u>Provisionally agreed</u> The Interoperability Advisory Group referred to in Article 65

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	interoperability components. It shall report after each meeting to the Programme Management Board. It shall provide the technical expertise to support the tasks of the Programme Management Board and shall follow up on the state of preparation of the Member States.	interoperability components. It shall report after each meeting to the Programme Management Board. It shall provide the technical expertise to support the tasks of the Programme Management Board and shall follow up on the state of preparation of the Member States.	interoperability components. It shall report after each meeting to the Programme Management Board. It shall provide the technical expertise to support the tasks of the Programme Management Board and shall follow up on the state of preparation of the Member States.	shall meet regularly until the start of operations of the interoperability components. It shall report after each meeting to the Programme Management Board. It shall provide the technical expertise to support the tasks of the Programme Management Board and shall follow up on the state of preparation of the Member States.
#634.	<i>Article 53 Responsibilities of eu-LISA following the entry into operations</i>	<i>Article 53 Responsibilities of eu-LISA following the entry into operations</i>	<i>Article 53 Responsibilities of eu-LISA following the entry into operations</i>	<i>Article 53 Responsibilities of eu-LISA following the entry into operations</i>
#635.	1. Following the entry into operations of each interoperability component, eu-LISA shall be responsible for the technical management of the central infrastructure and the national uniform interfaces. In cooperation with the Member States, it shall ensure at all times the best available technology, subject to a cost-benefit analysis.	Following the entry into operations of each interoperability component, eu-LISA shall be responsible for the technical <b>and security</b> management of the central infrastructure <del>and the national uniform interfaces</del> <b>of the interoperability components, including maintenance and technological developments.</b> In	1. Following the entry into operations of each interoperability component, eu-LISA shall be responsible for the technical management of the central infrastructure <del>and the national uniform interfaces</del> . In cooperation with the Member States, it shall ensure <del>at all times</del> the best available technology, subject to a cost-benefit analysis.	<u>Provisionally agreed</u> 1. Following the entry into operations of each interoperability component, eu-LISA shall be responsible for the technical management of the central infrastructure <del>and the national uniform interfaces</del> <b>of the interoperability components, including maintenance and technological developments.</b> In

	<p align="center"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p>eu-LISA shall also be responsible for the technical management of the communication infrastructure referred to in Articles 6, 12, 17, 25 and 39.</p>	<p>cooperation with the Member States, it shall ensure <i>that</i> at all times the best available technology <i>is used</i>, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management <i>and security</i> of the communication infrastructure referred to in Articles 6, 12, 17, 25 and 39.</p>	<p>eu-LISA shall also be responsible for the technical management of the communication infrastructure referred to in Articles 6, 12, 17, 25 and 39.</p>	<p>cooperation with the Member States, it shall ensure <del>at all times</del> the best available technology <i>is used</i>, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management of the communication infrastructure referred to in Articles 6, 12, 17, 25 and 39.</p>
<p>#636.</p>	<p>Technical management of the interoperability components shall consist of all the tasks necessary to keep the interoperability components functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the components function at a satisfactory level of technical quality, in particular as regards the response time for interrogation of the central infrastructures in accordance with the technical specifications.</p>	<p>Technical management of the interoperability components <del>shall consist</del> <i>consists</i> of all the tasks necessary to keep the interoperability components functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the components function at a satisfactory level of technical quality, in particular as regards the response time for interrogation of the central infrastructures in accordance with the technical specifications.</p>	<p>Technical management of the interoperability components shall consist of all the tasks necessary to keep the interoperability components functioning <i>providing uninterrupted services to the Member States</i> 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the components function at a satisfactory level of technical quality, in particular as regards the response time for interrogation of the central infrastructures in accordance with</p>	<p><u>Provisionally agreed</u>                      Technical management of the interoperability components shall consist of all the tasks <i>and technical solutions</i> necessary to keep the interoperability components functioning <i>providing uninterrupted services to the Member States and to the EU bodies</i> 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the components function at a satisfactory level of technical quality, in particular as</p>

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
			<p>the technical specifications.</p>	<p>regards the response time for interrogation of the central infrastructures in accordance with the technical specifications.  <u><i>All interoperability components shall be developed and managed in such a way as to ensure fast, seamless, efficient, controlled access, full, uninterrupted availability of the components and the data stored in the MID, sBMS and CIR, and a response time in line with the operational needs of the Member States' authorities and Union agencies.</i></u></p>
<p>#637</p>		<p><i>Security management of the interoperability components shall consist of all the tasks necessary to ensure the integrity, confidentiality and availability of all interoperability components in accordance with this Regulation, in particular information security risk assessments and preventive measures to avoid both physical and IT security incidents and the</i></p>		<p><u>Provisionally agreed</u>          [...]</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>actions required to respond and recover from them if they cannot be avoided.</i>		
#638.	2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data stored in the interoperability components. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.	2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data stored in the interoperability components. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.	2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data stored in the interoperability components. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.	<u>Provisionally agreed</u> 2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data stored in the interoperability components. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.  <i>Without prejudice to Article 56, it shall not have access to any of the personal data processed through the ESP, the shared BMS, the CIR and the MID.</i>
#639.	3. eu-LISA shall develop and maintain a mechanism and procedures for carrying out	3. eu-LISA shall develop and maintain a mechanism and procedures for carrying out	3. eu-LISA shall develop and maintain a mechanism and procedures for carrying out	<u>Provisionally agreed</u> 3. eu-LISA shall develop

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	quality checks on the data stored in the shared biometric matching service and the common identity repository in accordance with Article 37.	quality checks on the data stored in the shared biometric matching service and the common identity repository in accordance with Article 37.	quality checks on the data stored in the shared biometric matching service and the common identity repository in accordance with Article 37.	and maintain a mechanism and procedures for carrying out quality checks on the data stored in the shared biometric matching service and the common identity repository in accordance with Article 37.
#640.	4. eu-LISA shall also perform tasks related to providing training on the technical use of the interoperability components.	4. eu-LISA shall also perform tasks related to providing training on the technical use of the interoperability components.	4. eu-LISA shall also perform tasks related to providing training on the technical use of the interoperability components.	<u>Provisionally agreed</u> 4. eu-LISA shall also perform tasks related to providing training on the technical use of the interoperability components.
#641.	<i>Article 54 Responsibilities of Member States</i>	<i>Article 54 Responsibilities of Member States</i>	<i>Article 54 Responsibilities of Member States</i>	<i>Article 54 Responsibilities of Member States</i>
#642.	1. Each Member State shall be responsible for:	1. Each Member State shall be responsible for:	1. Each Member State shall be responsible for:	<u>Provisionally agreed</u> 1. Each Member State shall be responsible for:
#643.	(a) the connection to the communication infrastructure of the European search portal (ESP) and the common identity repository (CIR);	(a) the connection to the communication infrastructure of the European search portal (ESP) and the common identity repository (CIR);	(a) the connection to the communication infrastructure of the <del>European search portal (ESP)</del> and the <del>common identity repository (CIR)</del> ;	<u>Provisionally agreed</u> (a) the connection to the communication infrastructure of the <del>European search portal (ESP)</del> and the <del>common identity</del>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				repository (CIR);
#644.	(b) the integration of the existing national systems and infrastructures with the ESP, shared biometric matching service, the CIR and the multiple-identity detector;	(b) the integration of the existing national systems and infrastructures with the ESP, shared biometric matching service, the CIR and the multiple-identity detector;	(b) the integration of the existing national systems and infrastructures with the ESP, <del>shared biometric matching service</del> , the CIR and the <del>multiple-identity detector</del> <b>MID</b> ;	<u>Provisionally agreed</u> (b) the integration of the existing national systems and infrastructures with the ESP, <del>shared biometric matching service</del> , the CIR and the <del>multiple-identity detector</del> <b>MID</b> ;
#645.	(c) the organisation, management, operation and maintenance of its existing national infrastructure and of its connection to the interoperability components;	(c) the organisation, management, operation and maintenance of its existing national infrastructure and of its connection to the interoperability components;	(c) the organisation, management, operation and maintenance of its existing national infrastructure and of its connection to the interoperability components;	<u>Provisionally agreed</u> (c) the organisation, management, operation and maintenance of its existing national infrastructure and of its connection to the interoperability components;
#646.	(d) the management of, and arrangements for, access by the duly authorised staff, and by the duly empowered staff, of the competent national authorities to the ESP, the CIR and the multiple-identity detector in accordance with this Regulation and the creation and regular update of a list of those staff and	(d) the management of, and arrangements for, access by the duly authorised staff, and by the duly empowered staff, of the competent national authorities to the ESP, the CIR and the multiple-identity detector in accordance with this Regulation and the creation and regular update of a list of those staff and	(d) the management of, and arrangements for, access by the duly authorised staff <del>and by the duly empowered staff</del> of the competent national authorities to the ESP, the CIR and the <del>multiple-identity detector</del> <b>MID</b> in accordance with this Regulation and the creation and regular update of a list of those staff and	<u>Provisionally agreed</u> (d) the management of, and arrangements for, access by the duly authorised staff <del>and by the duly empowered staff</del> of the competent national authorities to the ESP, the CIR and the <del>multiple-identity detector</del> <b>MID</b> in accordance with this Regulation and the creation and

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	their profiles;	their profiles;	their profiles;	regular update of a list of those staff and their profiles;
#647.	(e) the adoption of the legislative measures referred to in Article 20(3) in order to access the CIR for identification purposes;	(e) the adoption of the legislative measures referred to in Article 20(3) in order to access the CIR for identification purposes;	(e) the adoption of the legislative measures referred to in Article 20 <del>(3)</del> (2) <b>and 20(2a)</b> in order to access the CIR for identification purposes;	<u>Provisionally agreed</u> (e) the adoption of the legislative measures referred to in Article 20 <del>(3)</del> (2) <b>and 20(2a)</b> in order to access the CIR for identification purposes;
#648.	(f) the manual verification of different identities referred to in Article 29;	(f) the manual verification of different identities referred to in Article 29;	(f) the manual verification of different identities referred to in Article 29;	<u>Provisionally agreed</u> (f) the manual verification of different identities referred to in Article 29;
#649.	(g) the implementation of data quality requirements in the EU information systems and in the interoperability components;	(g) the implementation of data quality requirements in the EU information systems and in the interoperability components;	(g) the <del>implementation</del> <b>compliance with</b> data quality requirements <del>in the EU information systems and in the interoperability components</del> <b>established under Union law;</b>	<u>Provisionally agreed</u> (g) the <del>implementation</del> <b>compliance with</b> data quality requirements <del>in the EU information systems and in the interoperability components</del> <b>established under Union law;</b>
#650.		<b>(ga) fully complying with the rules of each IT system to ensure the security and integrity of personal data;</b>		<u>Provisionally agreed</u> <b>(ga) fully complying with the rules of each EU information system to ensure the security and integrity of personal data;</b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#651.	(h) remedying any deficiencies identified in the Commission's evaluation report concerning data quality referred to in Article 37(5).	(h) remedying any deficiencies identified in the Commission's evaluation report concerning data quality referred to in Article 37(5).	(h) remedying any deficiencies identified in the Commission's evaluation report concerning data quality referred to in Article 37(5).	<u>Provisionally agreed</u> (h) remedying any deficiencies identified in the Commission's evaluation report concerning data quality referred to in Article 37(5).
#652.		<i>(ha) reporting any security incidents involving personal data to the Commission, eu-LISA, the national supervisory authorities and the European Data Protection Supervisor.</i>		<u>Provisionally agreed</u> [...]
#653.	2. Each Member State shall connect their designated authorities referred to in Article 4(24) to the CIR.	2. Each Member State shall connect their designated authorities referred to in Article 4(24) to the CIR.	2. Each Member State shall connect their designated authorities <del>referred to in Article 4(24)</del> to the CIR.	<u>Provisionally agreed</u> 2. Each Member State shall connect their designated authorities <del>referred to in Article 4(24)</del> to the CIR.
#654.		<b>Article 54a</b> <b>Responsibilities of Europol</b>		<u>Provisionally agreed</u> [...]
#655.		<b>1. Europol shall ensure processing of the queries by the ESP and the shared BMS to Europol data and shall accordingly adapt its Querying</b>		<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>Europol Systems (QUEST) interface for basic protection level (BPL) data.</i>		
#656.		<i>2. Europol shall be responsible for the management of, and arrangements for, its duly authorised staff to use and access respectively the ESP and the CIR in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles.</i>		<u>Provisionally agreed</u> [...]
#657.		<i>3. Any data processing by Europol under this Regulation shall be subject to Regulation (EU) 2016/794.</i>		<u>Provisionally agreed</u> [...]
#658.	<i>Article 55 Responsibilities of the ETIAS Central Unit</i>	<i>Article 55 Responsibilities of the ETIAS Central Unit</i>	<i>Article 55 Responsibilities of the ETIAS Central Unit</i>	<i>Article 55 Responsibilities of the ETIAS Central Unit</i>
#659.	The ETIAS Central Unit shall be responsible for:	The ETIAS Central Unit shall be responsible for:	The ETIAS Central Unit shall be responsible for:	<u>Provisionally agreed</u> The ETIAS Central Unit shall be responsible for:
#660.	(a) the manual verification of different identities referred to in	(a) the manual verification of different identities referred to in	(a) the manual verification of different identities referred to in	<u>Provisionally agreed</u> (a) the manual verification of

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	Article 29;	Article 29;	Article 29;	different identities referred to in Article 29;
#661.	(b) carrying out a multiple-identity detection between the data stored in the VIS, Eurodac and the SIS referred to in Article 59.	(b) carrying out a multiple-identity detection between the data stored in the VIS, Eurodac and the SIS referred to in Article 59.	(b) carrying out a multiple-identity detection between the data stored in the <i>EES</i> , VIS, Eurodac and the SIS referred to in Article 59.	<u>Provisionally agreed</u> (b) carrying out a multiple-identity detection between the data stored in the <i>EES</i> , VIS, Eurodac and the SIS referred to in Article 59.
#662.	<b>CHAPTER IX Amendments to other Union instruments</b>	<b>CHAPTER IX Amendments to other Union instruments</b>	<b>CHAPTER IX Amendments to other Union instruments</b>	<b>CHAPTER IX Amendments to other Union instruments</b>
#663.	<i>Article 55a Amendments to Regulation (EU) 2016/399</i>	<i>Article 55a Amendments to Regulation (EU) 2016/399</i>	<i>Article 55a Amendments to Regulation (EU) 2016/399</i>	<i>Article 55a Amendments to Regulation (EU) 2016/399</i>
#664.	Regulation (EU) 2016/399 is amended as follows:	Regulation (EU) 2016/399 is amended as follows:	Regulation (EU) 2016/399 is amended as follows:	<u>Provisionally agreed</u> Regulation (EU) 2016/399 is amended as follows:
#665.	In Article 8 of Regulation (EU) 2016/399, the following paragraph 4a is added:	In Article 8 of Regulation (EU) 2016/399, the following paragraph 4a is added:	In Article 8 of Regulation (EU) 2016/399, the following paragraph 4a is added:	<u>Provisionally agreed</u> In Article 8 of Regulation (EU) 2016/399, the following paragraph 4a is added:
	"4a. Where on entry or exit,	"4a. Where on entry or exit,	"4a. <del>Where on entry or exit,</del>	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	the consultation of the relevant databases including the multiple-identity detector through the European search portal referred to respectively in [Article 4(36) and (33) of Regulation 2018/XX on interoperability] results in a yellow link or detects a red link, the person being checked shall be referred to the second-line check.	the consultation of the relevant databases including the multiple-identity detector through the European search portal referred to respectively in [Article 4(36) and (33) of Regulation 2018/XX on interoperability] results in a yellow link or detects a red link, the person being checked shall be referred to the second-line check.	<del>the consultation of the relevant databases including the multiple-identity detector through the European search portal referred to respectively in [Article 4(36) and (33) of Regulation 2018/XX on interoperability] results in a yellow link or detects a red link, the person being checked shall be referred to the second line check.</del>	<del>"4a. — Where on entry or exit, the consultation of the relevant databases including the multiple-identity detector through the European search portal referred to respectively in [Article 4(36) and (33) of Regulation 2018/XX on interoperability] results in a yellow link or detects a red link, the person being checked shall be referred to the second line check.</del>
#666.	The border guard at second line shall consult the multiple-identity detector together with the common identity repository referred to in [Article 4(35) of Regulation 2018/XX on interoperability] or the Schengen Information System or both to assess the differences in the linked identities and shall carry out any additional verification necessary to take a decision on the status and colour of the link as well as to take a decision on the entry or refusal of entry of the	The border guard <del>at second line</del> shall consult the multiple-identity detector together with the common identity repository referred to in [Article 4(35) of Regulation 2018/XX on interoperability] or the Schengen Information System or both to assess the differences in the linked identities and shall carry out any additional verification necessary to take a decision on the status and colour of the link as well as to take a decision on the entry or refusal of entry of the	"4a. The border guard <del>at second line</del> shall consult the multiple-identity detector together with the common identity repository referred to in [Article 4(35) of Regulation 2018/XX on interoperability] or the Schengen Information System or both to assess the differences in the linked identities <i>ies data and travel document data</i> , and shall carry out any additional verification necessary to take a decision on the status and colour of the link <del>as well as to take a decision on</del>	<u>Provisionally agreed</u> "4a. The border guard <del>at second line</del> shall consult the multiple-identity detector together with the common identity repository referred to in [Article 4(35) of Regulation 2018/XX on interoperability] or the Schengen Information System or both to assess the differences in the linked identities <i>ies data and travel document data</i> , and shall carry out any additional verification necessary to take a decision on the status and colour of the link

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	person concerned.	person concerned.	<del>the entry or refusal of entry of the person concerned.</del>	<del>as well as to take a decision on the entry or refusal of entry of the person concerned.</del>
#667.	In accordance with [Article 59(1) of Regulation 2018/XX], this paragraph shall apply only as from the start of operations of the multiple-identity detector."	In accordance with [Article 59(1) of Regulation 2018/XX], this paragraph shall apply only as from the start of operations of the multiple-identity detector."	In accordance with [Article 59(1) of Regulation 2018/XX], this paragraph shall apply only as from the start of operations of the multiple-identity detector."	<u>Provisionally agreed</u> In accordance with [Article 59(1) of Regulation 2018/XX], this paragraph shall apply only as from the start of operations of the multiple-identity detector."
#668.	<i>Article 55b Amendments to Regulation (EU) 2017/2226</i>	<i>Article 55b Amendments to Regulation (EU) 2017/2226</i>	<i>Article 55b Amendments to Regulation (EU) 2017/2226</i>	<i>Article 55b Amendments to Regulation (EU) 2017/2226</i>
#669.	Regulation (EU) 2017/2226 is amended as follows:	Regulation (EU) 2017/2226 is amended as follows:	Regulation (EU) 2017/2226 is amended as follows:	<u>Provisionally agreed</u> Regulation (EU) 2017/2226 is amended as follows:
#670.	1) In Article 1, the following paragraph is added:	1) In Article 1, the following paragraph is added:	1) In Article 1, the following paragraph is added:	<u>Provisionally agreed</u> 1) In Article 1, the following paragraph is added:
#671.	"1a. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the	"1a. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the	"1a. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the	<u>Provisionally agreed</u> "1a. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	EES contributes to facilitating and assisting in the correct identification of persons registered in the EES under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."	EES contributes to facilitating and assisting in the correct identification of persons registered in the EES under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."	EES contributes to facilitating and assisting in the correct identification of persons registered in the EES under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."	interoperability], the EES contributes to facilitating and assisting in the correct identification of persons registered in the EES under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."
#672.	2) In Article 3, the following point (21a) is added:	2) In Article 3, the following point (21a) is added:	2) In Article 3, the following point (21a) is added:	<u>Provisionally agreed</u> 2) In Article 3, the following point (21a) is added:
#673.	"'CIR' means the common identity repository as defined in [Article 4(35) of Regulation 2018/XX on interoperability]	"'CIR' means the common identity repository as defined in [Article 4(35) of Regulation 2018/XX on interoperability]	"'CIR' means the common identity repository as defined in [Article 4(35) of Regulation 2018/XX on interoperability]	<u>Provisionally agreed</u> "'CIR' means the common identity repository as defined in [Article 4(35) of Regulation 2018/XX on interoperability]
#674.	3) Article 3(1)(22) shall be replaced by the following:	3) Article 3(1)(22) shall be replaced by the following:	3) Article 3(1)(22) shall be replaced by the following:	<u>Provisionally agreed</u> 3) Article 3(1)(22) shall be replaced by the following:
#675.	"(22) 'EES data' means all data stored in the EES Central System and in the CIR in accordance with Article 14 and Articles 16 to 20.	"(22) 'EES data' means all data stored in the EES Central System and in the CIR in accordance with Article 14 and Articles 16 to 20.	"(22) 'EES data' means all data stored in the EES Central System and in the CIR in accordance with <del>Article 14 and</del> Articles <del>15</del> 16 to 20.	<u>Provisionally agreed</u> "(22) 'EES data' means all data stored in the EES Central System and in the CIR in accordance with <del>Article 14 and</del> Articles <del>15</del> 15



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				<del>16</del> to 20.
#676.	4) In Article 3, a new point (22a) is added:	4) In Article 3, a new point (22a) is added:	4) In Article 3, a new point (22a) is added:	<u>Provisionally agreed</u> 4) In Article 3, a new point (22a) is added:
#677.	"(22a) 'identity data' means the data referred to in Article 16(1)(a);	"(22a) 'identity data' means the data referred to in Article 16(1)(a);	"(22a) 'identity data' means the data referred to in Article 16(1)(a), <i>as well the relevant data referred to in Articles 17(1) and 18(1)</i> ;	<u>Provisionally agreed</u> "(22a) 'identity data' means the data referred to in Article 16(1)(a), <i>as well as the relevant data referred to in Articles 17(1) and 18(1)</i> ;
#678.	5) In Article 6(1), the following point is inserted:	5) In Article 6(1), the following point is inserted:	5) In Article 6(1), the following point is inserted:	<u>Provisionally agreed</u> 5) In Article 6(1), the following point is inserted:
#679.	"(j) ensure the correct identification of persons."	"(j) ensure the correct identification of persons."	"(j) ensure the correct identification of persons."	<u>Provisionally agreed</u> "(j) ensure the correct identification of persons."
#680.	6) Article 7(1)(a) is replaced by the following:	6) Article 7(1)(a) is replaced by the following:	6) Article 7(1)(a) is replaced by the following:	<u>Provisionally agreed</u> 6) Article 7(1)(a) is replaced by the following:
#681.	"(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];	"(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];	"(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];	<u>Provisionally agreed</u> "(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation

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				2018/XX on interoperability];
#682.	(aa) a Central System (EES Central System);"	(aa) a Central System (EES Central System);"	(aa) a Central System (EES Central System);"	<u>Provisionally agreed</u> (aa) a Central System (EES Central System);"
#683.	7) In Article 7(1), point (f) is replaced by the following:	7) In Article 7(1), point (f) is replaced by the following:	7) In Article 7(1), point (f) is replaced by the following:	<u>Provisionally agreed</u> 7) In Article 7(1), point (f) is replaced by the following:
#684.	"(f) a secure communication infrastructure between the EES Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], the shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], the common identity repository established by [Article 17 of Regulation 2018/XX on interoperability] and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability]".	"(f) a secure communication infrastructure between the EES Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], the shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], the common identity repository established by [Article 17 of Regulation 2018/XX on interoperability] and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability]".	"(f) a secure communication infrastructure between the EES Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], <del>the shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability],</del> <b>and</b> the common identity repository established by [Article 17(I) of Regulation 2018/XX on interoperability] <del>and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability]</del> ".	<u>Provisionally agreed</u> "(f) a secure communication infrastructure between the EES Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], <del>the shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability],</del> <b>and</b> the common identity repository established by [Article 17(I) of Regulation 2018/XX on interoperability] <del>and the multiple-identity detector established by [Article 25 of</del>

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				<del>Regulation 2018/XX on interoperability]</del> ".
#685.	8) In Article 7, the following paragraph is added:	8) In Article 7, the following paragraph is added:	8) In Article 7, the following paragraph is added:	<u>Provisionally agreed</u> 8) In Article 7, the following paragraph is added:
#686.	"1a. The CIR shall contain the data referred to in Article 16(1)(a) to (d) and Article 17(1)(a) to (c), the remaining EES data shall be stored in the EES Central System.	"1a. The CIR shall contain the data referred to in Article 16(1)(a) to (d) and Article 17(1)(a) to (c), the remaining EES data shall be stored in the EES Central System.	"1a. The CIR shall contain the data referred to in Article 16(1)(a) to (d), <del>and</del> Article 17(1)(a) to (c) <b>and Article 18(1) and (2)</b> , the remaining EES data shall be stored in the EES Central System.	<u>Provisionally agreed</u> "1a. The CIR shall contain the data referred to in Article 16(1)(a) to (d), <del>and</del> Article 17(1)(a) to (c) <b>and Article 18(1) and (2)</b> , the remaining EES data shall be stored in the EES Central System.
#687.	9) In Article 9, the following paragraph is added:	9) In Article 9, the following paragraph is added:	9) In Article 9, the following paragraph is added:	<u>Provisionally agreed</u> 9) In Article 9, the following paragraph is added:
#688.	"3. Access to consulting the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU bodies that are competent for the purposes laid down in [Article 20 and Article	"3. Access to consulting the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU bodies that are competent for the purposes laid down in [Article 20 and Article	<del>"3.</del> <b>4.</b> Access to consulting the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU <b>agencies</b> <del>bodies</del> that are competent for the purposes laid	<u>Provisionally agreed</u> <del>"3.</del> <b>4.</b> Access to consulting the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU <b>Union</b>

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	21 of Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and EU bodies in accordance with those purposes and shall be proportionate to the objectives pursued."	21 of Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and EU bodies in accordance with those purposes and shall be proportionate to the objectives pursued."	down in [Article 20 and Article 21 of Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and EU <i>agencies</i> <del>bodies</del> in accordance with those purposes and shall be proportionate to the objectives pursued."	<i>agencies</i> <del>bodies</del> that are competent for the purposes laid down in [Article 20 and Article 21 of Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and EU <i>Union agencies</i> <del>bodies</del> in accordance with those purposes and shall be proportionate to the objectives pursued."
#689.	10) In Article 21(1), the words "EES Central System" are replaced, both times they appear, by the words "EES Central System or the CIR".	10) In Article 21(1), the words "EES Central System" are replaced, both times they appear, by the words "EES Central System or the CIR".	10) In Article 21(1), the words "EES Central System" are replaced, <del>both times</del> <i>every time</i> they appear, by the words "EES Central System or the CIR".	<u>Provisionally agreed</u> 10) In Article 21(1), the words "EES Central System" are replaced, <del>both times</del> <i>every time</i> they appear, by the words "EES Central System or the CIR".
#690.	11) In Article 21(2), the words "both the EES Central System and in the NUI" are replaced by the words "both the EES Central System and the CIR on the one hand and in the NUI on the other".	11) In Article 21(2), the words "both the EES Central System and in the NUI" are replaced by the words "both the EES Central System and the CIR on the one hand and in the NUI on the other".	11) In Article 21(2), the words "both the EES Central System and in the NUI" are replaced by the words "both the EES Central System and the CIR on the one hand and in the NUI on the other".	<u>Provisionally agreed</u> 11) In Article 21(2), the words "both the EES Central System and in the NUI" are replaced by the words "both the EES Central System and the CIR on the one hand and in the NUI

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				on the other".
#691.	12) In Article 21(2), the words "shall be entered in the EES Central System" are replaced by the words "shall be entered in the EES Central System and the CIR".	12) In Article 21(2), the words "shall be entered in the EES Central System" are replaced by the words "shall be entered in the EES Central System and the CIR".	12) In Article 21(2), the words "shall be entered in the EES Central System" are replaced by the words "shall be entered in the EES Central System and the CIR".	<u>Provisionally agreed</u> 12) In Article 21(2), the words "shall be entered in the EES Central System" are replaced by the words "shall be entered in the EES Central System and the CIR".
#692.			<b>12a) A new paragraph 2a is added to Article 23:</b>	<u>Provisionally agreed</u> <b>12a) A new paragraph 2a is added to Article 23:</b>
#693.			<b>"2a. For the purpose of the verifications set out in paragraph 1, the border authority shall launch a query by using the European Search Portal defined in [Article 6(1) of the Interoperability Regulation] to compare the data on the third-country national with the relevant data of the EES and the VIS."</b>	<u>Provisionally agreed</u> <b>"2a. For the purpose of the verifications set out in paragraph 1, the border authority shall launch a query by using the European Search Portal defined in [Article 6(1) of the Interoperability Regulation] to compare the data on the third-country national with the relevant data of the EES and the VIS."</b>

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#694.			<i>12b) Article 23(4) is replaced by the following:</i>	<u>Provisionally agreed</u> <i>12b) Article 23(4) is replaced by the following:</i>
#695.			<i>"4. Where the search with the alphanumeric data set out in paragraph 2 of this Article indicates that data on the third-country national are not recorded in the EES, where a verification of the third-country national pursuant to paragraph 2 of this Article fails or where there are doubts as to the identity of the third-country national, the border authorities shall have access to data for identification in accordance with Article 27 of this Regulation in order to create or update an individual file in accordance with Article 14.</i>	<u>Provisionally agreed</u> <i>"4. Where the search with the alphanumeric data set out in paragraph 2 of this Article indicates that data on the third-country national are not recorded in the EES, where a verification of the third-country national pursuant to paragraph 2 of this Article fails or where there are doubts as to the identity of the third-country national, the border authorities shall have access to data for identification in accordance with Article 27 of this Regulation in order to create or update an individual file in accordance with Article 14.</i>
#696.			<i>In addition to the identification referred to in first subparagraph of this paragraph, the following</i>	<u>Provisionally agreed</u> <i>In addition to the identification referred to in first subparagraph</i>

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			<i>provisions shall apply:</i>	<i>of this paragraph, the following provisions shall apply:</i>
#697.			<i>(a) for third-country nationals who are subject to a visa requirement, if the search in the VIS with the data referred to in Article 18(1) of Regulation (EC) No 767/2008 indicates that data on the third-country national are recorded in the VIS, a verification of fingerprints against the VIS shall be carried out in accordance with Article 18(5) of Regulation (EC) No 767/2008. For this purpose, the border authority may launch a search from the EES to the VIS as provided for in Article 18(6) of Regulation (EC) No 767/2008. Where a verification of a third-country national pursuant to paragraph 2 of this Article failed, the border authorities shall access the VIS data for identification in accordance with Article 20 of Regulation (EC) No 767/2008.</i>	<u>Provisionally agreed</u> <i>(a) for third-country nationals who are subject to a visa requirement, if the search in the VIS with the data referred to in Article 18(1) of Regulation (EC) No 767/2008 indicates that data on the third-country national are recorded in the VIS, a verification of fingerprints against the VIS shall be carried out in accordance with Article 18(5) of Regulation (EC) No 767/2008. For this purpose, the border authority may launch a search from the EES to the VIS as provided for in Article 18(6) of Regulation (EC) No 767/2008. Where a verification of a third-country national pursuant to paragraph 2 of this Article failed, the border authorities shall access the VIS data for identification in accordance with Article 20 of</i>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				<i>Regulation (EC) No 767/2008.</i>
#698.			<i>(b) for third-country nationals who are not subject to a visa requirement and for whom no data are found in the EES further to the identification run in accordance with Article 27 of this Regulation, the VIS shall be consulted in accordance with Article 19a of Regulation (EC) No 767/2008. The border authority may launch a search from the EES to the VIS as provided for in Article 19a of Regulation (EC) No 767/2008."</i>	<u>Provisionally agreed</u> <i>(b) for third-country nationals who are not subject to a visa requirement and for whom no data are found in the EES further to the identification run in accordance with Article 27 of this Regulation, the VIS shall be consulted in accordance with Article 19a of Regulation (EC) No 767/2008. The border authority may launch a search from the EES to the VIS as provided for in Article 19a of Regulation (EC) No 767/2008."</i>
#699.	13) A new paragraph (1a) is added to Article 32:	13) A new paragraph (1a) is added to Article 32:	13) A new paragraph (1a) is added to Article 32:	<u>Provisionally agreed</u> 13) A new paragraph (1a) is added to Article 32:
#700.	"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply	1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation <i>where the</i>	"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply received as referred to in	<u>Provisionally agreed</u> 1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability],



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	received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES."	<i>conditions laid down in this Article are met and</i> where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES.	paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data <i>are</i> is stored in the EES."	they may access EES for consultation <i>where the conditions laid down in this Article are met and</i> where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data <i>are</i> is stored in the EES.
#701.	14) Article 32(2) is replaced by the following:	14) Article 32(2) is replaced by the following:	14) Article 32(2) is replaced by the following:	<u>Provisionally agreed</u> [...]
#702.	"2. Access to the EES as a tool for the purpose of identifying an unknown suspect, perpetrator or suspected victim of a terrorist office or otherwise serious criminal offence shall only be allowed when a query to the CIR was launched in accordance with [Article 22 of Regulation 2018/XX on interoperability] and all the conditions listed in paragraph 1 and paragraph 1a are met.	Access to the EES as a tool for the purpose of identifying an unknown suspect, perpetrator or suspected victim of a terrorist <del>office or otherwise</del> <i>offence or other</i> serious criminal offence shall only be allowed when a query to the CIR was launched in accordance with [Article 22 of Regulation 2018/XX on interoperability] and all the conditions listed in paragraph 1 and paragraph 1a <i>of this Article</i> are met.	"2. Access to the EES as a tool for the purpose of identifying an unknown suspect, perpetrator or suspected victim of a terrorist <del>office</del> <i>offence</i> or otherwise serious criminal offence shall only be allowed when a query to the CIR was launched in accordance with [Article 22 of Regulation 2018/XX on interoperability] and all the conditions listed in paragraph 1 and paragraph 1a are met.	<u>Provisionally agreed</u> [...]
#703.	However, this additional	However, this additional	However, this additional	<u>Provisionally agreed</u>

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	condition shall not apply in a case of urgency where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence or another serious criminal offence. Those reasonable grounds shall be included in the electronic or written request sent by the operating unit of the designated authority to the central access point."	condition shall not apply in a case of urgency where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence or another serious criminal offence. Those reasonable grounds shall be included in the electronic or written request sent by the operating unit of the designated authority to the central access point."	condition shall not apply in a case of urgency where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence or another serious criminal offence. Those reasonable grounds shall be included in the electronic or written request sent by the operating unit of the designated authority to the central access point."	[...]
#704.	15) Article 32(4) is deleted.	15) Article 32(4) is deleted.	15) Article 32(4) is deleted.	<u>Provisionally agreed</u> [...]
#705.	16) A new paragraph (1a) is added to Article 33:	16) A new paragraph (1a) is added to Article 33:	16) A new paragraph (1a) is added to Article 33:	<u>Provisionally agreed</u> 16) A new paragraph (1a) is added to Article 33:
#706.	"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on	1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation <b>where the conditions laid down in this Article are met and</b> where the reply received as referred to in	"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on	<u>Provisionally agreed</u> 1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation <b><u>where the conditions laid down</u></b>

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	interoperability] reveals that data is stored in the EES."	paragraph 3 of[Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES.	interoperability] reveals that data <b>are</b> is stored in the EES."	<b><i>in this Article are met and</i></b> where the reply received as referred to in paragraph 3 of[Article 22 of Regulation 2018/XX on interoperability] reveals that data <b>are</b> is stored in the EES.
#707.			<b>16a) Article 33(2), subparagraph 2 is deleted.</b>	<u>Provisionally agreed</u> [...]
#708.	17) In Article 33, paragraph 3 is replaced by the following:	17) In Article 33, paragraph 3 is replaced by the following:	17) In Article 33, paragraph 3 is replaced by the following:	<u>Provisionally agreed</u> [...]
#709.	"The conditions laid down in Article 32(3) and (5) shall apply accordingly"	"The conditions laid down in Article 32(3) and (5) shall apply accordingly"	"The conditions laid down in Article 32(3) and (5) shall apply accordingly".	<u>Provisionally agreed</u> [...]
#710.	18) In Article 34(1) and (2), the words "in the EES Central System" shall be replaced by the words "in the CIR and in the EES Central System respectively".	18) In Article 34(1) and (2), the words "in the EES Central System" shall be replaced by the words "in the CIR and in the EES Central System respectively".	18) In Article 34(1) and (2), the words "in the EES Central System" shall be replaced by the words "in the CIR and in the EES Central System respectively".	<u>Provisionally agreed</u> 18) In Article 34(1) and (2), the words "in the EES Central System" shall be replaced by the words "in the CIR and in the EES Central System respectively".
#711.			<b>18a) In Article 34, a new paragraph 3a is added:</b>	<u>Provisionally agreed</u> [...]
#712.			<b>"3a. Where a red link is stored</b>	<u>Provisionally agreed</u>

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			<i>in the multiple identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability] in accordance with [Article 32 of Regulation 2018/XX on interoperability], the linked EES data referred to in Article 16(1)(a) to (d) and Article 17(1)(a) to (c) and Article 18(1) and (2) shall be stored in the CIR in accordance with [Article 23(3) of Regulation 2018/XX on interoperability]."</i>	[...]
#713.	19) In Article 34(5), the words "of the EES Central System" shall be replaced by the words "from the EES Central System and from the CIR".	19) In Article 34(5), the words "of the EES Central System" shall be replaced by the words "from the EES Central System and from the CIR".	19) In Article 34(5), the words "of the EES Central System" shall be replaced by the words "from the EES Central System and from the CIR".	<u>Provisionally agreed</u> 19) In Article 34(5), the words "of the EES Central System" shall be replaced by the words "from the EES Central System and from the CIR".
#714.	20) In Article 35, paragraph 7 is replaced by the following:	20) In Article 35, paragraph 7 is replaced by the following:	20) In Article 35, paragraph 7 is replaced by the following:	<u>Provisionally agreed</u> 20) In Article 35, paragraph 7 is replaced by the following:
#715.	"The EES Central System and the CIR shall immediately inform all Member States of the erasure of EES or CIR data and where	"The EES Central System and the CIR shall immediately inform all Member States of the erasure of EES or CIR data and where	"The EES Central System and the CIR shall immediately inform all Member States of the erasure of EES or CIR data and where	<u>Provisionally agreed</u> "The EES Central System and the CIR shall immediately

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	applicable remove them from the list of identified persons referred to in Article 12(3)."	applicable remove them from the list of identified persons referred to in Article 12(3)."	applicable remove them from the list of identified persons referred to in Article 12(3)."	inform all Member States of the erasure of EES or CIR data and where applicable remove them from the list of identified persons referred to in Article 12(3)."
#716.	21) In Article 36, the words "of the EES Central System" shall be replaced by the words "of the EES Central System and the CIR".	21) In Article 36, the words "of the EES Central System" shall be replaced by the words "of the EES Central System and the CIR".	21) In Article 36, the words "of the EES Central System" shall be replaced by the words "of the EES Central System and the CIR".	<u>Provisionally agreed</u> 21) In Article 36, the words "of the EES Central System" shall be replaced by the words "of the EES Central System and the CIR".
#717.	22) In Article 37(1), the words "development of the EES Central System", shall be replaced by the words "development of the EES Central System and the CIR".	22) In Article 37(1), the words "development of the EES Central System", shall be replaced by the words "development of the EES Central System and the CIR".	22) In Article 37(1), the words "development of the EES Central System", shall be replaced by the words "development of the EES Central System and the CIR".	<u>Provisionally agreed</u> 22) In Article 37(1), the words "development of the EES Central System", shall be replaced by the words "development of the EES Central System and the CIR".
#718.	23) In the first subparagraph of Article 37(3), the words "the EES Central System" shall be replaced, the first and the third time they appear, by the words "the EES Central System and the CIR".	23) In the first subparagraph of Article 37(3), the words "the EES Central System" shall be replaced, the first and the third time they appear, by the words "the EES Central System and the CIR".	23) In the first subparagraph of Article 37(3), the words "the EES Central System" shall be replaced, the first and the third time they appear, by the words "the EES Central System and the CIR".	<u>Provisionally agreed</u> 23) In the first subparagraph of Article 37(3), the words "the EES Central System" shall be replaced, the first and the third time they appear, by the words "the EES Central System and the

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				CIR".
#719.	24) In Article 46(1) the following point (f) is added:	24) In Article 46(1) the following point (f) is added:	24) In Article 46(1) the following point (f) is added:	<u>Provisionally agreed</u> 24) In Article 46(1) the following point (f) is added:
#720.	"(f) where relevant, a reference to the use of the European search portal to query the EES as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."	"(f) where relevant, a reference to the use of the European search portal to query the EES as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."	"(f) <del>where relevant</del> , a reference to the use of the European search portal to query the EES as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."	<u>Provisionally agreed</u> "(f) <del>where relevant</del> , a reference to the use of the European search portal to query the EES as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."
#721.		<i>(24a) In Article 52, the following paragraph is added:</i>		<u>Provisionally agreed</u> [...]
#722.		<i>7a. Third-country nationals wishing to exercise their rights under this Article may make use of the web service as provided for in Article 47 of [the Regulation on establishing a framework for interoperability between Union information systems (border and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision</i>		<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>2008/633/JHA, Regulation (EU)2016/399, Regulation (EU) 2017/2226], Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the eu-LISA Regulation].</i>		
#723.	25) Article 63(2) is replaced by the following:	25) Article 63(2) is replaced by the following:	25) Article 63(2) is replaced by the following:	<u>Provisionally agreed</u> 25) Article 63(2) is replaced by the following:
#724.	"2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]."	"2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]."	"2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]."	<u>Provisionally agreed</u> "2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]."
#725.	26) In Article 63(4) a new subparagraph is added:	26) In Article 63(4) a new subparagraph is added:	26) In Article 63(4) a new subparagraph is added:	<u>Provisionally agreed</u> 26) In Article 63(4) a new subparagraph is added:

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#726.	"The daily statistics shall be stored in the central repository for reporting and statistics."	"The daily statistics shall be stored in the central repository for reporting and statistics."	"The daily statistics shall be stored in the central repository for reporting and statistics."	<u>Provisionally agreed</u> "The daily statistics shall be stored in the central repository for reporting and statistics."
#727.	<i>Article 55c</i>	<i>Article 55c</i>	<i>Article 55c</i>	<i>Article 55c</i>
#728.	<i>Amendments to Council Decision 2004/512/EC</i>	<i>Amendments to Council Decision 2004/512/EC</i>	<i>Amendments to Council Decision 2004/512/EC</i>	<i>Amendments to Council Decision 2004/512/EC</i>
#729.	Council Decision 2004/512/EC establishing the Visa Information System (VIS) is amended as follows:	Council Decision 2004/512/EC establishing the Visa Information System (VIS) is amended as follows:	Council Decision 2004/512/EC establishing the Visa Information System (VIS) is amended as follows:	<u>Provisionally agreed</u> Council Decision 2004/512/EC establishing the Visa Information System (VIS) is amended as follows:
#730.	Article 1(2) is amended as follows:	Article 1(2) is amended as follows:	Article 1(2) is amended as follows:	<u>Provisionally agreed</u> Article 1(2) is amended as follows:
#731.	"2. The Visa Information System shall be based on a centralised architecture and consist of:	"2. The Visa Information System shall be based on a centralised architecture and consist of:	"2. The Visa Information System shall be based on a centralised architecture and consist of:	<u>Provisionally agreed</u> "2. The Visa Information System shall be based on a centralised architecture and consist of:
#732.	a) the common identity repository as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability],	a) the common identity repository as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability],	a) the common identity repository as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability],	<u>Provisionally agreed</u> a) the common identity repository as referred to in [Article 17(2)(a) of Regulation



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				2018/XX on interoperability],
#733.	b) a central information system, hereinafter referred to as ‘the Central Visa Information System’ (CS-VIS),	b) a central information system, hereinafter referred to as ‘the Central Visa Information System’ (CS-VIS),	b) a central information system, hereinafter referred to as ‘the Central Visa Information System’ (CS-VIS),	<u>Provisionally agreed</u> b) a central information system, hereinafter referred to as ‘the Central Visa Information System’ (CS-VIS),
#734.	c) an interface in each Member State, hereinafter referred to as ‘the National Interface’ (NI-VIS) which shall provide the connection to the relevant central national authority of the respective Member State;	c) an interface in each Member State, hereinafter referred to as ‘the National Interface’ (NI-VIS) which shall provide the connection to the relevant central national authority of the respective Member State;	c) an interface in each Member State, hereinafter referred to as ‘the National Interface’ (NI-VIS) which shall provide the connection to the relevant central national authority of the respective Member State;	<u>Provisionally agreed</u> c) an interface in each Member State, hereinafter referred to as ‘the National Interface’ (NI-VIS) which shall provide the connection to the relevant central national authority of the respective Member State;
#735.	d) a communication infrastructure between the Central Visa Information System and the National Interfaces;	d) a communication infrastructure between the Central Visa Information System and the National Interfaces;	d) a communication infrastructure between the Central Visa Information System and the National Interfaces;	<u>Provisionally agreed</u> d) a communication infrastructure between the Central Visa Information System and the National Interfaces;
#736.	e) a Secure Communication Channel between the EES Central System and the CS-VIS;	e) a Secure Communication Channel between the EES Central System and the CS-VIS;	e) a Secure Communication Channel between the EES Central System and the CS-VIS;	<u>Provisionally agreed</u> e) a Secure Communication Channel between the EES Central System and the CS-VIS;
#737.	f) a secure communication	f) a secure communication	f) a secure communication	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], the common identity repository and the multiple-identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability]".	infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], the common identity repository and the multiple-identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability]".	infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], <del>shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability]</del> , <b>and</b> the common identity repository <del>and the multiple-identity detector (MID)</del> established by [Article <b>17(1)</b> 25 of Regulation 2018/XX on interoperability]".	f) a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], <del>shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability]</del> , <b>and</b> the common identity repository <del>and the multiple-identity detector (MID)</del> established by [Article <b>17(1)</b> 25 of Regulation 2018/XX on interoperability]".
#738.	<i>Article 55d Amendments to Regulation (EC) 767/2008</i>	<i>Article 55d Amendments to Regulation (EC) 767/2008</i>	<i>Article 55d Amendments to Regulation (EC) 767/2008</i>	<i>Article 55d Amendments to Regulation (EC) 767/2008</i>
#739.	1) In Article 1, the following paragraph is added:	(1) In Article <del>1</del> 2, the following paragraph is added:	1) In Article 1, the following paragraph is added:	<u>Provisionally agreed</u> 1) In Article 1, the following paragraph is added:
#740.	"2. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17	2. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17	"2. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17	<u>Provisionally agreed</u> "2. By storing identity, travel document and biometric data in

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	of Regulation 2018/XX on interoperability], the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS under the conditions and for the ultimate objectives laid down in paragraph 1 of this Article."	of Regulation 2018/XX on interoperability], <del>the</del> VIS contributes to facilitating and assisting in the correct identification of persons registered in <del>the</del> VIS under the conditions and <i>solely</i> for the <del>ultimate objectives laid down in paragraph 1 of this Article</del> <i>purpose of identification referred to in Article 20 of this Regulation.</i>	of Regulation 2018/XX on interoperability], the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS under the conditions and for the ultimate objectives <del>laid down in paragraph 1 of this Article</del> <i>referred to in [Article 20] of that Regulation.</i> "	the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS under the conditions and for the ultimate objectives <del>laid down in paragraph 1 of this Article</del> <i>referred to in [Article 20] of that Regulation.</i> "
#741.	2) In Article 4, the following points are added:	2) In Article 4, the following points are added:	2) In Article 4, the following points are added:	<u>Provisionally agreed</u> 2) In Article 4, the following points are added:
#742.	"(12) 'VIS data' means all data stored in the VIS Central System and in the CIR in accordance with Articles 9 to14.	"(12) 'VIS data' means all data stored in the VIS Central System and in the CIR in accordance with Articles 9 to14.	"(12) 'VIS data' means all data stored in the VIS Central System and in the CIR in accordance with Articles 9 to14.	<u>Provisionally agreed</u> "(12) 'VIS data' means all data stored in the VIS Central System and in the CIR in accordance with Articles 9 to14.
#743.	"(13) 'identity data' means the data referred to in Article 9(4)(a) to aa);	"(13) 'identity data' means the data referred to in Article 9(4)(a) to aa);	"(13) 'identity data' means the data referred to in Article 9(4)(a) to aa);	<u>Provisionally agreed</u> "(13) 'identity data' means the data referred to in Article 9(4)(a) to aa);

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#744.	(14) 'fingerprint data' means the data relating to the five fingerprints of the index, middle finger, ring finger, little finger and the thumb from the right hand where present, and from the left hand;	(14) 'fingerprint data' means the data relating to the five fingerprints of the index, middle finger, ring finger, little finger and the thumb from the right hand where present, and from the left hand;	(14) 'fingerprint data' means the data relating to the five fingerprints of the index, middle finger, ring finger, little finger and the thumb from the right hand where present, and from the left hand;	<u>Provisionally agreed</u> (14) 'fingerprint data' means the data relating to the five fingerprints of the index, middle finger, ring finger, little finger and the thumb from the right hand where present, and from the left hand;
#745.	(15) 'facial image' means digital images of the face;	(15) 'facial image' means digital images of the face;	(15) 'facial image' means digital images of the face;	<u>Provisionally agreed</u> [...]
#746.	(16) 'biometric data' means fingerprint data and facial image;"	(16) 'biometric data' means fingerprint data and facial image;"	(16) 'biometric data' means fingerprint data and facial image;"	<u>Provisionally agreed</u> [...]
#747.	3) In Article 5, the following paragraph is added:	3) In Article 5, the following paragraph is added:	3) In Article 5, the following paragraph is added:	<u>Provisionally agreed</u> [...]
#748.	"1a). The CIR shall contain the data referred to in Article 9(4)(a) to (cc), 9(5) and 9(6), the remaining VIS data shall be stored in the VIS Central System."	"1a). The CIR shall contain the data referred to in Article 9(4)(a) to (cc), 9(5) and 9(6), the remaining VIS data shall be stored in the VIS Central System."	"1a). The CIR shall contain the data referred to in Article 9(4)(a) to (ce), 9(5) and 9(6), the remaining VIS data shall be stored in the VIS Central System."	<u>Provisionally agreed</u> "1a). The CIR shall contain the data referred to in Article 9(4)(a) to (ce), 9(5) and 9(6), the remaining VIS data shall be stored in the VIS Central System."
#749.	4) Article 6(2) is amended as	4) Article 6(2) is amended as	4) Article 6(2) is amended as	<u>Provisionally agreed</u>

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	follows:	follows:	follows:	4) Article 6(2) is amended as follows:
#750.	"2. Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State which are competent for the purposes laid down in Article 15 to 22, and for the duly authorised staff of the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in [Article 20 and Article 21 of the Regulation 2018/XX on interoperability], limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued."	"2. Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State which are competent for the purposes laid down in Article 15 to 22, and for the duly authorised staff of the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in [Article 20 and Article 21 of the Regulation 2018/XX on interoperability], limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued."	"2. Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State which are competent for the purposes laid down in Article 15 to 22, and for the duly authorised staff of the national authorities of each Member State and of the EU <del>bodies</del> <b>agencies</b> which are competent for the purposes laid down in [Article 20 and Article 21 of the Regulation 2018/XX on interoperability], limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued."	<u>Provisionally agreed</u> "2. Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State which are competent for the purposes laid down in Article 15 to 22, and for the duly authorised staff of the national authorities of each Member State and of the EU <del>bodies</del> <b>agencies</b> which are competent for the purposes laid down in [Article 20 and Article 21 of the Regulation 2018/XX on interoperability], limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued."
#751.	5) Article 9(4) (a) to (c) is amended as follows:	5) Article 9(4) (a) to (c) is amended as follows:	5) Article 9(4) (a) to (c) is amended as follows:	<u>Provisionally agreed</u> 5) Article 9(4) (a) to (c) is amended as follows:

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#752.	"(a) surname (family name); first name or names (given names); date of birth; nationality or nationalities; sex;	"(a) surname (family name); first name or names (given names); date of birth; nationality or nationalities; sex;	"(a) surname (family name); first name or names (given names); date of birth; <del>nationality or nationalities</del> ; sex;	<u>Provisionally agreed</u> "(a) surname (family name); first name or names (given names); date of birth; <del>nationality or nationalities</del> ; sex;
#753.	(aa) surname at birth (former surname(s)); place and country of birth; nationality at birth;	(aa) surname at birth (former surname(s)); place and country of birth; nationality at birth;	(aa) surname at birth (former surname(s)); place and country of birth; <b>current</b> nationality <b>and nationality</b> at birth;	<u>Provisionally agreed</u> (aa) surname at birth (former surname(s)); place and country of birth; <b>current</b> nationality <b>and nationality</b> at birth;
#754.	(b) the type and number of the travel document or documents and the three-letter code of the issuing country of the travel document or documents;	(b) the type and number of the travel document or documents and the three-letter code of the issuing country of the travel document or documents;	(b) the type and number of the travel document or documents and the three-letter code of the issuing country of the travel document or documents;	<u>Provisionally agreed</u> (b) the type and number of the travel document or documents and the three-letter code of the issuing country of the travel document or documents;
#755.	(c) the date of expiry of the validity of the travel document or documents;	(c) the date of expiry of the validity of the travel document or documents;	(c) the date of expiry of the validity of the travel document or documents;	<u>Provisionally agreed</u> (c) the date of expiry of the validity of the travel document or documents;
#756.	(cc) the authority which issued the travel document and its date of issue;	(cc) the authority which issued the travel document and its date of issue;	(cc) the authority which issued the travel document and its date of issue;	<u>Provisionally agreed</u> (cc) the authority which issued the travel document and its date of issue;

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#757.	6) Article 9(5) is replaced by the following:	6) Article 9(5) is replaced by the following:	6) Article 9(5) is replaced by the following:	<u>Provisionally agreed</u> [...]
#758.	"facial image as defined in Article 4(15)".	"facial image as defined in Article 4(15)".	"facial image as defined in Article 4(15)".	<u>Provisionally agreed</u> [...]
#759.			<i>6a) A second sentence is added in Article 23(1), as follows:</i>	<u>Provisionally agreed</u> [...]
#760.			<i>"Where a red link is stored in the multiple identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability] in accordance with [Article 32 of Regulation 2018/XX on interoperability], the linked VIS data referred to in Article 9(4)(a) to (c), 9(5) and 9(6) shall be stored in the CIR in accordance with [Article 23(3) of Regulation 2018/XX on interoperability]"</i> .	<u>Provisionally agreed</u> [...]
#761.	7) In Article 29(2)(a) the word "VIS" is replaced by the words "VIS or the CIR" in both instances where it appears.	7) In Article 29(2)(a) the word "VIS" is replaced by the words "VIS or the CIR" in both instances where it appears.	7) <del>In Article 29(2)(a) the word "VIS" is replaced by the words "VIS or the CIR" in both instances where it appears.</del>	<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#762.		<i>(7a) In Article 38, the following paragraph is added:</i>		<u>Provisionally agreed</u> [...]
#763.		<i>6a. Third-country nationals wishing to exercise their rights under this Article may make use of the web service provided for in Article 47 of [Regulation on establishing a framework for interoperability between Union information systems (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the eu-LISA Regulation].</i>		<u>Provisionally agreed</u> [...]



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#764.	<i>Article 55e Amendments to Council Decision 2008/633/JHA</i>	<i>Article 55e Amendments to Council Decision 2008/633/JHA</i>	<i>Article 55e Amendments to Council Decision 2008/633/JHA</i>	<i>Article 55e Amendments to Council Decision 2008/633/JHA</i>
#765.	1) A new paragraph (1a) is added to Article 5:	1) A new paragraph (1a) is added to Article 5:	1) A new paragraph (1a) is added to Article 5:	<u>Provisionally agreed</u> 1) A new paragraph (1a) is added to Article 5:
#766.	"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS."	1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], <b>and where the conditions for access laid down in this Article are met</b> , they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.	"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data <b>are</b> is stored in the VIS."	<u>Provisionally agreed</u> 1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], <b>and where the conditions for access laid down in this Article are met</b> , they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.
#767.	2) A new point (1a) is added to Article 7:	2) A new point (1a) is added to Article 7:	2) A new point (1a) is added to Article 7:	<u>Provisionally agreed</u> 2) A new point (1a) is added to Article 7:

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#768.	"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS."	1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], <b>and where the conditions for access laid down in this Article are met, Europol</b> they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.	"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data <b>are</b> is stored in the VIS."	<u>Provisionally agreed</u> 1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], <b>and where the conditions for access laid down in this Article are met, Europol</b> they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.
#769.	<b><u>Article 55f</u></b> <b><u>Amendments to Regulation (EU) 2018/XX [the ETIAS Regulation]</u></b>	<i>Article 55f</i> <i>Amendments to Regulation (EU) 2018/XX [the ETIAS Regulation]</i>	<i>Article 55f</i> <i>Amendments to Regulation (EU) 2018/XX [the ETIAS Regulation]</i>	<i>Article 55f</i> <i>Amendments to Regulation (EU) 2018/1840 [the ETIAS Regulation]</i>
#770.	<b><u>Regulation (EU) 2018/XXX (the ETIAS Regulation) is amended as follows:</u></b>	Regulation (EU) 2018/XXX (the ETIAS Regulation) is amended as follows:	Regulation (EU) 2018/XXX (the ETIAS Regulation) is amended as follows:	<u>Provisionally agreed</u> Regulation (EU) 2018/1840 (the ETIAS Regulation) is amended as follows:
#771.	<b><u>1. In Article 1, the following paragraph is</u></b>	1. In Article 1, the following paragraph is inserted:	1. In Article 1, the following paragraph is inserted:	<u>Provisionally agreed</u> 1. In Article 1, the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	<b>inserted:</b>			following paragraph is inserted:
#772.	<b><u>"1a. By storing identity and travel document data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the ETIAS contributes to facilitating and assisting in the correct identification of persons registered in the ETIAS under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."</u></b>	"1a. By storing identity and travel document data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the ETIAS contributes to facilitating and assisting in the correct identification of persons registered in the ETIAS under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."	"1a. By storing identity and travel document data in the common identity repository (CIR) established by [Article 17(I) of Regulation 2018/XX on interoperability], the ETIAS contributes to facilitating and assisting in the correct identification of persons registered in the ETIAS under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."	<u>Provisionally agreed</u> "1a. By storing identity and travel document data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the ETIAS contributes to facilitating and assisting in the correct identification of persons registered in the ETIAS under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."
#773.	<b><u>2. In Article 3(1), the following points are added:</u></b>	2. In Article 3(1), the following points are added:	2. In Article 3(1), the following points are added:	<u>Provisionally agreed</u> 2. In Article 3(1), the following points are added:
#774.	<b><u>"(pa) 'CIR' means the common identity repository as defined in [point 35 of Article 4 of Regulation 2018/XX on interoperability];</u></b>	"(pa) 'CIR' means the common identity repository as defined in [point 35 of Article 4 of Regulation 2018/XX on interoperability];	" <del>(pa)</del> <b>(23)</b> 'CIR' means the common identity repository <b>established by</b> as defined in <del>[point 35 of Article 17(I) 4 of Regulation 2018/XX on interoperability];</del>	<u>Provisionally agreed</u> " <del>(pa)</del> <b>(23)</b> 'CIR' means the common identity repository <b>established by</b> as defined in <del>[point 35 of Article 17 of Regulation 2018/XX on interoperability];</del>

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#775.	<b><u>(pb) 'ETIAS Central System' means the Central System referred to in Article 6(2)(ab) together with the CIR to the extent that the CIR contains the data referred to in Article 6(2a);</u></b>	(pb) 'ETIAS Central System' means the Central System referred to in Article 6(2)(ab) together with the CIR to the extent that the CIR contains the data referred to in Article 6(2a);	<del>(pb)</del> <b>(24)</b> 'ETIAS Central System' means the Central System referred to in Article 6(2)(ab) together with the CIR to the extent that the CIR contains the data referred to in Article 6(2a);	<u>Provisionally agreed</u> <del>(pb)</del> <b>(24)</b> 'ETIAS Central System' means the Central System referred to in Article 6(2)(ab) together with the CIR to the extent that the CIR contains the data referred to in Article 6(2a);
#776.	<b><u>(pc) 'identity data' means the data referred to in Article 17(2)(a);</u></b>	(pc) 'identity data' means the data referred to in Article 17(2)(a);	<del>(pe)</del> <b>(25)</b> 'identity data' means the data referred to in <i>points (a), (b) and (c) of</i> Article 17(2) <del>(a)</del> ;	<u>Provisionally agreed</u> <del>(pe)</del> <b>(25)</b> 'identity data' means the data referred to in <i>points (a), (b) and (c) of</i> Article 17(2) <del>(a)</del> ;
#777.	<b><u>(pd) 'travel document data' means the data referred to in Article 17(2)(d) and (e) and the three letter code of the country issuing the travel document as referred to in Article 19(3)(c);'</u></b>	(pd) 'travel document data' means the data referred to in Article 17(2)(d) and (e) and the three letter code of the country issuing the travel document as referred to in Article 19(3)(c);"	<del>(pd)</del> <b>(26)</b> 'travel document data' means the data referred to in <i>points (d) and (e) of</i> Article 17(2) <del>(d) and (e)</del> and the three letter code of the country issuing the travel document as referred to in <i>point (c) of</i> Article 19(3) <del>(e)</del> ;"	<u>Provisionally agreed</u> <del>(pd)</del> <b>(26)</b> 'travel document data' means the data referred to in <i>points (d) and (e) of</i> Article 17(2) <del>(d) and (e)</del> and the three letter code of the country issuing the travel document as referred to in <i>point (c) of</i> Article 19(3) <del>(e)</del> ;"
#778.	<b><u>3. In Article 4, the following point is added:</u></b>	3. In Article 4, the following point is added:	3. In Article 4, the following point is added:	<u>Provisionally agreed</u> 3. In Article 4, the

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				following point is added:
#779.	<b><u>"(g) contribute to the correct identification of persons;"</u></b>	"(g) contribute to the correct identification of persons;"	"(g) contribute to the correct identification of persons;".	<u>Provisionally agreed</u> "(g) contribute to the correct identification of persons;".
#780.	<b><u>4. In Article 6(2), point (a) is replaced by the following:</u></b>	4. In Article 6(2), point (a) is replaced by the following:	4. In Article 6(2), point (a) is replaced by the following:	<u>Provisionally agreed</u> 4. In Article 6(2), point (a) is replaced by the following:
#781.	<b><u>"(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];"</u></b>	"(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];"	"(a) the <del>common identity repository (CIR)</del> as referred to in <b><i>established by</i></b> [Article 17(1)(2)(a) of Regulation 2018/XX on interoperability];".	<u>Provisionally agreed</u> "(a) the <del>common identity repository (CIR)</del> as referred to in <b><i>established by</i></b> [Article 17 of Regulation 2018/XX on interoperability];".
#782.	<b><u>5. In Article 6(2) a following point (ab) is inserted:</u></b>	5. In Article 6(2) a following point (ab) is inserted:	5. In Article 6(2), <b><i>the</i></b> a following point ( <del>ab</del> ) is inserted:	<u>Provisionally agreed</u> 5. In Article 6(2), <b><i>the</i></b> a following point ( <del>ab</del> ) is inserted:
#783.	<b><u>"(ab) a Central System, including the watchlist;"</u></b>	"(ab) a Central System, including the watchlist;"	"(ab) a Central System, including the <b><i>ETIAS</i></b> watchlist, <b><i>referred to in Article 34;</i></b> ".	<u>Provisionally agreed</u> "(ab) a Central System, including the <b><i>ETIAS</i></b> watchlist <b><i>referred to in Article 34;</i></b> ".
#784.	<b><u>6. In Article 6(2), point (n) is replaced by the following:</u></b>	6. In Article 6(2), point (n) is replaced by the following:	6. In Article 6(2), point ( <b><i>d</i></b> ) ( <del>n</del> ) is replaced by the following:	<u>Provisionally agreed</u> 6. In Article 6(2), point ( <b><i>d</i></b> )

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				(n) is replaced by the following:
#785.	<b><u>"(n) a secure communication infrastructure between the ETIAS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], the common identity repository established by [Article 17 of Regulation 2018/XX on interoperability] and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability];"</u></b>	"(n) a secure communication infrastructure between the ETIAS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], the common identity repository established by [Article 17 of Regulation 2018/XX on interoperability] and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability];"	" <del>(d)</del> a secure communication infrastructure between the <del>ETIAS</del> Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], <i>and</i> the <i>CIR</i> <del>common identity repository</del> established by [Article 17(1) of Regulation 2018/XX on interoperability] <del>and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability];"</del> .	<u>Provisionally agreed</u> " <del>(d)</del> a secure communication infrastructure between the <del>ETIAS</del> Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], <i>and</i> the <i>CIR</i> <del>common identity repository</del> established by [Article 17(1) of Regulation 2018/XX on interoperability] <del>and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability];"</del> .
#786.	<b><u>7. In Article 6, the following paragraph is inserted:</u></b>	7. In Article 6, the following paragraph is inserted:	7. In Article 6, the following paragraph is inserted:	<u>Provisionally agreed</u> 7. In Article 6, the following paragraph is inserted:
#787.	<b><u>"2a. The CIR shall contain the identity and travel document data referred to in Article 17(2)(a) and (b) to (e) as well as the three letter code of the</u></b>	"2a. The CIR shall contain the identity and travel document data referred to in Article 17(2)(a) and (b) to (e) as well as the three letter code of the country issuing	"2a. The CIR shall contain the identity and travel document data referred to in <i>points (25) and (26) of Article 3(1)</i> <del>17(2)(a) and (b) to (e) as well as the three letter code</del>	<u>Provisionally agreed</u> "2a. The CIR shall contain the identity and travel document data referred to in <i>points (25) and</i>

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	<b><u>country issuing the travel document as referred to in Article 19(3)(c), the remaining data shall be stored in the ETIAS Central System."</u></b>	the travel document as referred to in Article 19(3)(c), the remaining data shall be stored in the ETIAS Central System."	<del>of the country issuing the travel document as referred to in Article 19(3)(c).</del> <i>T</i> he remaining data shall be stored in the ETIAS Central System."	<del>(26) of Article 3(1) 17(2)(a) and (b) to (e) as well as the three letter code of the country issuing the travel document as referred to in Article 19(3)(c).</del> <i>T</i> he remaining data shall be stored in the ETIAS Central System."
#788.	<b><u>8. Article 13 is amended as follows:</u></b>	8. Article 13 is amended as follows:	8. Article 13 is amended as follows:	<u>Provisionally agreed</u> 8. Article 13 is amended as follows:
#789.	<b><u>(a) paragraph 5 is replaced by the following:</u></b>	(a) paragraph 5 is replaced by the following:	(a) <i>the following</i> paragraph-5 is <i>inserted</i> replaced by the following:	<u>Provisionally agreed</u> (a) <i>the following</i> paragraph-5 is <i>inserted</i> replaced by the following:
#790.	<b><u>"5. Access to consulting the ETIAS identity and travel document data stored in the CIR shall also be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU bodies that are competent for the purposes laid down in [Article 20 and Article 21 of</u></b>	"5. Access to consulting the ETIAS identity and travel document data stored in the CIR shall also be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU bodies that are competent for the purposes laid down in [Article 20 and Article 21 of Regulation 2018/XX on interoperability].	" <i>54a</i> . Access to consulting the ETIAS identity and travel document data stored in the CIR shall also be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU <i>agencies</i> bodies that are competent for the purposes laid down in [Article 20 and Article 21 of Regulation 2018/XX on	<u>Provisionally agreed</u> " <i>54a</i> . Access to consulting the ETIAS identity and travel document data stored in the CIR shall also be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU <i>Union agencies</i> bodies that are competent for the purposes laid

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	<b><u>Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.</u></b>	That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.	interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union <i>agencies</i> <del>bodies</del> in accordance with those purposes and shall be proportionate to the objectives pursued.";	down in [Article 20 and Article 21 of Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union <i>agencies</i> <del>bodies</del> in accordance with those purposes and shall be proportionate to the objectives pursued.";
#791.			<i>(b) paragraph 5 is replaced by the following:</i>	<u>Provisionally agreed</u> <i>(b) paragraph 5 is replaced by the following:</i>
#792.	<b><u>6. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 4 and 5 of this Article and shall communicate a list of these authorities to eu-LISA without delay, in accordance with Article 87(2). That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in ETIAS Information</u></b>	6. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 4 and 5 of this Article and shall communicate a list of these authorities to eu-LISA without delay, in accordance with Article 87(2). That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in ETIAS Information System in	"56. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2, 4 and <del>4a 5 of this Article</del> and shall communicate a list of these authorities to eu-LISA without delay, in accordance with Article 87(2). That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in ETIAS Information System in	<u>Provisionally agreed</u> "56. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2, 4 and <del>4a 5 of this Article</del> and shall communicate a list of these authorities to eu-LISA without delay, in accordance with Article 87(2). That list shall specify for which purpose the duly authorised staff of each authority



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	<b><u>System in accordance with paragraphs 1, 2 4 and 5 of this Article."</u></b> ;	accordance with paragraphs 1, 2 4 and 5 of this Article.";	accordance with paragraphs 1, 2, 4 and <del>4a 5 of this Article</del> ."	shall have access to the data in ETIAS Information System in accordance with paragraphs 1, 2, 4 and <del>4a 5 of this Article</del> ."
#793.	<b><u>9. In Article 17(2), point (a) is replaced by the following:</u></b>	9. In Article 17(2), point (a) is replaced by the following:	9. <del>In</del> Article 17(2) is <b><i>amended as follows</i></b> , <del>point (a) is replaced by the following:</del>	<u>Provisionally agreed</u> 9. <del>In</del> Article 17(2) is <b><i>amended as follows</i></b> , <del>point (a) is replaced by the following:</del>
#794.			<b><i>(a) point (a) is replaced by the following:</i></b>	<u>Provisionally agreed</u> <b><i>(a) point (a) is replaced by the following:</i></b>
#795.	<b><u>"(a) surname (family name), first name(s) (given name(s)), surname at birth; date of birth, place of birth, sex, current nationality;</u></b>	"(a) surname (family name), first name(s) (given name(s)), surname at birth; date of birth, place of birth, sex, current nationality;	"(a) surname (family name), first name(s) (given name(s)), surname at birth; date of birth, place of birth, sex, current nationality;"	<u>Provisionally agreed</u> "(a) surname (family name), first name(s) (given name(s)), surname at birth; date of birth, place of birth, sex, current nationality;"
#796.			<b><i>(b) the following point is inserted:</i></b>	<u>Provisionally agreed</u> <b><i>(b) the following point is inserted:</i></b>
#797.	<b><u>(ab) country of birth, first name(s) of the parents of the applicant;"</u></b>	(ab) country of birth, first name(s) of the parents of the applicant;"	"(ab) country of birth, first name(s) of the parents of the applicant;"	<u>Provisionally agreed</u> "(ab) country of birth, first name(s) of the parents of the

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				applicant;".
#798.	<b><u>10. In Article 19(4) the words "Article 17(2)(a)" are replaced by the words " Article 17(2)(a) and (ab)".</u></b>	10. In Article 19(4) the words "Article 17(2)(a)" are replaced by the words " Article 17(2)(a) and (ab)".	10. In Article 19(4) the words " <i>point (a) of Article 17(2)(a)</i> " are replaced by the words " <i>points (a) and (ab) of Article 17(2)(a) and (ab)</i> ".	<u>Provisionally agreed</u> 10. In Article 19(4) the words " <i>point (a) of Article 17(2)(a)</i> " are replaced by the words " <i>points (a) and (ab) of Article 17(2)(a) and (ab)</i> ".
#799.	<b><u>11. Article 20 is amended as follows:</u></b>	11. Article 20 is amended as follows:	11. Article 20 is amended as follows:	<u>Provisionally agreed</u> 11. Article 20 is amended as follows:
#800.	<b><u>(a) in paragraph 2, the first subparagraph is replaced by the following:</u></b>	(a) in paragraph 2, the first subparagraph is replaced by the following:	(a) in paragraph 2, the first subparagraph is replaced by the following:	<u>Provisionally agreed</u> (a) in paragraph 2, the first subparagraph is replaced by the following:
#801.	<b><u>"2. The ETIAS Central System shall launch a query by using the European Search Portal defined in [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in Article 17(2)(a), (ab), (b), (c), (d),(f),(g), (j), (k), (m) and (8) to the data present in a record, file or alert registered in an application file</u></b>	"2. The ETIAS Central System shall launch a query by using the European Search Portal defined in [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in Article 17(2)(a), (ab), (b), (c), (d),(f),(g), (j), (k), (m) and (8) to the data present in a record, file or alert registered in an application file stored in the	"2. The ETIAS Central System shall launch a query by using the European Search Portal <del>defined</del> <i>in-established by</i> [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in <i>points (a), (ab), (b), (c), (d), (f), (g), (j), (k) and (m) of</i> Article 17(2)(a), <del>(ab), (b), (c), (d), (f), (g), (j), (k), (m) and</del> <i>in Article 17(8)</i> to the data present	<u>Provisionally agreed</u> "2. The ETIAS Central System shall launch a query by using the European Search Portal <del>defined</del> <i>in-established by</i> [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in <i>points (a), (ab), (b), (c), (d), (f), (g), (j), (k) and (m) of</i> Article 17(2)(a), <del>(ab), (b), (c), (d), (f), (g), (j), (k), (m) and</del>

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	<b><u>stored in the ETIAS Central System, SIS, the EES, VIS, Eurodac, Europol data and Interpol databases SLTD and TDAWN."</u></b>	ETIAS Central System, SIS, the EES, VIS, Eurodac, Europol data and Interpol databases SLTD and TDAWN."	in a record, file or alert registered in an application file stored in the ETIAS Central System, SIS, the EES, VIS, Eurodac, Europol data and Interpol databases SLTD and TDAWN."	<del>(e), (d), (f), (g), (j), (k), (m)</del> and <i>in Article 17(8)</i> to the data present in a record, file or alert registered in an application file stored in the ETIAS Central System, SIS, the EES, VIS, Eurodac, Europol data and Interpol databases SLTD and TDAWN."
#802.	<b><u>(b) In paragraph 4 the words "Article 17(2)(a), (b), (c), (d), (f), (g), (j), (k), (m) and (8)" are replaced by the words "Article 17(2)(a), (ab), (b), (c), (d), (f), (g), (j), (k), (m) and (8)".</u></b>	(b) In paragraph 4 the words "Article 17(2)(a), (b), (c), (d), (f), (g), (j), (k), (m) and (8)" are replaced by the words "Article 17(2)(a), (ab), (b), (c), (d), (f), (g), (j), (k), (m) and (8)".	(b) In paragraph 4, the words " <i>points (a), (b), (c), (d), (f), (g), (j), (k) and (m) of Article 17(2)(a), (b), (e), (d), (f), (g), (j), (k), (m) and Article 17(8)</i> " are replaced by the words " <i>points (a), (ab), (b), (c), (d), (f), (g), (j), (k), (m) of Article 17(2)(a), (ab), (b), (e), (d), (f), (g), (j), (k), (m) and Article 17(8)</i> ".	<u>Provisionally agreed</u> (b) In paragraph 4, the words " <i>points (a), (b), (c), (d), (f), (g), (j), (k) and (m) of Article 17(2)(a), (b), (e), (d), (f), (g), (j), (k), (m) and Article 17(8)</i> " are replaced by the words " <i>points (a), (ab), (b), (c), (d), (f), (g), (j), (k), (m) of Article 17(2)(a), (ab), (b), (e), (d), (f), (g), (j), (k), (m) and Article 17(8)</i> ".
#803.	<b><u>(c) In paragraph 5 the words "Article 17(2)(a), (b), (c), (d), (f), (g), (j), (k), (m) and (8)" are replaced by the words "Article 17(2)(a), (ab), (b), (c), (d), (f), (g), (j), (k), (m) and (8)".</u></b>	(c) In paragraph 5 the words "Article 17(2)(a), (b), (c), (d), (f), (g), (j), (k), (m) and (8)" are replaced by the words "Article 17(2)(a), (ab), (b), (c), (d), (f), (g), (j), (k), (m) and (8)".	(c) In paragraph 5, the words " <i>points (a), (c), (f), (h) and (i) of Article 17(2)(a), (b), (e), (d), (f), (g), (j), (k), (m) and (8)</i> " are replaced by the words " <i>points (a), (ab), (c), (f), (h) and (i) of Article 17(2)(a), (ab), (b), (e), (d), (f), (g), (j), (k), (m) and (8)</i> ".	<u>Provisionally agreed</u> (c) In paragraph 5, the words " <i>points (a), (c), (f), (h) and (i) of Article 17(2)(a), (b), (e), (d), (f), (g), (j), (k), (m) and (8)</i> " are replaced by the words " <i>points (a), (ab), (c), (f), (h) and (i) of</i>

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				Article 17(2)(a), (ab), (b), (c), (d), (f), (g), (j), (k), (m) and (8)".
#804.	<b><u>12. Article 23(1), is replaced by the following:</u></b>	12. Article 23(1), is replaced by the following:	12. <i>In</i> Article 23(4), <i>paragraph 1</i> is replaced by the following:	<u>Provisionally agreed</u> 12. <i>In</i> Article 23(4), <i>paragraph 1</i> is replaced by the following:
#805.	<b><u>"1. The ETIAS Central System shall launch a query by using the European Search Portal defined in [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in Article 17(2)(a), (ab), (b) and (d) to the data present in SIS in order to determine whether the applicant is the subject of one of the following alerts:</u></b>	"1. The ETIAS Central System shall launch a query by using the European Search Portal defined in [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in Article 17(2)(a), (ab), (b) and (d) to the data present in SIS in order to determine whether the applicant is the subject of one of the following alerts:	"1. The ETIAS Central System shall launch a query by using the European Search Portal <del>defined</del> <del>in-established by</del> [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in <i>points (a), (ab), (b) and (d) of Article 17(2)(a), (ab), (b) and (d) and the three letter code of the country issuing the travel document as referred to in point (c) of Article 19(3)</i> to the data present in SIS in order to determine whether the applicant is the subject of one of the following alerts:	<u>Provisionally agreed</u> "1. The ETIAS Central System shall launch a query by using the European Search Portal <del>defined</del> <del>in-established by</del> [Article 6(1) of the Interoperability Regulation] to compare the relevant data referred to in <i>points (a), (ab), (b) and (d) of Article 17(2)(a), (ab), (b) and (d)</i> to the data present in SIS in order to determine whether the applicant is the subject of one of the following alerts:
#806.	<b><u>(a) an alert on missing persons;</u></b>	(a) an alert on missing persons;	(a) an alert on missing persons;	<u>Provisionally agreed</u> (a) an alert on missing persons;

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#807.	<b><u>(b) an alert on persons sought to assist with a judicial procedure;</u></b>	(b) an alert on persons sought to assist with a judicial procedure;	(b) an alert on persons sought to assist with a judicial procedure;	<u>Provisionally agreed</u> (b) an alert on persons sought to assist with a judicial procedure;
#808.	<b><u>(c) an alert on persons for discreet checks or specific checks."</u></b>	(c) an alert on persons for discreet checks or specific checks."	(c) an alert on persons for discreet checks or specific checks."	<u>Provisionally agreed</u> (c) an alert on persons for discreet checks or specific checks."
#809.	<b><u>13. In Article 49 paragraph 1 the words "Article 17(2)(a), (b), (c), (d) and (e) are replaced by the words "Article 17(2)(a), (ab), (b), (c), (d) and (e)".</u></b>	13. In Article 49 paragraph 1 the words "Article 17(2)(a), (b), (c), (d) and (e) are replaced by the words "Article 17(2)(a), (ab), (b), (c), (d) and (e)".	13. In Article 49(1), <del>paragraph 1</del> the words " <i>points (a), (b), (c), (d) and (e) of</i> Article 17(2)(a), (b), (c), (d) and (e) are replaced by the words " <i>points (a), (ab), (b), (c), (d) and (e) of</i> Article 17(2)(a), (ab), (b), (c), (d) and (e)".	<u>Provisionally agreed</u> 13. In Article 49(1), <del>paragraph 1</del> the words " <i>points (a), (b), (c), (d) and (e) of</i> Article 17(2)(a), (b), (c), (d) and (e) are replaced by the words " <i>points (a), (ab), (b), (c), (d) and (e) of</i> Article 17(2)(a), (ab), (b), (c), (d) and (e)".
#810.	<b><u>14. In Article 52, the following paragraph is inserted:</u></b>	14. In Article 52, the following paragraph is inserted:	14. In Article 52, the following paragraph is inserted:	<u>Provisionally agreed</u> 14. In Article 52, the following paragraph is inserted:
#811.	<b><u>"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of</u></b>	"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation	"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation	<u>Provisionally agreed</u> "1a. In cases where the designated authorities launched a query to the CIR in accordance

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	<b><u>Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."</u></b>	2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with <del>this</del> [Article 45] for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."	2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."	with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."
#812.	<b><u>15. In Article 53, the following paragraph is inserted:</u></b>	15. In Article 53, the following paragraph is inserted:	15. In Article 53, the following paragraph is inserted:	<u>Provisionally agreed</u> 15. In Article 53, the following paragraph is inserted:
#813.	<b><u>"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of</u></b>	"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with <del>this</del> [Article 46] for consultation where the reply received as referred to in paragraph 3 of [Article 22 of	"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of	<u>Provisionally agreed</u> "1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply

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	<b><u>Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."</u></b>	Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."	Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."	received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."
#814.			<i>15a. In Article 54, a new paragraph is added:</i>	<u>Provisionally agreed</u> [...]
#815.			<i>"3a. Where a red link is stored in the multiple identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability] in accordance with [Article 32 of Regulation 2018/XX on interoperability], the linked ETIAS data referred to in points (a), (b), (c), (d) and (e) of Article 17(2) shall be stored in the CIR in accordance with [Article 23(3) of Regulation 2018/XX on interoperability]."</i>	<u>Provisionally agreed</u> [...]
#816.	<b><u>16. In Article 65(3) fifth subparagraph, the words "Article 17(2)(a), (b), (d), (e) and (f)" are replaced by the</u></b>	16. In Article 65(3) fifth subparagraph, the words "Article 17(2)(a), (b), (d), (e) and (f)" are replaced by the words "Article	16. In <i>the fifth subparagraph</i> of Article 65(3) <del>fifth subparagraph</del> , the words "points (a), (b), (d), (e) and (f) of Article	<u>Provisionally agreed</u> 16. In <i>the fifth subparagraph</i> of Article 65(3) <del>fifth subparagraph</del> , the words "points

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	<b><u>words "Article 17(2)(a), (ab), (b), (d), (e) and (f)".</u></b>	17(2)(a), (ab), (b), (d), (e) and (f)".	17(2)(a), <del>(b), (d), (e) and (f)</del> " are replaced by the words " <i>points (a), (ab), (b), (d), (e) and (f) of Article 17(2)(a), (ab), (b), (d), (e) and (f)</i> ".	<i>(a), (b), (d), (e) and (f) of Article 17(2)(a), <del>(b), (d), (e) and (f)</del>" are replaced by the words "<i>points (a), (ab), (b), (d), (e) and (f) of Article 17(2)(a), (ab), (b), (d), (e) and (f)</i>".</i>
#817.	<b><u>17. In Article 69(1), the following point is inserted:</u></b>	17. In Article 69(1), the following point is inserted:	17. In Article 69(1), the following point is inserted:	<u>Provisionally agreed</u> 17. In Article 69(1), the following point is inserted:
#818.	<b><u>"(ca) where relevant, a reference to the use of the European search portal to query the ETIAS Central System as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."</u></b>	"(ca) where relevant, a reference to the use of the European search portal to query the ETIAS Central System as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."	"(ca) where relevant, a reference to the use of the European search portal to query the ETIAS Central System as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."	<u>Provisionally agreed</u> "(ca) where relevant, a reference to the use of the European search portal to query the ETIAS Central System as referred to in [Article 7(2) of the Regulation 2018/XX on interoperability]."
#819.	<b><u>18. In Article 73(2), the words "the central repository of data" are replaced by the words "the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability] to the extent that it contains data obtained</u></b>	18. In Article 73(2), the words "the central repository of data" are replaced by the words "the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability] to the extent that it contains data obtained from the ETIAS Central	18. In Article 73(2), the words "the central repository of data" are replaced by the words "the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability] to the extent that it contains data obtained from the ETIAS Central	<u>Provisionally agreed</u> 18. In Article 73(2), the words "the central repository of data" are replaced by the words "the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on



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	<b><u>from the ETIAS Central System in accordance with Article 84".</u></b>	System in accordance with Article 84".	System in accordance with Article 84".	interoperability] to the extent that it contains data obtained from the ETIAS Central System in accordance with Article 84".
#820.	<b><u>19. In Article 74(1), the words "and the central repository of data, as referred to in Article 6" are deleted.</u></b>	19. In Article 74(1), the words "and the central repository of data, as referred to in Article 6" are deleted.	19. In Article 74(1), the words "and the central repository of data, as referred to in Article 6" are deleted.	<u>Provisionally agreed</u> 19. In Article 74(1), the words "and the central repository of data, as referred to in Article 6" are deleted.
#821.	<b><u>20. In Article 84(2), the first subparagraph is replaced by the following:</u></b>	20. In Article 84(2), the first subparagraph is replaced by the following:	20. In Article 84(2), the first subparagraph is replaced by the following:	<u>Provisionally agreed</u> 20. In Article 84(2), the first subparagraph is replaced by the following:
#822.	<b><u>"2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]. In accordance with [Article 39(1) of the Regulation 2018/XX on interoperability], cross-system statistical data and analytical</u></b>	"2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]. In accordance with [Article 39(1) of the Regulation 2018/XX on interoperability], cross-system statistical data and analytical reporting would allow the	"2. For the purpose of paragraph 1 <del>of this Article</del> , eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]. In accordance with [Article 39(1) of the Regulation 2018/XX on interoperability], cross-system statistical data and analytical reporting <del>shall would</del> allow the	<u>Provisionally agreed</u> "2. For the purpose of paragraph 1 <del>of this Article</del> , eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]. In accordance with [Article 39(1) of the Regulation 2018/XX on interoperability], cross-system

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	<b><u>reporting would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics, to support the implementation of the ETIAS screening rules referred to in Article 33, to improve the assessment of the security, illegal immigration and high epidemic risks, to enhance the efficiency of border checks and to help the ETIAS Central Unit and the ETIAS National Units process the travel authorisation applications."</u></b>	authorities listed in paragraph 1 to obtain customisable reports and statistics, to support the implementation of the ETIAS screening rules referred to in Article 33, to improve the assessment of the security, illegal immigration and high epidemic risks, to enhance the efficiency of border checks and to help the ETIAS Central Unit and the ETIAS National Units process the travel authorisation applications."	authorities listed in paragraph 1 to obtain customisable reports and statistics, to support the implementation of the ETIAS screening rules referred to in Article 33, to improve the assessment of the security, illegal immigration and high epidemic risks, to enhance the efficiency of border checks and to help the ETIAS Central Unit and the ETIAS National Units process the travel authorisation applications."	statistical data and analytical reporting <i>shall</i> <del>would</del> allow the authorities listed in paragraph 1 to obtain customisable reports and statistics, to support the implementation of the ETIAS screening rules referred to in Article 33, to improve the assessment of the security, illegal immigration and high epidemic risks, to enhance the efficiency of border checks and to help the ETIAS Central Unit and the ETIAS National Units process the travel authorisation applications."
#823.	<b><u>21. In Article 84(4), a new subparagraph is added:</u></b>	21. In Article 84(4), a new subparagraph is added:	21. In Article 84(4), a new <i>second</i> subparagraph is added:	<u>Provisionally agreed</u> 21. In Article 84(4), a new <i>second</i> subparagraph is added:
#824.	<b><u>"The daily statistics shall be stored in the central repository for reporting and statistics."</u></b>	"The daily statistics shall be stored in the central repository for reporting and statistics."	"The daily statistics shall be stored in the central repository for reporting and statistics."	<u>Provisionally agreed</u> "The daily statistics shall be stored in the central repository for reporting and statistics."

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#825.	<b><u>Article 55g Amendments to Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]</u></b>	<i>Article 55g Amendments to Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]</i>	<i>Article 55g Amendments to Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]</i>	<i>Article 55g Amendments to Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]</i>
#826.	<b><u>Regulation (EU) 2018/XX is amended as follows:</u></b>	Regulation (EU) 2018/XX is amended as follows:	Regulation (EU) 2018/XX is amended as follows:	<u>Provisionally agreed</u> Regulation (EU) 2018/XX is amended as follows:
#827.	<b><u>1. In Article 3(1), the following points are added:</u></b>	1. In Article 3(1), the following points are added:	1. In Article 3( <del>1</del> ), the following points are added:	<u>Provisionally agreed</u> 1. In Article 3( <del>1</del> ), the following points are added:
#828.	<b><u>“(t) ‘ESP’ means the European search portal as defined in [Article 6 of Regulation 2018/XX on interoperability].</u></b>	“(t) ‘ESP’ means the European search portal as defined in [Article 6 of Regulation 2018/XX on interoperability].	“(t <del>23</del> ) ‘ESP’ means the European search portal as <del>defined in</del> <b>established by</b> [Article 6(1) of Regulation 2018/XX on interoperability].	<u>Provisionally agreed</u> “(t <del>23</del> ) ‘ESP’ means the European search portal as <del>defined in</del> <b>established by</b> [Article 6( <del>1</del> ) of Regulation 2018/XX on interoperability].
#829.	<b><u>(u) ‘shared BMS’ means the shared biometric matching service as defined in [Article 12 of Regulation 2018/XX on interoperability].</u></b>	(u) ‘shared BMS’ means the shared biometric matching service as defined in [Article 12 of Regulation 2018/XX on interoperability].	(u <del>24</del> ) ‘shared BMS’ means the shared biometric matching service as <del>defined in</del> <b>established by</b> [Article 12(1) of Regulation 2018/XX on interoperability].	<u>Provisionally agreed</u> (u <del>24</del> ) ‘shared BMS’ means the shared biometric matching service as <del>defined in</del> <b>established by</b> [Article 12( <del>1</del> ) of Regulation 2018/XX on interoperability].
#830.	<b><u>(v) ‘CIR’ means the common identity repository as referred</u></b>	(v) ‘CIR’ means the common identity repository as referred to	(v <del>25</del> ) ‘CIR’ means the common identity repository as <del>referred to</del>	<u>Provisionally agreed</u>

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	<b><u>to in [Article 17 of Regulation 2018/XX on interoperability];</u></b>	in [Article 17 of Regulation 2018/XX on interoperability];	<del>is</del> <b><i>established by</i></b> [Article 17(1) of Regulation 2018/XX on interoperability];	( <del>¶</del> <b>25</b> ) 'CIR' means the common identity repository as referred to <del>is</del> <b><i>established by</i></b> [Article 17( <del>1</del> ) of Regulation 2018/XX on interoperability];
#831.	<b><u>(w) 'MID' means the multiple-identity detector as defined in [Article 25 of Regulation 2018/XX on interoperability].</u></b>	(w) 'MID' means the multiple-identity detector as defined in [Article 25 of Regulation 2018/XX on interoperability].	( <del>¶</del> <b>26</b> ) 'MID' means the multiple-identity detector as <del>defined in</del> <b><i>established by</i></b> [Article 25(1) of Regulation 2018/XX on interoperability].	<u>Provisionally agreed</u> ( <del>¶</del> <b>26</b> ) 'MID' means the multiple-identity detector as <del>defined in</del> <b><i>established by</i></b> [Article 25( <del>1</del> ) of Regulation 2018/XX on interoperability].
#832.	<b><u>2. Article 4 is amended as follows:</u></b>	2. Article 4 is amended as follows:	2. Article 4 is amended as follows:	<u>Provisionally agreed</u> 2. Article 4 is amended as follows:
#833.	<b><u>(a) in paragraph 3, the following point (d) is added:</u></b>	(a) in paragraph 3, the following point (d) is added:	(a) in paragraph <del>1</del> <b>3</b> , the following point ( <del>d</del> ) is added:	<u>Provisionally agreed</u> (a) in paragraph <del>1</del> <b>3</b> , the following point ( <del>d</del> ) is added:
#834.	<b><u>"d) a secure communication infrastructure between CS-SIS and the central infrastructures of the ESP, the shared BMS and the MID "</u></b>	"d) a secure communication infrastructure between CS-SIS and the central infrastructures of the ESP, the shared BMS and the MID ".	"( <del>d</del> e) a secure communication infrastructure between CS-SIS and the central infrastructures of the ESP <b><i>established by [Article 6 of Regulation 2018/XX on interoperability]</i></b> , the shared BMS <b><i>established by [Article 12 of Regulation 2018/XX on</i></b>	<u>Provisionally agreed</u> "( <del>d</del> e) a secure communication infrastructure between CS-SIS and the central infrastructures of the ESP <b><i>established by [Article 6 of Regulation 2018/XX on interoperability]</i></b> , the shared

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			<i>interoperability]</i> and the MID established by [Article 25 of Regulation 2018/XX on interoperability] ".	BMS established by [Article 12 of Regulation 2018/XX on interoperability] and the MID established by [Article 25 of Regulation 2018/XX on interoperability] ".
#835.	<b><u>(b) the following paragraphs are added:</u></b>	(b) the following paragraphs are added:	(b) the following paragraphs are added:	<u>Provisionally agreed</u> (b) the following paragraphs are added:
#836.	<b><u>“5. Without prejudice to paragraphs (1) to (4) of this Article, SIS data may also be searched via the ESP.</u></b>	“5. Without prejudice to paragraphs (1) to (4) of this Article, SIS data may also be searched via the ESP.	“85. Without prejudice to paragraphs (1) to (5) ( <del>4</del> ) of this Article, SIS data may also be searched via the ESP.	<u>Provisionally agreed</u> “85. Without prejudice to paragraphs (1) to (5) ( <del>4</del> ) of this Article, SIS data may also be searched via the ESP.
#837.	<b><u>6. Without prejudice to paragraphs (1) to (4) of this Article, SIS data may also be transmitted via the secure communication infrastructure defined in paragraph (3)(d) of this Article. These transmissions shall be limited to the extent that the data are required for the functionalities referred to in [Regulation</u></b>	6. Without prejudice to paragraphs (1) to (4) of this Article, SIS data may also be transmitted via the secure communication infrastructure defined in paragraph (3)(d) of this Article. These transmissions shall be limited to the extent that the data are required for the functionalities referred to in [Regulation 2018/XX on	<del>96</del> . Without prejudice to paragraphs (1) to (5) ( <del>4</del> ) of this Article, SIS data may also be transmitted via the secure communication infrastructure defined in <i>point (e) of</i> paragraph (1) ( <del>3</del> )( <del>d</del> ) of this Article. These transmissions shall be limited to the extent that the data are required for the functionalities referred to in [Regulation	<u>Provisionally agreed</u> <del>96</del> . Without prejudice to paragraphs (1) to (5) ( <del>4</del> ) of this Article, SIS data may also be transmitted via the secure communication infrastructure defined in <i>point (e) of</i> paragraph (1) ( <del>3</del> )( <del>d</del> ) of this Article. These transmissions shall be limited to the extent that the data are required for the functionalities

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	<u>2018/XX on interoperability]."</u>	interoperability]."	2018/XX on interoperability]."	referred to in [Regulation 2018/XX on interoperability]."
#838.	<b>3. In Article 7 the following paragraph 2a is added:</b>	3. In Article 7 the following paragraph 2a is added:	3. In Article 7, the following paragraph 2a-is <i>inserted</i> added:	<u>Provisionally agreed</u> 3. In Article 7, the following paragraph 2a-is <i>inserted</i> added:
#839.	<b><u>"2a. The SIRENE Bureaux shall also ensure the verification of different identities in accordance with [Article 29 Regulation 2018/XX on interoperability]. To the extent necessary to carry out this task, the SIRENE Bureaux shall have access to consulting the data stored in the CIR for the purposes laid down in [Article 21 of Regulation 2018/XX on interoperability]."</u></b>	"2a. The SIRENE Bureaux shall also ensure the verification of different identities in accordance with [Article 29 Regulation 2018/XX on interoperability]. To the extent necessary to carry out this task, the SIRENE Bureaux shall have access to consulting the data stored in the CIR for the purposes laid down in [Article 21 of Regulation 2018/XX on interoperability]."	"2a. The SIRENE Bureaux shall also ensure the verification of different identities in accordance with [Article 29 Regulation 2018/XX on interoperability]. To the extent necessary to carry out this task, the SIRENE Bureaux shall have access to consulting the data stored in the CIR <i>and the MID</i> for the purposes laid down in [Articles 21 <i>and 26</i> of Regulation 2018/XX on interoperability]."	<u>Provisionally agreed</u> "2a. The SIRENE Bureaux shall also ensure the verification of different identities in accordance with [Article 29 Regulation 2018/XX on interoperability]. To the extent necessary to carry out this task, the SIRENE Bureaux shall have access to consulting the data stored in the CIR <i>and the MID</i> for the purposes laid down in [Articles 21 <i>and 26</i> of Regulation 2018/XX on interoperability]."
#840.	<b>4. in Article 8 paragraph 4 is deleted.</b>	4. in Article 8 paragraph 4 is deleted.	4. in Article 8 paragraph 4 is deleted.	<u>Provisionally agreed</u> [...]
#841.	<b>5. in Article 12 paragraph 1 is replaced by the following:</b>	5. in Article 12 paragraph 1 is replaced by the following:	45. <del>I</del> n Article 12, paragraph 1 is replaced by the following:	<u>Provisionally agreed</u> 45. <del>I</del> n Article 12, paragraph

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				1 is replaced by the following:
#842.	<b><u>“1. Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security. This does not apply to the automatic processes referred to in Article 4(4) (a), (b) and (c). Member States shall ensure that every access to personal data via the ESP are also logged for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring, data integrity and security.”</u></b>	“1. Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security. This does not apply to the automatic processes referred to in Article 4(4) (a), (b) and (c). Member States shall ensure that every access to personal data via the ESP are also logged for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring, data integrity and security.”	“1. Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security. This does not apply to the automatic processes referred to in <i>points (a), (b) and (c) of Article 4(4) <del>(a), (b) and (c)</del></i> and <del>(e)</del> . Member States shall ensure that every access to personal data via the ESP are also logged for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring, data integrity and security.”	<u>Provisionally agreed</u> “1. Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security. This does not apply to the automatic processes referred to in <i>points (a), (b) and (c) of Article 4(4) <del>(a), (b) and (c)</del></i> and <del>(e)</del> . Member States shall ensure that every access to personal data via the ESP are also logged for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring, data integrity and security.”
#843.	<b><u>6. In Article 29(1), the</u></b>	6. In Article 29(1), the	56. In Article <del>29-34</del> (1), the	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	<b><u>following point (g) is added:</u></b>	following point (g) is added:	following point (g) is added:	56. In Article <del>29-34</del> (1), the following point (g) is added:
#844.	<b><u>“(g) verifying different identities and combating identity fraud in accordance with [Chapter V of Regulation 2018/XX on interoperability].”</u></b>	“(g) verifying different identities and combating identity fraud in accordance with [Chapter V of Regulation 2018/XX on interoperability].”	“(g) verifying different identities and combating identity fraud in accordance with [Chapter V of Regulation 2018/XX on interoperability].”	<u>Provisionally agreed</u> “(g) verifying different identities and combating identity fraud in accordance with [Chapter V of Regulation 2018/XX on interoperability].”
#845.	<b><u>7. in Article 54 paragraph 6, is replaced by the following:</u></b>	7. in Article 54 paragraph 6, is replaced by the following:	<del>67.</del> In Article <del>54</del> <b>60</b> , paragraph 6, is replaced by the following:	<u>Provisionally agreed</u> <del>67.</del> In Article <del>54</del> <b>60</b> , paragraph 6, is replaced by the following:
#846.	<b><u>"For the purpose of paragraphs 3, 4 and 5 of this Article and of Article 15(5), the Agency shall store data referred to in paragraph 3 of this Article and in Article 15(5) which shall not allow for the identification of individuals in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]."</u></b>	"For the purpose of paragraphs 3, 4 and 5 of this Article and of Article 15(5), the Agency shall <del>shall store data referred to in paragraph 3 of this Article and in Article 15(5) which shall not allow for the identification of individuals in the central repository for reporting and statistics</del> <i>establish, implement and host a central repository in its technical sites containing the data referred to in paragraph 3 of this Article and in Article</i>	"6. For the purpose of paragraphs 3, 4 and 5 <del>of this Article</del> and of Article 15(5), the Agency shall store data referred to in paragraph 3 <del>of this Article</del> and in Article 15(5) which shall not allow for the identification of individuals in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability].	<u>Provisionally agreed</u> "6. For the purpose of paragraphs 3, 4 and 5 <del>of this Article</del> and of Article 15(5), the Agency shall store data referred to in paragraph 3 <del>of this Article</del> and in Article 15(5) which shall not allow for the identification of individuals in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability].



	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>15(5) which shall not allow for the identification of individuals and shall allow the Commission and the agencies referred to in paragraph 5 to obtain bespoke reports and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability].</i>		
#847.	<b><u>The Agency shall allow the Commission and the agencies referred to in paragraph 5 to obtain bespoke reports and statistics. Upon request, the Agency shall give access to Member States, the Commission, Europol, and the European Border and Coast Guard Agency to the central repository in accordance with [Article 39 of the Regulation 2018/XX on interoperability]."</u></b>	The Agency shall allow the Commission and the agencies referred to in paragraph 5 to obtain bespoke reports and statistics. Upon request, the Agency shall give access to Member States, the Commission, Europol, and the European Border and Coast Guard Agency to the central repository in accordance with [Article 39 of the Regulation 2018/XX on interoperability]. <i>to the extent required for the performance of their tasks, to the central repository by means of secured access through the Communication Infrastructure with control of access and</i>	The Agency shall allow the Commission and the agencies <i>bodies</i> referred to in paragraph 5 to obtain bespoke reports and statistics. Upon request, the Agency shall give access to Member States, the Commission, Europol, and the European Border and Coast Guard Agency to the central repository in accordance with [Article 39 of the Regulation 2018/XX on interoperability]."	<u>Provisionally agreed</u> The Agency shall allow the Commission and the agencies <i>bodies</i> referred to in paragraph 5 to obtain bespoke reports and statistics. Upon request, the Agency shall give access to Member States, the Commission, Europol, and the European Border and Coast Guard Agency to the central repository in accordance with [Article 39 of the Regulation 2018/XX on interoperability]."

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>specific user profiles solely for the purpose of reporting and statistics."</i>		
#848.	<b><u>Article 55h</u></b> <b><u>Amendments to Regulation (EU) 2018/XX [Regulation on eu-LISA]</u></b>	<i>Article 55h</i> <i>Amendments to Regulation (EU) 2018/XX [Regulation on eu-LISA]</i>	<i>Article 55h</i> <i>Amendments to Regulation (EU) 2018/XX [Regulation on eu-LISA]</i>	<i>Article 55h</i> <i>Amendments to Regulation (EU) 2018/XX [Regulation on eu-LISA]</i>
#849.	<b><u>Regulation (EU) 2018/XX (eu-LISA) is amended as follows:</u></b>	Regulation (EU) 2018/XX (eu-LISA) is amended as follows:	Regulation (EU) 2018/XX (eu-LISA) is amended as follows:	<u>Provisionally agreed</u> Regulation (EU) 2018/XX (eu-LISA) is amended as follows:
#850.	<b><u>1. Article 8 is replaced by the following:</u></b>	1. Article 8 is replaced by the following:	1. Article <b>12</b> § is replaced by the following:	<u>Provisionally agreed</u> 1. Article <b>12</b> § is replaced by the following:
#851.	<b><u>"Article 8</u></b> <b><u>Data quality</u></b>	<b><u>"Article 8</u></b> <b><u>Data quality</u></b>	<b><u>"Article 12 §</u></b> <b><u>Data quality</u></b>	<b><u>"Article 12 §</u></b> <b><u>Data quality</u></b>
#852.	<b><u>1. eu-LISA shall establish for all systems under the Agency's operational responsibility automated data quality control mechanisms and procedures and common data quality indicators and the minimum quality standards to store data, in accordance with the relevant</u></b>	1. eu-LISA shall establish for all systems under the Agency's operational responsibility automated data quality control mechanisms and procedures and common data quality indicators and the minimum quality standards to store data, in accordance with the relevant	1. <b><i>Without prejudice to Member States' responsibilities with regard to the data entered into the systems under eu-LISA's operational responsibility, eu-LISA, closely involving its Advisory Groups, shall establish for all systems under the Agency's operational</i></b>	<u>Provisionally agreed</u> 1. <b><i>Without prejudice to Member States' responsibilities with regard to the data entered into the systems under eu-LISA's operational responsibility, eu-LISA, closely involving its Advisory Groups, shall establish for all systems under the</i></b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	<b><u>provisions of the systems' instruments and of [Article 37 of Regulation 2018/XX on interoperability].</u></b>	provisions of the systems' instruments and of [Article 37 of Regulation 2018/XX on interoperability].	responsibility automated data quality control mechanisms and procedures and common data quality indicators and the minimum quality standards to store data, in accordance with the relevant provisions of the systems' instruments and of [Article 37 of Regulation 2018/XX on interoperability].	Agency's operational responsibility automated data quality control mechanisms and procedures and common data quality indicators and the minimum quality standards to store data, in accordance with the relevant provisions of the systems' instruments and of [Article 37 of Regulation 2018/XX on interoperability].
#853.	<b><u>2. eu-LISA shall establish a central repository for reporting and statistics in accordance with [Article 39 of Regulation 2018/XX on interoperability]."</u></b>	2. eu-LISA shall establish a central repository for reporting and statistics in accordance with [Article 39 of Regulation 2018/XX on interoperability]."	2. eu-LISA shall establish a central repository <i>containing only anonymised data</i> for reporting and statistics <i>subject to specific provisions in the legislative instruments governing the development, establishment, operation and use of large-scale IT systems managed by eu-LISA</i> in accordance with [Article 39 of Regulation 2018/XX on interoperability]."	<u>Provisionally agreed</u> 2. eu-LISA shall establish a central repository <i>containing only anonymised data</i> for reporting and statistics <i>subject to specific provisions in the legislative instruments governing the development, establishment, operation and use of large-scale IT systems managed by eu-LISA</i> in accordance with [Article 39 of Regulation 2018/XX on interoperability]."
#854.	<b><u>2. Article 9 is replaced by</u></b>	<del>2. Article 9 is replaced by</del>	2. Article <del>9</del> <b>13</b> is replaced by	<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	<b><u>the following:</u></b>	<del>the following:</del>	the following:	[...]
#855.	<b><u>“Article 9 Interoperability</u></b>	<del>“Article 9 Interoperability</del>	<b>“Article 13 9 Interoperability</b>	<u>Provisionally agreed</u> [...]
#856.	<b><u>Where the interoperability of large-scale IT systems has been stipulated in a relevant legislative instrument the Agency shall develop the necessary actions conferred on it by those legislative instruments to enable that interoperability.”</u></b>	<del>Where the interoperability of large-scale IT systems has been stipulated in a relevant legislative instrument the Agency shall develop the necessary actions conferred on it by those legislative instruments to enable that interoperability.”</del>	Where the interoperability of large-scale IT systems has been stipulated in a relevant legislative instrument the Agency shall develop the necessary actions conferred on it by those legislative instruments to enable that interoperability.”	<u>Provisionally agreed</u> [...]
#857.	<b><u>3. Article 15 is amended as follows:</u></b>	3. Article 15 is amended as follows:	3. Article <del>15</del> <b>19 45(1)</b> is amended as follows:	<u>Provisionally agreed</u> 3. Article <del>15</del> <b>19 45(1)</b> is amended as follows:
#858.	<b><u>(a) paragraph (1) is amended as follows:</u></b>	(a) paragraph (1) is amended as follows:	<del>(a) paragraph (1) is amended as follows:</del>	<u>Provisionally agreed</u> [...]
#859.	<b><u>(i) the following point (eea) is inserted:</u></b>	(i) the following point (eea) is inserted:	<del>(a) the following point (eea) is inserted:</del>	<u>Provisionally agreed</u> ( <del>a</del> ) the following point ( <del>eea</del> ) is inserted:
#860.	<b><u>“(eea) Adopt the reports on the state of play of the development of the interoperability</u></b>	“(eea) Adopt the reports on the state of play of the development of the interoperability	“(eea) <del>a</del> Adopt the reports on the state of play of the development of the interoperability	<u>Provisionally agreed</u> “(eea) <del>a</del> Adopt the reports on the state of play of the development

	<b>Amended Commission proposal</b> <b>(ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate</b> <b>(ST 11312/18)</b>	<b>Compromise text proposals</b>
	<b><u>components pursuant to [Article 68(2) of Regulation 2018/XX on interoperability]."</u></b>	components pursuant to [Article 68(2) of Regulation 2018/XX on interoperability]."	components pursuant to [Article 68(2) of Regulation 2018/XX on interoperability].";	of the interoperability components pursuant to [Article 68(2) of Regulation 2018/XX on interoperability].";
#861.	<b><u>(ii) point (ff) is replaced by the following:</u></b>	(ii) point (ff) is replaced by the following:	<b><u>(b<del>ii</del>)</u></b> point (ff) is replaced by the following:	<u>Provisionally agreed</u> <b><u>(b<del>ii</del>)</u></b> point (ff) is replaced by the following:
#862.	<b><u>"(ff) adopt the reports on the technical functioning of SIS II pursuant to Article 50(4) of Regulation (EC) No 1987/2006 and Article 66(4) of Decision 2007/533/JHA respectively [or Article 54(7) of Regulation 2018/XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 and Article 71(7) of Regulation 2018/XX of the European Parliament and of the Council on the establishment, operation</u></b>	"(ff) adopt the reports on the technical functioning of SIS II pursuant to Article 50(4) of Regulation (EC) No 1987/2006 and Article 66(4) of Decision 2007/533/JHA respectively [or Article 54(7) of Regulation 2018/XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 and Article 71(7) of Regulation 2018/XX of the European Parliament and of the Council on the establishment, operation and use of the	"(ff) adopt the reports on the technical functioning of SIS II pursuant to Article 50(4) of Regulation (EC) No 1987/2006 and Article 66(4) of Decision 2007/533/JHA respectively [or Article 54(7) of Regulation 2018/XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 and Article 71(7) of Regulation 2018/XX of the European Parliament and of the Council on the establishment, operation and use of the	<u>Provisionally agreed</u> "(ff) adopt the reports on the technical functioning of SIS II pursuant to Article 50(4) of Regulation (EC) No 1987/2006 and Article 66(4) of Decision 2007/533/JHA respectively [or Article 54(7) of Regulation 2018/XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 and Article 71(7) of Regulation 2018/XX of the European Parliament and of the

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
	<p><b><u>and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU, of VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, of EES pursuant to Article 72(4) of Regulation (EU) 2017/2226, of ETIAS pursuant to Article 81(4) of Regulation (EU) 2018/XX on the ECRIS-TCN system and the ECRIS reference implementation pursuant to Article 34(4) of Regulation (EU) 2018/XX] and of the interoperability components pursuant to [Article 68(4) of Regulation 2018/XX on interoperability];"</u></b></p>	<p>Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU, of VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, of EES pursuant to Article 72(4) of Regulation (EU) 2017/2226, of ETIAS pursuant to Article 81(4) of Regulation (EU) 2018/XX on the ECRIS-TCN system and the ECRIS reference implementation pursuant to Article 34(4) of Regulation (EU) 2018/XX] and of the interoperability components pursuant to [Article 68(4) of Regulation 2018/XX on interoperability];"</p>	<p>Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU, of VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, of EES pursuant to Article 72(4) of Regulation (EU) 2017/2226, of ETIAS pursuant to Article <del>92</del> 81(4), of Regulation (EU) 2018/XX on the ECRIS-TCN system and the ECRIS reference implementation pursuant to Article 34(4) of Regulation (EU) 2018/XX] and of the interoperability components pursuant to [Article 68(4) of Regulation 2018/XX on interoperability];"</p>	<p>Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU, of VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, of EES pursuant to Article 72(4) of Regulation (EU) 2017/2226, of ETIAS pursuant to Article <del>92</del> 81(4), of Regulation (EU) 2018/XX on the ECRIS-TCN system and the ECRIS reference implementation pursuant to Article 34(4) of Regulation (EU) 2018/XX] and of the interoperability components pursuant to [Article 68(4) of Regulation 2018/XX on interoperability];"</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#863.	<b><u>(iii) point (hh) is replaced by the following:</u></b>	(iii) point (hh) is replaced by the following:	<del>(ciii)</del> point (hh) is replaced by the following:	<u>Provisionally agreed</u> <del>(ciii)</del> point (hh) is replaced by the following:
#864.	<b><u>"(hh) adopt formal comments on the European Data Protection Supervisor's reports on the audits pursuant to Article 45(2) of Regulation (EC) No 1987/2006, Article 42(2) of Regulation (EC) No 767/2008 and Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226, and [Article 57 of Regulation (EU) 2018/XX (establishing the ETIAS)] and to [Article 27(2) of Regulation (EU) 2018/XX (establishing the ECRIS-TCN system)] and to [Article 50 of Regulation 2018/XX on interoperability] and ensure appropriate follow-up of those audits;"</u></b>	"(hh) adopt formal comments on the European Data Protection Supervisor's reports on the audits pursuant to Article 45(2) of Regulation (EC) No 1987/2006, Article 42(2) of Regulation (EC) No 767/2008 and Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226, and [Article 57 of Regulation (EU) 2018/XX (establishing the ETIAS)] and to [Article 27(2) of Regulation (EU) 2018/XX (establishing the ECRIS-TCN system)] and to [Article 50 of Regulation 2018/XX on interoperability] and ensure appropriate follow-up of those audits;"	"(hh) adopt formal comments on the European Data Protection Supervisor's reports on the audits pursuant to Article 45(2) of Regulation (EC) No 1987/2006, Article 42(2) of Regulation (EC) No 767/2008 and Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226, and [Article <del>57</del> 67 of Regulation (EU) 2018/XX (establishing the ETIAS)] and to [Article 27(2) of Regulation (EU) 2018/XX (establishing the ECRIS-TCN system)] and to [Article 50 of Regulation 2018/XX on interoperability] and ensure appropriate follow-up of those audits;"	<u>Provisionally agreed</u> "(hh) adopt formal comments on the European Data Protection Supervisor's reports on the audits pursuant to Article 45(2) of Regulation (EC) No 1987/2006, Article 42(2) of Regulation (EC) No 767/2008 and Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226, and [Article <del>57</del> 67 of Regulation (EU) 2018/XX (establishing the ETIAS)] and to [Article 27(2) of Regulation (EU) 2018/XX (establishing the ECRIS-TCN system)] and to [Article 50 of Regulation 2018/XX on interoperability] and ensure appropriate follow-up of those audits;"
#865.			<i>(d) point (mm) is replaced by the following:</i>	<u>Provisionally agreed</u> <i>(d) point (mm) is replaced by the</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>following:</i>
#866.			<i>"(mm) ensure annual publication of the list of competent authorities authorised to search directly the data contained in SIS II pursuant to Article 31(8) of Regulation (EC) No 1987/2006 and Article 46(8) of Decision 2007/533/JHA, together with the list of Offices of the national systems of SIS II (N.SIS II) and SIRENE Bureaux pursuant to Article 7(3) of Regulation (EC) No 1987/2006 and Article 7(3) of Decision 2007/533/JHA respectively as well as the list of competent authorities pursuant to Article 65(2) of Regulation (EU) 2017/2226 and, the list of competent authorities pursuant to Article 87(2) of Regulation (EU) 2018/...<sup>+</sup>, [the list of</i>	<u>Provisionally agreed</u> <i>"(mm) ensure annual publication of the list of competent authorities authorised to search directly the data contained in SIS II pursuant to Article 31(8) of Regulation (EC) No 1987/2006 and Article 46(8) of Decision 2007/533/JHA, together with the list of Offices of the national systems of SIS II (N.SIS II) and SIRENE Bureaux pursuant to Article 7(3) of Regulation (EC) No 1987/2006 and Article 7(3) of Decision 2007/533/JHA respectively as well as the list of competent authorities pursuant to Article 65(2) of Regulation (EU) 2017/2226 and, the list of competent authorities pursuant</i>

<sup>+</sup> OJ: Please insert serial number of the Regulation in 2016/0357A(COD).



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>competent authorities pursuant to Article 32 of Regulation (EU) 2018/... (ECRIS-TCN)] and the list of authorities pursuant to Article 61(1) of [Regulation (EU) 2018/... on interoperability]."</i>	<i>to Article 87(2) of Regulation (EU) 2018/...<sup>+</sup>, [the list of competent authorities pursuant to Article 32 of Regulation (EU) 2018/... (ECRIS-TCN)] and the list of authorities pursuant to Article 61(1) of [Regulation (EU) 2018/... on interoperability]."</i>
#867.	<b><u>4. In Article 19 paragraph 4 is replaced by the following:</u></b>	4. In Article 19 paragraph 4 is replaced by the following:	4. In Article 22 49, paragraph 4 is replaced by the following:	<u>Provisionally agreed</u> 4. In Article 22 49, paragraph 4 is replaced by the following:
#868.	<b><u>"4. Europol and Eurojust may attend the meetings of the Management Board as observers when a question concerning SIS II, in relation to the application of Decision 2007/533/JHA, is on the agenda. [The European Border and Coast Guard Agency may attend the meetings of the Management Board as</u></b>	"4. Europol and Eurojust may attend the meetings of the Management Board as observers when a question concerning SIS II, in relation to the application of Decision 2007/533/JHA, is on the agenda. [The European Border and Coast Guard Agency may attend the meetings of the Management Board as observers when a question concerning SIS	"4. Europol and Eurojust may attend the meetings of the Management Board as observers when a question concerning SIS II, in relation to the application of Decision 2007/533/JHA, is on the agenda. [The European Border and Coast Guard Agency may attend the meetings of the Management Board as observers when a question concerning SIS	<u>Provisionally agreed</u> "4. Europol and Eurojust may attend the meetings of the Management Board as observers when a question concerning SIS II, in relation to the application of Decision 2007/533/JHA, is on the agenda. [The European Border and Coast Guard Agency may attend the meetings of the

<sup>+</sup> OJ: Please insert serial number of the Regulation in 2016/0357A(COD).

	<p style="text-align: center;"><b>Amended Commission proposal</b></p> <p style="text-align: center;"><b>(ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate</b></p> <p style="text-align: center;"><b>(ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
	<p><b><u>observers when a question concerning SIS in relation to the application of Regulation (EU) 2016/1624 is on the agenda]. Europol may also attend the meetings of the Management Board as observer when a question concerning VIS, in relation to the application of Decision 2008/633/JHA, or a question concerning Eurodac, in relation to the application of Regulation (EU) No 603/2013, is on the agenda. Europol may also attend the meetings of the Management Board as an observer when a question concerning EES in relation to the application of Regulation (EU) 2017/2226 is on the agenda or when a question concerning ETIAS in relation to Regulation 2018/XX (establishing ETIAS) is on the agenda. The European Border and Coast Guard Agency may also attend the meetings of the</u></b></p>	<p>in relation to the application of Regulation (EU) 2016/1624 is on the agenda]. Europol may also attend the meetings of the Management Board as observer when a question concerning VIS, in relation to the application of Decision 2008/633/JHA, or a question concerning Eurodac, in relation to the application of Regulation (EU) No 603/2013, is on the agenda. Europol may also attend the meetings of the Management Board as an observer when a question concerning EES in relation to the application of Regulation (EU) 2017/2226 is on the agenda or when a question concerning ETIAS in relation to Regulation 2018/XX (establishing ETIAS) is on the agenda. The European Border and Coast Guard Agency may also attend the meetings of the Management Board as observer when a question concerning ETIAS in relation with the application of</p>	<p>in relation to the application of Regulation (EU) 2016/1624 is on the agenda]. Europol may also attend the meetings of the Management Board as observer when a question concerning VIS, in relation to the application of Decision 2008/633/JHA, or a question concerning Eurodac, in relation to the application of Regulation (EU) No 603/2013, is on the agenda. Europol may also attend the meetings of the Management Board as an observer when a question concerning EES in relation to the application of Regulation (EU) 2017/2226 is on the agenda or when a question concerning ETIAS in relation to Regulation 2018/XX (establishing ETIAS) is on the agenda. [The European Border and Coast Guard Agency may also attend the meetings of the Management Board as observer when a question concerning ETIAS in relation with the application of</p>	<p>Management Board as observers when a question concerning SIS in relation to the application of Regulation (EU) 2016/1624 is on the agenda]. Europol may also attend the meetings of the Management Board as observer when a question concerning VIS, in relation to the application of Decision 2008/633/JHA, or a question concerning Eurodac, in relation to the application of Regulation (EU) No 603/2013, is on the agenda. Europol may also attend the meetings of the Management Board as an observer when a question concerning EES in relation to the application of Regulation (EU) 2017/2226 is on the agenda or when a question concerning ETIAS in relation to Regulation 2018/XX (establishing ETIAS) is on the agenda. [The European Border and Coast Guard Agency may also attend the meetings of the Management Board as observer when a question</p>

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	<p><b><u>Management Board as observer when a question concerning ETIAS in relation with the application of Regulation 2018/XX (establishing ETIAS) is on the agenda.] [EASO may also attend the meetings of the Management Board as an observer when a question concerning the automated system for registration, monitoring and the allocation mechanism for applications for international protection referred to in Article 44 of Regulation (EU) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) COM(2016) 270 final-2016/0133(COD), is on the agenda.] [Eurojust, Europol [the European Public Prosecutor's Office] may also attend the meetings of the Management Board as an observer when a question concerning Regulation</u></b></p>	<p>Regulation 2018/XX (establishing ETIAS) is on the agenda.] [EASO may also attend the meetings of the Management Board as an observer when a question concerning the automated system for registration, monitoring and the allocation mechanism for applications for international protection referred to in Article 44 of Regulation (EU) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) COM(2016) 270 final-2016/0133(COD), is on the agenda.] [Eurojust, Europol [the European Public Prosecutor's Office] may also attend the meetings of the Management Board as observers when a question concerning Regulation</p>	<p>Regulation 2018/XX (establishing ETIAS) is on the agenda.] [EASO may also attend the meetings of the Management Board as an observer when a question concerning the automated system for registration, monitoring and the allocation mechanism for applications for international protection referred to in Article 44 of Regulation (EU) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) COM(2016) 270 final-2016/0133(COD), is on the agenda.][Eurojust, Europol [the European Public Prosecutor's Office] may also attend the meetings of the Management Board as observers when a question concerning Regulation</p>	<p>concerning ETIAS in relation with the application of Regulation 2018/XX (establishing ETIAS) is on the agenda.] [EASO may also attend the meetings of the Management Board as an observer when a question concerning the automated system for registration, monitoring and the allocation mechanism for applications for international protection referred to in Article 44 of Regulation (EU) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) COM(2016) 270 final-2016/0133(COD), is on the agenda.][Eurojust, Europol [the European Public Prosecutor's Office] may also attend the meetings of the Management</p>

	<p align="center"><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p align="center"><b>EP amendments</b></p>	<p align="center"><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p align="center"><b>Compromise text proposals</b></p>
	<p><b><u>attend the meetings of the Management Board as observers when a question concerning Regulation 2018/XX (establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS), and amending Regulation (EU) No 1077/2011 (ECRIS-TCN system) is on the agenda.]</u></b> <b><u>Europol, Eurojust and the European Border and Coast Guard Agency may also attend the meetings of the Management Board as observers when a question concerning [Regulation 2018/XX on interoperability] is on the agenda. The Management Board may invite any other person whose opinion may be of interest, to attend its</u></b></p>	<p>2018/XX (establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS), and amending Regulation (EU) No 1077/2011 (ECRIS-TCN system) is on the agenda.] Europol, Eurojust and the European Border and Coast Guard Agency may also attend the meetings of the Management Board as observers when a question concerning [Regulation 2018/XX on interoperability] is on the agenda. The Management Board may invite any other person whose opinion may be of interest, to attend its meetings as an observer."</p>	<p>2018/XX (establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS), and amending Regulation (EU) No 1077/2011 (ECRIS-TCN system) is on the agenda.] Europol, Eurojust and the European Border and Coast Guard Agency may also attend the meetings of the Management Board as observers when a question concerning [Regulation 2018/XX on interoperability] is on the agenda. The Management Board may invite any other person whose opinion may be of interest, to attend its meetings as an observer."</p>	<p>Board as observers when a question concerning Regulation 2018/XX (establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS), and amending Regulation (EU) No 1077/2011 (ECRIS-TCN system) is on the agenda.] Europol, Eurojust and the European Border and Coast Guard Agency may also attend the meetings of the Management Board as observers when a question concerning [Regulation 2018/XX on interoperability] is on the agenda. The Management Board may invite any other person whose opinion may be of interest, to attend its meetings as an observer."</p>

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	<u>meetings as an observer."</u>			
#869.	<b><u>5. In Article 21(3), point (o) is replaced by the following:</u></b>	5. In Article 21(3), point (o) is replaced by the following:	5. In Article <del>21</del> <b>24</b> (3), point ( <del>o</del> ) is replaced by the following:	<u>Provisionally agreed</u> 5. In Article <del>21</del> <b>24</b> (3), point ( <del>o</del> ) is replaced by the following
#870.	<b><u>"(o) without prejudice to Article 17 of the Staff Regulations, establishing confidentiality requirements in order to comply with Article 17 of Regulation (EC) No 1987/2006, Article 17 of Decision 2007/533/JHA, Article 26(9) of Regulation (EC) No 767/2008 Article 4(4) of Regulation (EU) No 603/2013; Article 37(4) of Regulation 2017/2226, [Article 64(2) of Regulation 2018/XX (establishing the ETIAS)], [Article 11(16) of Regulation 2018/XX (establishing the ECRIS-TCN system)] and [Article 53(2) of Regulation 2018/XX on interoperability];"</u></b>	"(o) without prejudice to Article 17 of the Staff Regulations, establishing confidentiality requirements in order to comply with Article 17 of Regulation (EC) No 1987/2006, Article 17 of Decision 2007/533/JHA, Article 26(9) of Regulation (EC) No 767/2008 Article 4(4) of Regulation (EU) No 603/2013; Article 37(4) of Regulation 2017/2226, [Article 64(2) of Regulation 2018/XX (establishing the ETIAS)], [Article 11(16) of Regulation 2018/XX (establishing the ECRIS-TCN system)] and [Article 53(2) of Regulation 2018/XX on interoperability];"	"( <del>o</del> ) without prejudice to Article 17 of the Staff Regulations, establishing confidentiality requirements in order to comply with Article 17 of Regulation (EC) No 1987/2006, Article 17 of Decision 2007/533/JHA, Article 26(9) of Regulation (EC) No 767/2008 Article 4(4) of Regulation (EU) No 603/2013; Article 37(4) of Regulation 2017/2226, [Article <del>64</del> <b>74</b> 64(2) of Regulation 2018/XX (establishing the ETIAS)], [Article 11(16) of Regulation 2018/XX (establishing the ECRIS-TCN system)] and [Article 53(2) of Regulation 2018/XX on interoperability];".	<u>Provisionally agreed</u> "( <del>o</del> ) without prejudice to Article 17 of the Staff Regulations, establishing confidentiality requirements in order to comply with Article 17 of Regulation (EC) No 1987/2006, Article 17 of Decision 2007/533/JHA, Article 26(9) of Regulation (EC) No 767/2008 Article 4(4) of Regulation (EU) No 603/2013; Article 37(4) of Regulation 2017/2226, [Article <del>64</del> <b>74</b> 64(2) of Regulation 2018/XX (establishing the ETIAS)], [Article 11(16) of Regulation 2018/XX (establishing the ECRIS-TCN system)] and [Article 53(2) of Regulation 2018/XX on interoperability];".
#871.	<b><u>6. Article 23 is amended as</u></b>	6. <i>In</i> Article 23, <del>is amended as follows:</del> paragraph 3 is	6. Article <del>27</del> <b>23</b> is amended	<u>Provisionally agreed</u>

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	<b><u>follows:</u></b>	replaced by the following:	as follows:	6. <b><i>In</i></b> Article 23, paragraph 3 is replaced by the following:
#872.	<b><u>(a) In paragraph 1 the following point is inserted:</u></b>	<del>(a) In paragraph 1 the following point is inserted:</del>	(a) <del>In</del> paragraph 1, the following point is inserted:	<u>Provisionally agreed</u> (a) <del>In</del> paragraph 1, the following point is inserted:
#873.	<b><u>"(ea) Interoperability Advisory Group;"</u></b>	<del>"(ea) Interoperability Advisory Group;"</del>	" <del>(ea)</del> Interoperability Advisory Group;"	<u>Provisionally agreed</u> " <del>(e)</del> Interoperability Advisory Group;"
#874	<b><u>(b) paragraph 3 is replaced by the following:</u></b>	<del>(b) paragraph 3 is replaced by the following:</del>	(b) paragraph 3 is replaced by the following:	<u>Provisionally agreed</u> (b) paragraph 3 is replaced by the following:
#875.	<b><u>"3. Europol and Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the SIS II Advisory Group. Europol may also appoint a representative to the VIS and Eurodac and EES[-ETIAS] Advisory Groups. The European Border and Coast Guard Agency may also appoint a representative to the</u></b>	"3. Europol and Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the SIS II Advisory Group. Europol may also appoint a representative to the VIS and Eurodac and EES[-ETIAS] Advisory Groups. The European Border and Coast Guard Agency may also appoint a representative to the EES[-ETIAS] Advisory Group.]	"3. Europol and Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the SIS II Advisory Group. Europol may also appoint a representative to the VIS and Eurodac and EES[-ETIAS] Advisory Groups. The European Border and Coast Guard Agency may also appoint a representative to the EES[-ETIAS] Advisory Group.]	<u>Provisionally agreed</u> 3. Europol and Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the SIS II Advisory Group. Europol may also appoint a representative to the VIS and Eurodac and EES[-ETIAS] Advisory Groups. The European Border and Coast Guard Agency may also appoint a representative to the EES[-

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	<b><u>EES[-ETIAS] Advisory Group.] [Eurojust, Europol, and the European Public Prosecutors Office] may also appoint a representative to the ECRIS-TCN system Advisory Group.] Europol, Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the Interoperability Advisory Group."</u></b>	[Eurojust, Europol, and the European Public Prosecutors Office] may also appoint a representative to the ECRIS-TCN system Advisory Group.] <del>Europol, Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the Interoperability Advisory Group."</del>	[Eurojust, Europol, and the European Public Prosecutors Office] may also appoint a representative to the ECRIS-TCN system Advisory Group.] Europol, Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the Interoperability Advisory Group."	ETIAS] Advisory Group.] [Eurojust, Europol, and the European Public Prosecutors Office] may also appoint a representative to the ECRIS-TCN system Advisory Group.] Europol, Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the Interoperability Advisory Group."
#876.	<b>CHAPTER X Final provisions</b>	<b>CHAPTER X Final provisions</b>	<b>CHAPTER X Final provisions</b>	<b>CHAPTER X Final provisions</b>
#877.			<i>Article 55i Business Continuity</i>	<u>Provisionally agreed</u> [...]

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#878.			<i>Interoperability of central EU information systems supported by this Regulation shall be accompanied by business continuity solutions, determined and implemented in accordance with [Regulation of the European Parliament and of the Council on the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, and amending Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) 1077/2011], that ensure uninterrupted availability of all interoperability components and the data stored therein. In order to ensure operational needs, the Commission, in close cooperation with the Member States and eu-LISA, shall adopt the implementing acts necessary for the development and technical implementation of</i>	<u>Provisionally agreed</u> [...]



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			<i>such solutions.</i>	

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#879.		<i>Article -56 Access by third country jurisdictions</i>		<u>Provisionally agreed</u> [...]
#880.		<i>With reference to Article 48 of Regulation (EU) 2016/679, Directive (EU) 2016/680, and Articles XIV and XIV bis of the General Agreement on Trade in Services, companies present in a third country jurisdiction where they may be subject to (court) orders or subpoenas by third country authorities requiring them to retrieve data from the interoperability components or different information systems made interoperable, shall be excluded from preparing, designing, developing, hosting or managing any part of an interoperability component, or processing personal data of these systems.</i>		<u>Provisionally agreed</u> [...]

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#881.	<i>Article 56 Reporting and statistics</i>	<i>Article 56 Reporting and statistics</i>	<i>Article 56 Reporting and statistics</i>	<i>Article 56 Reporting and statistics</i>
#882.	1. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics without enabling individual identification:	1. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics <del>without enabling individual</del> . <b><i>The use of these data shall not allow for the identification of a person:</i></b>	1. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics without enabling individual identification:	<u>Provisionally agreed</u> 1. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics without enabling individual identification:
#883.	(a) number of queries per user of the ESP profile;	(a) number of queries per user of the ESP profile;	(a) number of queries per user of the ESP profile;	<u>Provisionally agreed</u> (a) number of queries per user of the ESP profile;
#884.	(b) number of queries to each of the Interpol databases.	(b) number of queries to each of the Interpol databases.	(b) number of queries to each of the Interpol databases.	<u>Provisionally agreed</u> (b) number of queries to each of the Interpol databases.
#885.	2. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related	2. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related	2. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related	<u>Provisionally agreed</u> 2. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to

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	to the common identity repository, solely for the purposes of reporting and statistics without enabling individual identification:	to the common identity repository, solely for the purposes of reporting and statistics <del>without enabling individual</del> . <i>The use of these data shall not allow for the identification of a person:</i>	to the common identity repository ( <i>CIR</i> ), solely for the purposes of reporting and statistics without enabling individual identification:	consult the following data related to the common identity repository ( <i>CIR</i> ), solely for the purposes of reporting and statistics without enabling individual identification:
#886.	(a) number of queries for the purposes of Articles 20, 21 and 22;	(a) number of queries for the purposes of Articles 20, 21 and 22;	(a) number of queries for the purposes of Articles 20, 21 and 22;	<u>Provisionally agreed</u> (a) number of queries for the purposes of Articles 20, 21 and 22;
#887.	(b) nationality, sex and year of birth of the person;	(b) nationality, sex and year of birth of the person;	(b) nationality, <del>sex</del> <i>gender</i> and year of birth of the person;	<u>Provisionally agreed</u> (b) nationality, <del>sex</del> <i>gender</i> and year of birth of the person;
#888.	(c) the type of the travel document and the three-letter code of the issuing country;	(c) the type of the travel document and the three-letter code of the issuing country;	(c) the type of the travel document and the three-letter code of the issuing country;	<u>Provisionally agreed</u> (c) the type of the travel document and the three-letter code of the issuing country;
#889.	(d) the number of searches conducted with and without biometric data.	(d) the number of searches conducted with and without biometric data.	(d) the number of searches conducted with and without biometric data.	<u>Provisionally agreed</u> (d) the number of searches conducted with and without biometric data.
#890.	3. The duly authorised staff of the competent authorities of Member States, the Commission	3. The duly authorised staff of the competent authorities of Member States, the Commission	3. The duly authorised staff of the competent authorities of Member States, the Commission	<u>Provisionally agreed</u> 3. The duly authorised staff of the competent authorities of

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	and eu-LISA shall have access to consult the following data related to the multiple-identity detector, solely for the purposes of reporting and statistics without enabling individual identification:	and eu-LISA shall have access to consult the following data related to the multiple-identity detector, solely for the purposes of reporting and statistics <del>without enabling individual</del> . <b><i>The use of these data shall not allow for the identification of a person:</i></b>	and eu-LISA shall have access to consult the following data related to the multiple-identity detector ( <b><i>MID</i></b> ), solely for the purposes of reporting and statistics without enabling individual identification:	Member States, the Commission and eu-LISA shall have access to consult the following data related to the multiple-identity detector ( <b><i>MID</i></b> ), solely for the purposes of reporting and statistics without enabling individual identification:
#891.	(a) nationality, sex and year of birth of the person;	(a) nationality, sex and year of birth of the person;	<del>(a) nationality, sex and year of birth of the person;</del>	<u>Provisionally agreed</u> <del>(a) nationality, sex and year of birth of the person;</del>
#892.	(a) the type of the travel document and the three-letter code of the issuing country;	(a) the type of the travel document and the three-letter code of the issuing country;	<del>(a) the type of the travel document and the three-letter code of the issuing country;</del>	<u>Provisionally agreed</u> <del>(a) the type of the travel document and the three-letter code of the issuing country;</del>
#893.	(b) the number of searches conducted with and without biometric data;	(b) the number of searches conducted with and without biometric data;	(c) the number of searches conducted with and without biometric data;	<u>Provisionally agreed</u> (c) the number of searches conducted with and without biometric data;
#894.	(c) the number of each type of link.	(c) the number of each type of link.	(d) the number of each type of link <b><i>and the EU information systems between which each link was established;</i></b>	<u>Provisionally agreed</u> (d) the number of each type of link <b><i>and the EU information systems between which each link was established;</i></b>

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#895.		<i>(da) the number of linkages between the various Union information systems;</i>		<u>Provisionally agreed</u> [...]
#896.		<i>(db) the period of time for which a yellow link remained in the system;</i>		<u>Provisionally agreed</u> <i>(db) the period of time for which a yellow and red link remained in the system;</i>
#897.		<i>(dc) the period of time for which a red link remained in the system.</i>		<u>Provisionally agreed</u> [...]
#898.			<i>(e) the period of time a yellow link or a red link remained.</i>	<u>Provisionally agreed</u> [...]
#899.	4. The duly authorised staff of the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council <sup>143</sup> shall have access	4. The duly authorised staff of the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council <sup>144</sup> shall have access	4. The duly authorised staff of the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council <sup>145</sup> shall have access	<u>Provisionally agreed</u> 4. The duly authorised staff of the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624

<sup>143</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

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	to consult the data referred to in paragraphs 1, 2 and 3 for the purpose of carrying out risk analyses and vulnerability assessments as referred to in Articles 11 and 13 of that Regulation.	to consult the data referred to in paragraphs 1, 2 and 3 for the purpose of carrying out risk analyses and vulnerability assessments as referred to in Articles 11 and 13 of that Regulation.	to consult the data referred to in paragraphs 1, 2 and 3 for the purpose of carrying out risk analyses and vulnerability assessments as referred to in Articles 11 and 13 of that Regulation.	of the European Parliament and of the Council <sup>146</sup> shall have access to consult the data referred to in paragraphs 1, 2 and 3 for the purpose of carrying out risk analyses and vulnerability assessments as referred to in Articles 11 and 13 of that Regulation.
#900.			<b><i>4a. The duly authorised staff of Europol shall have access to consult the data referred to in paragraphs 1, 2 and 3 for the purpose of carrying out strategic, thematic and operational analyses as referred</i></b>	<u>Provisionally agreed</u> <b><i>4a. The duly authorised staff of Europol shall have access to consult the data referred to in paragraphs 2 and 3 for the purpose of carrying out strategic, thematic and</i></b>

<sup>144</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

<sup>145</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

<sup>146</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

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			<i>to in Article 18(2)(b) and (c) of Regulation (EU) 2016/794.</i>	<i>operational analyses as referred to in Article 18(2)(b) and (c) of Regulation (EU) 2016/794.</i>
#901.	5. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.	5. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.	5. For the purpose of paragraphs 1, <b>2 and 3</b> of this Article, eu-LISA shall store the data referred to in paragraph 1 of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.	<u>Provisionally agreed</u> 5. For the purpose of paragraphs 1, <b>2 and 3</b> of this Article, eu-LISA shall store the data referred to in paragraph 1, <b>2 and 3</b> of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1, <b>2 and 3</b> of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#902.		<i>5a. Meaningful summaries shall be made available to the Agency for Fundamental Rights in order to evaluate the impact on fundamental rights of this Regulation.</i>		<u>Provisionally agreed</u> <i>5a. Upon request, relevant information shall be made available by the Commission to the Agency for Fundamental Rights in order to evaluate the impact on fundamental rights of this Regulation.</i>
#903.	<i>Article 57 Transitional period for the use of the European search portal</i>	<i>Article 57 Transitional period for the use of the European search portal</i>	<i>Article 57 Transitional period for the use of the European search portal</i>	<i>Article 57 Transitional period for the use of the European search portal</i>
#904.	For a period of two years from the date the ESP commences operations, the obligations referred to in Article 7(2) and (4) shall not apply and the utilisation of the ESP shall be optional.	For a period of two years from the date the ESP commences operations, the obligations referred to in Article 7(2) and (4) shall not apply and the utilisation of the ESP shall be optional.	<i>I.</i> For a period of two years from the date the ESP commences operations, the obligations referred to in Article 7(2) and (4) shall not apply and the utilisation of the ESP shall be optional.	<u>Provisionally agreed</u> 1. For a period of two years from the date the ESP commences operations, the obligations referred to in Article 7(2) and (4) shall not apply and the utilisation of the ESP shall be optional.  2. The Commission, <del>after consulting the Member States and eu-LISA,</del> is empowered to adopt a delegated act in accordance with Article 63 to once extend the period referred to in paragraph 1 by no longer

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				than <del>maximum</del> 1 year <u>when <del>the</del> an assessment of the practical implementation of the ESP showed that it is necessary to extend this period especially because of the impact of the introduction of the ESP on the organisation and duration of border checks.</u> where [conditions A, B,... are fulfilled] in order to [achieve objectives X, Y,...].
#905.			2. <i>Following the period referred to in paragraph 1, the Commission, in close cooperation with Member States and eu-LISA, shall assess the impact of the ESP on border checks. On the basis of this assessment, and after consultation with the Member States, the Commission may adopt a delegated act in accordance with Article 63 to extend the period referred to in paragraph 1 until any potential technical issue linked to the ESP</i>	<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			<i>has been solved.</i>	
#906.	<i>Article 58 Transitional period applicable to the provisions on access to the common identity repository for law enforcement purposes</i>	<i>Article 58 Transitional period applicable to the provisions on access to the common identity repository for law enforcement purposes</i>	<i>Article 58 Transitional period applicable to the provisions on access to the common identity repository for <del>law enforcement</del> purposes of <b>preventing, detecting or investigating terrorist offences or other serious criminal offences</b></i>	<u>Provisionally agreed</u> <i>Article 58 Transitional period applicable to the provisions on access to the common identity repository for <del>law enforcement</del> purposes of <b>preventing, detecting or investigating terrorist offences or other serious criminal offences</b></i>
#907.	Article 22, points 13, 14, 15 and 16 of Article 55b and Article 55e shall apply from the date of the start of operations referred to in Article 62(1).	Article 22, points 13, 14, 15 and 16 of Article 55b and Article 55e shall apply from the date of the start of operations referred to in Article 62(1).	Article 22, points 13, 14, 15, <b>16</b> and <b>16a</b> of Article 55b, <del>and</del> <b>Article 55e and points 14 and 15 of Article 15f</b> shall apply from the date of the start of operations referred to in Article 62(1).	<u>Provisionally agreed</u> Article 22, points 13, 14, 15, <b>16</b> and <b>16a</b> of Article 55b, <del>and</del> <b>Article 55e and points 14 and 15 of Article 15f</b> shall apply from the date of the start of operations referred to in Article 62(1).
#908.	<i>Article 59 Transitional period for the multiple-identity detection</i>	<i>Article 59 Transitional period for the multiple-identity detection</i>	<i>Article 59 Transitional period for the multiple-identity detection</i>	<i>Article 59 Transitional period for the multiple-identity detection</i>
#909.	1. For a period of one year following the notification by eu-	1. For a period of one year following the notification by eu-	1. For a period of one year following the notification by eu-	<u>Provisionally agreed</u> 1. For a period of one year

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	LISA of the completion of the test referred to in Article 62(1)(b) regarding the multiple-identity detector (MID) and before the start of operations of the MID, the ETIAS Central Unit as referred to in [Article 33(a) of Regulation (EU) 2016/1624] shall be responsible for carrying out a multiple-identity detection between the data stored in the VIS, Eurodac and the SIS. The multiple-identity detections shall be carried out using only biometric data in accordance with Article 27(2) of this Regulation.	LISA of the completion of the test referred to in Article 62(1)(b) regarding the <del>multiple-identity detector (MID)</del> and before the start of operations of the MID, the ETIAS Central Unit as referred to in [Article 33(a) of Regulation (EU) 2016/1624] shall be responsible for carrying out a multiple-identity detection between the data stored in <del>the</del> VIS, Eurodac, <del>and the</del> <b>the EES and SIS</b> . The multiple-identity detections shall be carried out using only biometric data in accordance with Article 27(2) of this Regulation.	LISA of the completion of the test referred to in Article 62(1)(b) regarding the <del>multiple-identity detector (MID)</del> and before the start of operations of the MID, the ETIAS Central Unit as referred to in [Article 33(a) of Regulation (EU) 2016/1624] shall be responsible for carrying out a multiple-identity detection between the data stored in the <b>EES</b> , VIS, Eurodac and the SIS. The multiple-identity detections shall be carried out using only biometric data in accordance with Article 27(2) of this Regulation.	following the notification by eu- LISA of the completion of the test referred to in Article 62(1)(b) regarding the <del>multiple-identity detector (MID)</del> and before the start of operations of the MID, the ETIAS Central Unit as referred to in [Article 33(a) of Regulation (EU) 2016/1624] shall be responsible for carrying out a multiple-identity detection between the data stored in the <b>EES</b> , VIS, Eurodac and the SIS. The multiple-identity detections shall be carried out using only biometric data in accordance with Article 27(2) of this Regulation.
#910.		<b><i>1a. Following the period referred to in paragraph 1, the Commission shall, in close cooperation with the ETIAS Central Unit, create a network of liaison officers to be hosted in the ETIAS Central Unit or single points of contact of the</i></b>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>competent Member States' authorities for the performance of the task laid down in this Article.</i>		
#911.	2. Where the query reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.	2. Where the query reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.	2. Where the query reports one or several <i>match(es)</i> <del>hit(s)</del> and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.	<u>Provisionally agreed</u> 2. Where the query reports one or several <i>match(es)</i> <del>hit(s)</del> and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.
#912.	Where the query reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.	Where the query reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.	Where the query reports one or several <i>match(es)</i> <del>hit(s)</del> and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.	<u>Provisionally agreed</u> Where the query reports one or several <i>match(es)</i> <del>hit(s)</del> and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.
#913.	Where several hits are reported, a link shall be created to each piece of data triggering the hit.	Where several hits are reported, a link shall be created to each piece of data triggering the hit.	Where several <del>hits</del> <i>matches</i> are reported, a link shall be created to each piece of data triggering the <del>hit</del> <i>match</i> .	<u>Provisionally agreed</u> Where several <del>hits</del> <i>matches</i> are reported, a link shall be created to each piece of data triggering the <del>hit</del> <i>match</i> .

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#914.	3. Where a yellow link is created, the MID shall grant access to the identity data present in the different information systems to the ETIAS Central Unit.	3. Where a yellow link is created, the MID shall grant access to the identity data present in the different information systems to the ETIAS Central Unit.	3. Where a yellow link is created, the MID shall grant access to the identity data present in the different information systems to the ETIAS Central Unit.	<u>Provisionally agreed</u> 3. Where a yellow link is created, the MID shall grant access to the identity data present in the different information systems to the ETIAS Central Unit.
#915.	4. Where a link is created to an alert in the SIS, other than a refusal of entry alert or an alert on a travel document reported lost, stolen or invalidated in accordance with Article 24 of the Regulation on SIS in the field of border checks and Article 38 of the Regulation on SIS in the field of law enforcement respectively, the MID shall grant access to the identity data present in the different information systems to the SIRENE Bureau of the Member State that created the alert.	4. Where a link is created to an alert in the SIS, other than a refusal of entry alert or an alert on a travel document reported lost, stolen or invalidated in accordance with Article 24 of the Regulation on SIS in the field of border checks and Article 38 of the Regulation on SIS in the field of law enforcement respectively, the MID shall grant access to the identity data present in the different information systems to the SIRENE Bureau of the Member State that created the alert.	4. Where a link is created to an alert in the SIS, other than a refusal of entry <i>or return</i> alert or an alert on a travel document reported lost, stolen or invalidated in accordance with Articles 24 <i>and 25</i> of the Regulation on SIS in the field of border checks, <i>Article 3 of the Regulation on the use of SIS for the return of illegally staying third-country nationals</i> and Article 38 of the Regulation on SIS in the field of <del>law enforcement</del> <i>police cooperation and judicial cooperation in criminal matters</i> respectively, the MID shall grant access to the identity data present in the different information systems to	<u>Provisionally agreed</u> 4. Where a link is created to an alert in the SIS, other than a refusal of entry <i>or return</i> alert or an alert on a travel document reported lost, stolen or invalidated in accordance with Articles 24 <i>and 25</i> of the Regulation on SIS in the field of border checks, <i>Article 3 of the Regulation on the use of SIS for the return of illegally staying third-country nationals</i> and Article 38 of the Regulation on SIS in the field of <del>law enforcement</del> <i>police cooperation and judicial cooperation in criminal matters</i> respectively, the MID shall grant access to the identity data present in the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			the SIRENE Bureau of the Member State that created the alert.	different information systems to the SIRENE Bureau of the Member State that created the alert.
#916.	5. The ETIAS Central Unit or the SIRENE Bureau of the Member State that created the alert shall have access to the data contained in the identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file.	5. The ETIAS Central Unit or the SIRENE Bureau of the Member State that created the alert shall have access to the data contained in the identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file.	5. The ETIAS Central Unit or the SIRENE Bureau of the Member State that created the alert shall have access to the data contained in the identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file.	<u>Provisionally agreed</u> 5. The ETIAS Central Unit or the SIRENE Bureau of the Member State that created the alert shall have access to the data contained in the identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file.
#917.		<i>5a. Notification under Article 61(3) shall only be made once all yellow links have been verified and changed either into a green or into a red link.</i>		<u>Provisionally agreed</u> <i>5a. The ETIAS Central Unit shall only notify the Commission in accordance with Article 61(3) once all yellow links have been verified and updated either into green, white or red links.</i>
#918.	6. eu-LISA shall assist where necessary the ETIAS	<del>6. eu-LISA shall assist where necessary the ETIAS</del>	6. <del>eu-LISA</del> <b>Member States</b> shall assist where necessary the	<u>Provisionally agreed</u>

	<p><b>Amended Commission proposal</b> <b>(ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate</b> <b>(ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
	<p>Central Unit in carrying out the multiple-identity detection referred to in this Article.</p>	<p><del>Central Unit in carrying out the multiple-identity detection referred to in this Article.</del></p>	<p>ETIAS Central Unit in carrying out the multiple-identity detection referred to in this Article.</p>	<p>6. <del>eu-LISA</del> <b>Member States</b> shall assist where necessary the ETIAS Central Unit in carrying out the multiple-identity detection referred to in this Article.</p>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#919.			<i>7. Where a red link is created between data in the CIR, the identity confirmation file including the red link shall be stored in the MID at least for three years or for as long as the corresponding data are stored in at least one of the EU information systems.</i>	<u>Provisionally agreed</u> [...]
#920.			<i>8. Where a red link is created between data in the CIR, the linked data referred to in Article 18(1), (2) and (2a) shall be stored in the CIR at least for three years or for as long as the corresponding data are stored in at least one of the EU information systems.</i>	<u>Provisionally agreed</u> [...]
#921.			<i>9. Where a red link is created between data in the CIR and the SIS, the linked data referred to in Article 18(1), (2) and (2a) shall be stored in the CIR for as long as the corresponding data are stored in the SIS.</i>	<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#922.			<p><i>10. Following the period referred to in paragraph 1, the Commission, in close cooperation with Member States and the ETIAS Central Unit, shall assess the need to extend the transitional period in which the ETIAS Central Unit performs the tasks referred to in this Article. On the basis of this assessment, and after consultation with the Member States, the Commission may adopt a delegated act in accordance with Article 63 to extend the period referred to in paragraph 1.</i></p>	<p><u>Provisionally agreed</u>  <i>The Commission is empowered to adopt a delegated act in accordance with Article 63 to <del>once</del> extend the period referred to in paragraph 1 by <del>no longer than 1 year</del> <u>six months</u>, <u>renewable twice by six months each time</u>. Such extension shall <u>only be granted</u> where an assessment of the estimated completion time for the multiple identity detection referred to in this Article, carried out no later than three months before the expiry of either the deadline referred to in paragraph 1 or the deadline of the first two extensions, demonstrates that such deadline cannot be met for reasons independent of the ETIAS Central Unit and that no corrective measures can be applied.</i></p>
#923.	Article 60 Costs	Article 60 Costs	Article 60 Costs	Article 60 Costs

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#924.	1. The costs incurred in connection with the establishment and operation of the ESP, the shared biometric matching service, the common identity repository (CIR) and the MID shall be borne by the general budget of the Union.	1. The costs incurred in connection with the establishment and operation of the ESP, the shared biometric matching service, the common identity repository (CIR) and the MID shall be borne by the general budget of the Union.	1. The costs incurred in connection with the establishment and operation of the ESP, the shared biometric matching service ( <b>BMS</b> ), the <del>common identity repository (CIR)</del> and the MID shall be borne by the general budget of the Union.	<u>Provisionally agreed</u> 1. The costs incurred in connection with the establishment and operation of the ESP, the <del>shared biometric matching service (BMS)</del> , the <del>common identity repository (CIR)</del> and the MID shall be borne by the general budget of the Union.
#925.		<b><i>1a. The cost incurred in connection with the establishment and operation of a central Union backup solution for each system indicated in paragraph 1, where necessary, shall be borne by the general budget of the Union.</i></b>		<u>Provisionally agreed (trilogue 15/11)</u> [...]
#926.	2. Costs incurred in connection with the integration of the existing national infrastructures and their connection to the national uniform interfaces as well as in connection with hosting the national uniform interfaces shall be borne by the general budget of	2. Costs incurred in connection with the integration of the existing national infrastructures and their connection to the national uniform interfaces as well as in connection with hosting the national uniform interfaces shall be borne by the general budget of	2. Costs incurred in connection with the integration of the existing national infrastructures and their connection to the national uniform interfaces <del>as well as in connection with hosting the national uniform interfaces</del> shall be borne by the general budget of	<u>Provisionally agreed</u> 2. Costs incurred in connection with the integration of the existing national infrastructures and their connection to the national uniform interfaces as well as in connection with hosting the

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	the Union.	the Union.	the Union.	national uniform interfaces shall be borne by the general budget of the Union.
#927.	The following costs shall be excluded:	The following costs shall be excluded:	The following costs shall be excluded:	<u>Provisionally agreed</u> The following costs shall be excluded:
#928.	(a) Member States' project management office (meetings, missions, offices);	(a) Member States' project management office (meetings, missions, offices);	(a) Member States' project management office (meetings, missions, offices);	<u>Provisionally agreed</u> (a) Member States' project management office (meetings, missions, offices);
#929.	(b) hosting of national IT systems (space, implementation, electricity, cooling);	(b) hosting of national IT systems (space, implementation, electricity, cooling);	(b) hosting of national IT systems (space, implementation, electricity, cooling);	<u>Provisionally agreed</u> (b) hosting of national IT systems (space, implementation, electricity, cooling);
#930.	(c) operation of national IT systems (operators and support contracts);	(c) operation of national IT systems (operators and support contracts);	(c) operation of national IT systems (operators and support contracts);	<u>Provisionally agreed</u> (c) operation of national IT systems (operators and support contracts);

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#931.	(d) design, development, implementation, operation and maintenance of national communication networks.	(d) design, development, implementation, operation and maintenance of national communication networks.	(d) design, development, implementation, operation and maintenance of national communication networks.	<u>Provisionally agreed</u> (d) design, development, implementation, operation and maintenance of national communication networks.

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#				<p><u>Provisionally agreed</u></p> <p><i>2a. Without prejudice to further funding for this purpose from other sources of the general budget of the European Union, an amount of EUR 32.077.000 will be mobilised from the envelope of EUR 791 million foreseen under Article 5(5) point (b) of the ISF Borders and Visa Regulation<sup>147</sup> to cover the costs of implementation of this Regulation, as foreseen under paragraphs 1 and 2.</i></p> <p><i>2b. From the envelope referred to in the preceding paragraph, EUR 22.861.000 will be allocated to eu-LISA, EUR 9.072.000 will be allocated to Europol, and EUR 144.000 will be allocated to CEPOL, to support these agencies in</i></p>

<sup>147</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa (OJ L 150, 20.5.2014, p. 143).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<i>performing their respective tasks in line with the requirements of this Regulation. Such funding shall be implemented under indirect management.</i>
#932.	3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol. The costs for the connection of the designated authorities to the CIR shall be borne by each Member State and Europol,	3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol. The costs for the connection of the designated authorities to the CIR shall be borne by each Member State and Europol,	3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol. The costs for the connection of the designated authorities to the CIR shall be borne by each Member State and Europol,	<u>Provisionally agreed</u> 3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol. The costs for the connection of the designated authorities to the CIR shall be borne by each

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	respectively.	respectively.	respectively.	Member State and Europol, respectively.
#933.	<i>Article 61 Notifications</i>	<i>Article 61 Notifications</i>	<i>Article 61 Notifications</i>	<i>Article 61 Notifications</i>
#934.	1. The Member States shall notify eu-LISA of the authorities referred to in Articles 7, 20, 21 and 26 that may use or have access to the ESP, the CIR and the MID respectively.	1. The Member States shall notify eu-LISA of the authorities referred to in Articles 7, 20, 21 and 26 that may use or have access to the ESP, the CIR and the MID respectively.	1. The Member States shall notify eu-LISA of the authorities referred to in Articles 7, 20, 21 and 26 that may use or have access to the ESP, the CIR and the MID respectively.	<u>Provisionally agreed</u> 1. The Member States shall notify eu-LISA of the authorities referred to in Articles 7, 20, 21 and 26 that may use or have access to the ESP, the CIR and the MID respectively.
#935.	A consolidated list of those authorities shall be published in the <i>Official Journal of the European Union</i> within a period of three months from the date on which each interoperability component commenced operations in accordance with Article 62. Where there are amendments to the list, eu-LISA shall publish an updated consolidated list once a year.	A consolidated list of those authorities shall be published in the <i>Official Journal of the European Union</i> within a period of three months from the date on which each interoperability component commenced operations in accordance with Article 62. Where there are amendments to the list, eu-LISA shall publish an updated consolidated list once a year. <b><i>The list shall include the date of notification for each authority listed.</i></b>	A consolidated list of those authorities shall be published in the <i>Official Journal of the European Union</i> within a period of three months from the date on which each interoperability component commenced operations in accordance with Article 62. Where there are amendments to the list, eu-LISA shall publish an updated consolidated list once a year.	<u>Provisionally agreed</u> A consolidated list of those authorities shall be published in the <i>Official Journal of the European Union</i> within a period of three months from the date on which each interoperability component commenced operations in accordance with Article 62. Where there are amendments to the list, eu-LISA shall publish an updated consolidated list once a year



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#936.	2. eu-LISA shall notify the Commission of the successful completion of the test referred to in Article 62(1)(b).	2. eu-LISA shall notify the Commission of the successful completion of the test referred to in Article 62(1)(b).	2. eu-LISA shall notify the Commission of the successful completion of the test referred to in Article 62(1)(b).	<u>Provisionally agreed</u> 2. eu-LISA shall notify the Commission of the successful completion of the test referred to in Article 62(1)(b).
#937.	3. The ETIAS Central Unit shall notify the Commission of the successful completion of the transitional measure laid down in Article 59.	3. The ETIAS Central Unit shall notify the Commission of the successful completion of the transitional measure laid down in Article 59.	3. The ETIAS Central Unit shall notify the Commission of the successful completion of the transitional measure laid down in Article 59.	<u>Provisionally agreed</u> 3. The ETIAS Central Unit shall notify the Commission of the successful completion of the transitional measure laid down in Article 59.
#938.	4. The Commission shall make available to the Member States and the public, by a constantly updated public website, the information notified pursuant to paragraph 1.	4. The Commission shall make available to the Member States and the public, by a constantly updated public website, the information notified pursuant to paragraph 1.	4. The Commission shall make available to the Member States and the public, by a constantly updated public website, the information notified pursuant to paragraph 1.	<u>Provisionally agreed</u> 4. The Commission shall make available to the Member States and the public, by a constantly updated public website, the information notified pursuant to paragraph 1.

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#939.	<i>Article 62 Start of operations</i>	<i>Article 62 Start of operations</i>	<i>Article 62 Start of operations</i>	<i>Article 62 Start of operations [NB: with regards to the Commission decision by implementing act, a corresponding recital needs to be added during the the lawyers-linguist revision]</i>
#940.	1. The Commission shall decide the date from which each interoperability component is to start operations, after the following conditions are met:	1. <b><i>No later than five years after the entry into force of this Regulation,</i></b> the Commission shall <del>decide</del> <b><i>adopt a decision setting</i></b> the date <del>from</del> <b><i>on</i></b> which each interoperability component is to start operations, after the following conditions are met:	1. The Commission shall decide the date from which each interoperability component is to start operations, after the following conditions are met:	<u>Provisionally agreed</u> 1. The Commission shall determine the date from which the ESP is to start operations by means of an implementing act. <del>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2) when the</del> following conditions are met:
#941.	(a) the measures referred to in Articles 8(2), 9(7), 28(5) and (6), 37(4), 38(4), 39(5) and 44(5) have been adopted;	(a) the measures referred to in Articles 8(2), 9(7), 28(5) and (6), 37(4), 38(4), 39(5) and 44(5) have been adopted;	(a) the measures referred to in Articles 8(2), 9(7), <b><i>13(5), 28(5), (5a) and (7), 32(4a), 33(4a), 37(4), 38(4), 39(5), and 44(5), 57(2) and 59(10), 68(7a)</i></b> have been adopted;	<u>Provisionally agreed</u> (a) the measures referred to in Articles 8(2), <b><i>9(7)</i></b> and 44(5) have been adopted;
#942.	(b) eu-LISA has declared the successful completion of a comprehensive test of the	(b) eu-LISA has declared the successful completion of a comprehensive test of the	(b) eu-LISA has declared the successful completion of a comprehensive test of the	<u>Provisionally agreed</u> (b) eu-LISA has declared the successful completion of a

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	relevant interoperability component, which is to be conducted by eu-LISA in cooperation with the Member States;	relevant interoperability component, which is to be conducted by eu-LISA in cooperation with the Member States, <i>the ETIAS Central Unit and Europol</i> ;	relevant interoperability component, which is to be conducted by eu-LISA in cooperation with the Member States, <i>the ETIAS Central Unit and Europol</i> ;	comprehensive test of the ESP, which is to be conducted by eu-LISA in cooperation with the Member States and the Union agencies that may use the ESP;
#943.	(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1), 13, 19, 34 and 39 and have notified them to the Commission;	(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1), 13, 19, 34 and 39 and have notified them to the Commission;	(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1), 13, <del>19</del> <b>18</b> , 34 and 39 and <del>have</del> <b>has</b> notified them to the Commission;	<u>Provisionally agreed</u> (c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1) and has notified them to the Commission;
#944.	(d) the Member States have notified the Commission as referred to in Article 61(1);	(d) the Member States have notified the Commission as referred to in Article 61(1);	(d) the Member States have notified the Commission as referred to in Article 61(1);	<u>Provisionally agreed</u> <b><u>The ESP shall only query the Interpol databases where the technical arrangements allow to fulfil the requirements referred to in Article 9(5). The impossibility to fulfil this requirement shall result in the ESP not querying the Interpol databases but shall not delay the start of operations of the ESP.</u></b>
#945.	(e) for the multiple-identity detector, the ETIAS Central Unit	(e) for the multiple-identity detector, the ETIAS Central Unit	(e) for the multiple-identity detector, the ETIAS Central Unit	<u>Provisionally agreed</u> [...]

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	has notified the Commission as referred to in Article 61(3).	has notified the Commission as referred to in Article 61(3).	has notified the Commission as referred to in Article 61(3).	
#946.		<i>The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.</i>		<u>Provisionally agreed</u> The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.
#947.		<i>1a. By way of derogation from paragraph 1, the measures referred to in Article 37 shall apply as of ... [one year after the entry into force of this Regulation].</i>		<u>Provisionally agreed</u> 1a. The Commission shall determine the date from which the sBMS is to start operations by means of an implementing act. <del>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2)</del> when the following conditions are met: (a) the measures referred to in Articles 13(5) and 44(5) have been adopted;  (b) eu-LISA has declared the successful completion of a comprehensive test of the sBMS, which is to be conducted by eu-LISA in cooperation with the Member States;

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				<p>(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Article 13 and has notified them to the Commission;</p> <p>(d) eu-LISA has declared the successful completion of the test referred to in paragraph 1d(b).</p> <p>The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.</p> <p>1b. The Commission shall determine the date from which the CIR is to start operations by means of an implementing act. <del>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2) when the</del> following conditions are met:</p> <p>(a) the measures referred to in Articles 44(5) and 68(7a) have</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<p>been adopted;</p> <p>(b) eu-LISA has declared the successful completion of a comprehensive test of the CIR, which is to be conducted by eu-LISA in cooperation with the Member States;</p> <p>(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Article 18 has notified them to the Commission;</p> <p>(d) eu-LISA has declared the successful completion of the test referred to in paragraph 1d(b).</p> <p>The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.</p> <p>1c. The Commission shall determine the date from which the MID is to start operations by</p>

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
				<p>means of an implementing act. <del>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2)</del> when the following conditions are met:</p> <p>(a) the measures referred to in Articles 28(5), 28(7) , 32(4a), 33(4a), 44(5) and 47a(6) have been adopted;</p> <p>(b) eu-LISA has declared the successful completion of a comprehensive test of the MID, which is to be conducted by eu-LISA in cooperation with the Member States and the ETIAS Central Unit;</p> <p>(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Article 34 and has notified them to the Commission;</p> <p>(d) the ETIAS Central Unit has</p>

	<p><b>Amended Commission proposal (ST 10178/18)</b></p>	<p><b>EP amendments</b></p>	<p><b>Council negotiation mandate (ST 11312/18)</b></p>	<p><b>Compromise text proposals</b></p>
				<p>notified the Commission as referred to in Article 61(3);</p> <p>(e) eu-LISA has declared the successful completion of the tests referred to in paragraphs 1(b), 1a(b), 1b(b) <b>and</b> 1d(b) <del>and 1e(b)</del>.</p> <p>The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.</p> <p>1d. The Commission shall decide the date from which the automated data quality control mechanisms and procedures, the common data quality indicators and the minimum quality standards are to be used by means of implementing acts. <del>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2)</del> when the following conditions are met:</p> <p>(a) the measures referred to in</p>



	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
				<p>Articles 37(4) have been adopted;</p> <p>(b) eu-LISA has declared the successful completion of a comprehensive test of the automated data quality control mechanisms and procedures, the common data quality indicators and the minimum quality standards, which is to be conducted by eu-LISA in cooperation with the Member States.</p> <p><i>The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.</i></p> <p><del>1e. — The Commission shall decide the date from which the UMF standard is to start being used by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred</del></p>

	<p style="text-align: center;"><b>Amended Commission proposal (ST 10178/18)</b></p>	<p style="text-align: center;"><b>EP amendments</b></p>	<p style="text-align: center;"><b>Council negotiation mandate (ST 11312/18)</b></p>	<p style="text-align: center;"><b>Compromise text proposals</b></p>
				<p><del>to in Article 64(2) when the following conditions are met:</del></p> <p><del>(a) the measures referred to in Articles 38(4) have been adopted;</del></p> <p><del>(b) eu-LISA has declared the successful completion of a comprehensive test of the use of the UMF standard, which is to be conducted by eu-LISA in cooperation with the Member States.</del></p> <p><del><b><i>The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.</i></b></del></p> <p>1f. The Commission shall decide the date from which the CRRS is to start operations by means of an implementing act. <del>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64(2) when the</del></p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<p>following conditions are met:</p> <p>(a) the measures referred to in Articles 39(5) and 44(5) have been adopted;</p> <p>(b) eu-LISA has declared the successful completion of a comprehensive test of the CRRS, which is to be conducted by eu-LISA in cooperation with the Member States;</p> <p>(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Article 39 and has notified them to the Commission.</p> <p>The date referred to in the first subparagraph shall be set for within 30 days from the decision of the Commission.</p>
#948.	2. The Commission shall inform the European Parliament and the Council of the results of the test carried out pursuant to	2. The Commission shall inform the European Parliament and the Council of the results of the test carried out pursuant to	2. The Commission shall inform the European Parliament and the Council of the results of the test carried out pursuant to	<p><u>Provisionally agreed</u></p> <p>2. The Commission shall inform the European Parliament and the Council of the results of</p>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	paragraph 1(b).	paragraph 1(b).	paragraph 1(b).	the test carried out pursuant to paragraphs 1(b), 1a(b), 1b(b), 1c(b) 1d(b), 1e(b) and 1f(b).
#949.	3. The Commission decision referred to in paragraph 1 shall be published in the <i>Official Journal of the European Union</i> .	3. The Commission decision referred to in paragraph 1 shall be published in the <i>Official Journal of the European Union</i> .	3. The Commission decision referred to in paragraph 1 shall be published in the <i>Official Journal of the European Union</i> .	<u>Provisionally agreed</u> 3. The Commission decisions referred to in paragraphs 1, 1a, 1b, 1c, 1d, 1e and 1f shall be published in the Official Journal of the European Union.
#950.	4. The Member States and Europol shall start using the interoperability components from the date determined by the Commission in accordance with paragraph 1.	4. The Member States and Europol shall start using the interoperability components from the date determined by the Commission in accordance with paragraph 1.	4. <del>The</del> Member States, <i>the ETIAS Central Unit</i> and Europol shall start using the interoperability components from the date determined by the Commission in accordance with paragraph 1.	<u>Provisionally agreed</u> 4. The Member States, the ETIAS Central Unit and Europol shall start using the each of interoperability components from the date determined by the Commission in accordance with respectively paragraphs 1,1a, 1b and 1c.
#951.	<i>Article 63 Exercise of the delegation</i>	<i>Article 63 Exercise of the delegation</i>	<i>Article 63 Exercise of the delegation</i>	<i>Article 63 Exercise of the delegation</i>
#952.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	<u>Provisionally agreed</u> 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
				Article.
#953.	2. The power to adopt delegated acts referred to in Articles 8(2) and 9(7) shall be conferred on the Commission for an indeterminate period of time from [ <i>the date of entry into force of this Regulation</i> ].	2. The power to adopt delegated acts referred to in Articles 8(2), <del>and 9(7)</del> , <b>28(5) and 39(5)</b> shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].	2. The power to adopt delegated acts referred to in Articles <del>8(2), and 9(7)</del> <b>57(2) and 59(10)</b> shall be conferred on the Commission for an indeterminate <del>a</del> period of <b>five years</b> time from [ <i>the date of entry into force of this Regulation</i> ]. <b><i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></b>	<u>Provisionally agreed</u> 2. The power to adopt delegated acts referred to in Articles <del>8(2), and 9(7)</del> <b>28(5), 39(5), 57 and 59(10)</b> shall be conferred on the Commission for an indeterminate <del>a</del> period of <b>five years</b> time from [ <i>the date of entry into force of this Regulation</i> ]. <b><i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></b>
#954.	3. The delegation of power referred to in Articles 8(2) and 9(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke	3. The delegation of power referred to in Articles 8(2), <del>and 9(7)</del> , <b>28(5) and 39(5)</b> may be revoked at any time by the European Parliament or by the	3. The delegation of power referred to in Articles <del>8(2) and 9(7)</del> <b>57(2) and 59(10)</b> may be revoked at any time by the European Parliament or by the	<u>Provisionally agreed</u> The delegation of power referred to in Articles <del>8(2) and 9(7)</del> <b>28(5), 39(5), 47a(6), 57(2) and 59(10)</b> may be revoked at any

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
#955.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	<u>Provisionally agreed</u> 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
#956.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	<u>Provisionally agreed</u> 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				the Council.
#957.	6. A delegated act adopted pursuant to Articles 8(2) and 9(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8(2), <del>and 9(7)</del> , <b>28(5) and 39(5)</b> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8(2) <del>and 9(7)</del> <b>57(2) and 59(10)</b> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	<u>Provisionally agreed</u> A delegated act adopted pursuant to <del>Articles 8(2) and 9(7)</del> <b>28(5), 39(5), 47a (6)</b> , 57(2) and 59(10) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
#958.	<i>Article 64 Committee procedure</i>	<i>Article 64 Committee procedure</i>	<i>Article 64 Committee procedure</i>	<i>Article 64 Committee procedure</i>
#959.	1. The Commission shall be assisted by a committee. That committee shall be a committee	1. The Commission shall be assisted by a committee. That committee shall be a committee	1. The Commission shall be assisted by a committee. That committee shall be a committee	<u>Provisionally agreed</u> 1. The Commission shall be assisted by a committee. That

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	within the meaning of Regulation (EU) No 182/2011.	within the meaning of Regulation (EU) No 182/2011.	within the meaning of Regulation (EU) No 182/2011.	committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
#960.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. <b><i>Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</i></b>	<u>Provisionally agreed</u> 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. <b><i>Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</i></b>
#961.	<i>Article 65 Advisory group</i>	<i>Article 65 Advisory group</i>	<i>Article 65 Advisory group</i>	<i>Article 65 Advisory group</i>
#962.	An Advisory Group shall be established by eu-LISA in order to provide it with the expertise related to interoperability, in particular in the context of the preparation of its annual work programme and its annual activity report. During the design and development phase of the interoperability instruments,	An Advisory Group shall be established by eu-LISA in order to provide it with the expertise related to interoperability, in particular in the context of the preparation of its annual work programme and its annual activity report. During the design and development phase of the interoperability instruments,	An Advisory Group shall be established by eu-LISA in order to provide it with the expertise related to interoperability, in particular in the context of the preparation of its annual work programme and its annual activity report. During the design and development phase of the interoperability instruments,	<u>Provisionally agreed</u> An Advisory Group shall be established by eu-LISA <del>in order to provide it with the expertise related to interoperability, in particular in the context of the preparation of its annual work programme and its annual activity report.</del> During the design and development phase of the



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	Article 52(4) to (6) shall apply.	Article 52(4) to (6) shall apply.	Article 52(4) to (6) shall apply.	interoperability instruments, Article 52(4) to (6) shall apply.
#963.	<i>Article 66 Training</i>	<i>Article 66 Training</i>	<i>Article 66 Training</i>	<i>Article 66 Training</i>
#964.	eu-LISA shall perform tasks related to the provision of training on the technical use of the interoperability components in accordance with Regulation (EU) No 1077/2011.	eu-LISA shall perform tasks related to the provision of training on the technical use of the interoperability components in accordance with Regulation (EU) No 1077/2011.	<b>I.</b> eu-LISA shall perform tasks related to the provision of training on the technical use of the interoperability components in accordance with Regulation (EU) No 1077/2011.	<u>Provisionally agreed</u> <b>I.</b> eu-LISA shall perform tasks related to the provision of training on the technical use of the interoperability components in accordance with Regulation (EU) No 1077/2011.
#965.		<b><i>Member States and Union agencies shall organise for their staff authorised to process data from the interoperability components, appropriate training programme about data security, data quality, data protection rules and the procedures of the data processing.</i></b>		<u>Provisionally agreed</u> <b><i>Member States and Union agencies shall provide their staff authorised to process data from the interoperability components, with appropriate training programme about data security, data quality, data protection rules, <del>and</del> the procedures of the data processing and obligations to inform in accordance with Article 32, 33 and 46.</i></b>
#966.		<b><i>Common training courses on</i></b>		<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<p><i>data security, data quality, data protection rules and the procedures for data processing shall be organised at Union level at least once a year to enhance cooperation and exchange of best practices between staff of Member States and Union bodies which are authorised to process data from the interoperability components.</i></p>		<p><i>Where appropriate, common training courses on these topics shall be organised at Union level to enhance cooperation and exchange of best practices between staff of Member States and Union agencies which are authorised to process data from the interoperability components. Particular attention shall be paid to the process of multiple identity detection, including the verification of links and the accompanying need to ensure the safeguards in relation to fundamental rights.</i></p>

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
#967.			2. <i>The staff of Member State authorities, [the ETIAS Central Unit] and Europol, authorised to process data from the interoperability components, shall receive appropriate training about data security, data protection rules and the procedures of data processing, in which particular attention is paid to the process of multiple identity detection, including the verification of links and the accompanying need to ensure the safeguards in relation to fundamental rights.</i>	<u>Provisionally agreed</u> [...]
#968.	<i>Article 67 Practical handbook</i>	<i>Article 67 Practical handbook</i>	<i>Article 67 Practical handbook</i>	<i>Article 67 Practical handbook</i>
#969.	The Commission shall, in close cooperation with the Member States, eu-LISA and other relevant agencies, make available a practical handbook for the implementation and management of the interoperability components. The practical handbook shall provide	The Commission shall, in close cooperation with the Member States, eu-LISA and other relevant agencies, <b>update the practical handbooks made available for the EES, VIS, [ETIAS], Eurodac, SIS and [ECRIS-TCN] with information necessary and</b> make available a	The Commission shall, in close cooperation with the Member States, eu-LISA and other relevant agencies, make available a practical handbook for the implementation and management of the interoperability components. The practical handbook shall provide	<u>Provisionally agreed</u> The Commission shall, in close cooperation with the Member States, eu-LISA and other relevant agencies, make available a practical handbook for the implementation and management of the interoperability components. The

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	technical and operational guidelines, recommendations and best practices. The Commission shall adopt the practical handbook in the form of a recommendation.	practical handbook for the implementation and management of the interoperability components. The <del>practical handbook</del> <b>handbooks</b> shall provide technical and operational guidelines, recommendations and best practices. The Commission shall adopt the <b>updates in accordance with the rules and in the form laid down in the respective legal instruments. The practical handbook on the interoperability components shall be adopted</b> in the form of a recommendation.	technical and operational guidelines, recommendations and best practices. The Commission shall adopt the practical handbook in the form of a recommendation.	practical handbook shall provide technical and operational guidelines, recommendations and best practices. The Commission shall adopt the practical handbook in the form of a recommendation.
#970.		<b><i>The practical handbook should provide guidance to Member States on how to deal with yellow links that are the results of inconsistencies with the identity data contained in ETIAS. Such modalities should not create disproportionate burdens on persons who, without any intention to deceive the authorities, have entered</i></b>		<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>inaccurate or ambiguous data in ETIAS.</i>		
#971.	<i>Article 68 Monitoring and evaluation</i>	<i>Article 68 Monitoring and evaluation</i>	<i>Article 68 Monitoring and evaluation</i>	<i>Article 68 Monitoring and evaluation</i>
#972.	1. eu-LISA shall ensure that procedures are in place to monitor the development of the interoperability components in light of objectives relating to planning and costs and to monitor the functioning of the interoperability components in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.	1. eu-LISA shall ensure that procedures are in place to monitor the development of the interoperability components <b><i>and the integration of the existing national infrastructure and connection to the national uniform interface</i></b> in light of objectives relating to planning and costs and to monitor the functioning of the interoperability components in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.	1. eu-LISA shall ensure that procedures are in place to monitor the development of the interoperability components in light of objectives relating to planning and costs and to monitor the functioning of the interoperability components in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.	<u>Provisionally agreed</u> 1. eu-LISA shall ensure that procedures are in place to monitor the development of the interoperability components <b><i>and their connection to the national uniform interface</i></b> in light of objectives relating to planning and costs and to monitor the functioning of the interoperability components in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.
#973.	2. By [ <i>Six months after the entry into force of this Regulation</i> — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the interoperability components, eu-	2. By [ <i>Six months after the entry into force of this Regulation</i> — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the interoperability components, eu-	2. By [ <i>Six months after the entry into force of this Regulation</i> — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the interoperability components, eu-	<u>Provisionally agreed</u> 2. By [ <i>Six months after the entry into force of this Regulation</i> — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the interoperability components. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.	LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the interoperability components. <del>Once the development is finalised, a</del> <b>That</b> report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and <b>include an overview of the current development of costs and progress of the project, a financial impact assessment, and information on any technical problems and risks that may impact the overall</b> costs, were achieved as well as justifying any divergences <b>of the system to be borne by the general budget of the Union in accordance with Article 60.</b>	LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the interoperability components. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.	the interoperability components, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the interoperability components, <b><u>as well as their connection to the national uniform interface.</u></b> Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.
#974.		<b>2a. Six months after the start of the operations of each interoperability component, eu-</b>		<u>Provisionally agreed</u> [...]

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>LISA shall submit a report to the European Parliament and to the Council on the state of play of the connection by Member States to the communication infrastructure of the ESP and the CIR and the integration of the existing national systems and infrastructure with the ESP, shared BMS, the MID and the CIR.</i>		
#975.		<i>2b. In the event of delays in the development process, the European Parliament and the Council shall be informed by eu-LISA as soon as possible of the reasons for the delays and of their impact in terms of time and finances.</i>		<u>Provisionally agreed</u> [...]
#976.		<i>2c. During the development phase of the interoperability components, the Commission shall evaluate the necessity of further harmonisation of the national systems and infrastructure of Member States at the external borders. The</i>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>Commission shall transmit the evaluation report to the European Parliament and to the Council. These evaluation reports shall include recommendations, an impact assessment and an assessment of the cost for the Union budget.</i>		
#977.	3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the interoperability components.	3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the interoperability components <i>without having access to any personal data processed by those components. Such access shall be logged.</i>	3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the interoperability components.	<u>Provisionally agreed</u> [...]
#978.	4. Four years after the start of operations of each interoperability component and every four years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of the interoperability components,	4. <del>Four</del> <b>Three</b> years after the start of operations of each interoperability component and every <del>four</del> <b>three</b> years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the <b>connection of Member States to the communication</b>	4. Four years after the start of operations of each interoperability component and every four years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of the interoperability components,	<u>Provisionally agreed</u> 4. Four years after the start of operations of each interoperability component and every four years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	including the security thereof.	<i>infrastructure of the ESP and the CIR and the integration of the existing national systems and infrastructure with the ESP, shared BMS, the MID and the CIR, as well as on the</i> technical functioning of the interoperability components, including the security thereof.	including the security thereof.	functioning of the interoperability components, including the security thereof.
#979.	5. In addition, one year after each report from eu-LISA, the Commission shall produce an overall evaluation of the components, including:	5. In addition, one year after each report from eu-LISA, the Commission shall produce an overall evaluation of the components, including:	5. In addition, one year after each report from eu-LISA, the Commission shall produce an overall evaluation of the components, including:	<u>Provisionally agreed</u> 5. In addition, one year after each report from eu-LISA, the Commission shall produce an overall evaluation of the components, including:
#980.	(a) an assessment of the application of this Regulation;	(a) an assessment of the application of this Regulation;	(a) an assessment of the application of this Regulation;	<u>Provisionally agreed</u> (a) an assessment of the application of this Regulation;
#981.	(b) an examination of the results achieved against objectives and the impact on fundamental rights;	(b) an examination of the results achieved against objectives and the impact on fundamental rights;	(b) an examination of the results achieved against objectives and the impact on fundamental rights;	<u>Provisionally agreed</u> (b) an examination of the results achieved against objectives and the impact on fundamental rights, <b><i>including in particular an assessment of the impact of the interoperability</i></b>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<b><u>components on the right to non-discrimination;</u></b> <i>(ba) an assessment of the functioning of the web portal, including figures regarding the use of the web portal and the number requests that were resolved;</i>
#982.	(c) an assessment of the continuing validity of the underlying rationale of the interoperability components;	(c) an assessment of the continuing validity of the underlying rationale of the interoperability components;	(c) an assessment of the continuing validity of the underlying rationale of the interoperability components;	<u>Provisionally agreed</u> (c) an assessment of the continuing validity of the underlying rationale of the interoperability components;
#983.	(d) an assessment of the security of the interoperability components;	(d) an assessment of the security of the interoperability components;	(d) an assessment of the security of the interoperability components;	<u>Provisionally agreed</u> (d) an assessment of the security of the interoperability components;
#984.		<i>(da) an assessment of the Member States' use of the CIR for identification;</i>		<u>Provisionally agreed</u> <i>(da) an assessment of the Member States' use of the CIR for identification;</i>
#985.		<i>(db) an assessment to ensure that Member States are in full compliance with their</i>		<u>Provisionally agreed</u> [...]

	Amended Commission proposal (ST 10178/18)	EP amendments	Council negotiation mandate (ST 11312/18)	Compromise text proposals
		<i>obligations with respect to each Union information system;</i>		
#986.		<i>(dc) an assessment of the security of Member States' connection to the communication infrastructure of the ESP and the CIR and the security of the integration of the existing national systems and infrastructure with the ESP, shared BMS, the MID and the CIR;</i>		<u>Provisionally agreed</u> [...]
#987.		<i>(dd) an assessment of queries of the CIR for law enforcement purposes;</i>		<u>Provisionally agreed</u> <i>(db) an assessment of queries the use of the CIR for preventing, detecting or investigating terrorist offences or other serious criminal offences law enforcement purposes;</i>
#988.	(e) an assessment of any implications, including any disproportionate impact on the flow of traffic at border crossing points and those with a budgetary impact on the Union budget.	(e) an assessment of any implications, including any disproportionate impact on the flow of traffic at border crossing points and those with a budgetary impact on the Union budget.	(e) an assessment of any implications, including any disproportionate impact on the flow of traffic at border crossing points and those with a budgetary impact on the Union budget.	<u>Provisionally agreed</u> (e) an assessment of any implications, including any disproportionate impact on the flow of traffic at border crossing points and those with a

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				budgetary impact on the Union budget.
#989.		<i>(ea) an assessment of the search of the Interpol databases via the ESP, including information on the number of hits against Interpol databases and information on any problems encountered.</i>		Provisionally agreed <i>(ea) an assessment of the search of the Interpol databases via the ESP, including information on the number of hits against Interpol databases and information on any problems encountered.</i> <i>(eb) By one year after the entry into force of this Regulation and every year thereafter until the decisions of the Commission referred to in <u>Article 62</u> have been taken, the Commission shall submit a report to the European Parliament and the Council on the state of play of preparations for the full implementation of this Regulation. That report shall contain also detailed information about the costs incurred and information as to any risks which may impact the overall costs.</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				<b><u>The Commission shall produce an examination of the impact of the MID on the right to non-discrimination two years after the start of operations of the MID. Following this first report, the examination of the impact of the MID on the right to non-discrimination shall be part of the examination referred to in point (b) of paragraph 5.</u></b>
#990.	The evaluations shall include any necessary recommendations. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007. <sup>148</sup>	The evaluations shall include any necessary recommendations. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007. <sup>149</sup>	The evaluations shall include any necessary recommendations, <b><i>including the possibility, if appropriate, to conduct parallel searches in different EU information systems.</i></b> The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the	<u>Provisionally agreed</u> The evaluations shall include any necessary recommendations. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC)

<sup>148</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007. <sup>150</sup>	No 168/2007. <sup>151</sup>
#991.	6. The Member States and Europol shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.	6. The Member States and Europol shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.	6. The Member States and Europol shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.	<u>Provisionally agreed</u> 6. The Member States and Europol shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.
#992.	7. eu-LISA shall provide the Commission with the information necessary to produce the	7. eu-LISA shall provide the Commission with the information necessary to produce the	7. eu-LISA shall provide the Commission with the information necessary to produce the	<u>Provisionally agreed</u> 7. eu-LISA shall provide the

<sup>149</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

<sup>150</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

<sup>151</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	evaluations referred to in paragraph 5.	evaluations referred to in paragraph 5.	evaluations referred to in paragraph 5.	Commission with the information necessary to produce the evaluations referred to in paragraph 5.
#993.			<i>7a. A technical solution shall be made available to Member States in order to facilitate the querying of EU information systems and the CIR pursuant to Article 22 for the purpose of managing users request and generating statistics referred to in this Article. The Commission shall adopt implementing acts concerning the specifications of the technical solution. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>	<u>Provisionally agreed</u> [...]
#994.	8. While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the	While respecting the provisions of national law on the publication of sensitive information <i>including limitations deriving from matters of national security</i> , each Member State and Europol shall prepare annual	8. While respecting the provisions of national law on the publication of sensitive information, <i>and without prejudice to limitations necessary to protect security and public order, prevent crime and</i>	<u>Provisionally agreed</u> 8. While respecting the provisions of national law on the publication of sensitive information, <i>and without prejudice to limitations necessary to protect national</i>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
	common identity repository for law enforcement purposes, containing information and statistics on:	reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes, containing information and statistics on:	<i>guarantee that any national investigation will not be jeopardised</i> , each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes of <i>preventing, detecting or investigation terrorist offences or other serious criminal offences</i> , containing information and statistics on:	<i>security and public order, prevent crime and guarantee that any national investigation will not be jeopardised</i> , each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes of <i>preventing, detecting or investigation terrorist offences or other serious criminal offences</i> , containing information and statistics on:
#995.	(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;	(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;	(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;	<u>Provisionally agreed</u> (a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;
#996.	(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by the [EES Regulation], the VIS Regulation or the [ETIAS Regulation];	(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by the [EES Regulation], the VIS Regulation or the [ETIAS Regulation];	(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by the <del>[EES Regulation]</del> <b>Regulation (EU) 2017/2226</b> , the VIS Regulation (EC) No 767/2008 or the [ETIAS	<u>Provisionally agreed</u> (b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by the <del>[EES Regulation]</del> <b>Regulation (EU)</b>



	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
			Regulation];	<del>2017/2226, the VIS Regulation (EC) No 767/2008 or the ETIAS Regulation (EU) 2018/1240</del> ;
#997.	(c) the number of requests for access to the common identity repository for law enforcement purposes;	(c) the number of requests for access to the common identity repository for law enforcement purposes;	(c) the number of requests for access to the <b>CIR common identity repository</b> for law enforcement purposes <b>of preventing, detecting or investigating terrorist offences or other serious criminal offences</b> ;	<u>Provisionally agreed</u> (c) the number of requests for access to the <b>CIR common identity repository</b> for law enforcement purposes <b>of preventing, detecting or investigating terrorist offences or other serious criminal offences</b> ;
#998.	(d) the number and type of cases that have ended in successful identifications;	(d) the number and type of cases that have ended in successful identifications;	(d) the number and type of cases that have ended in successful identifications;	<u>Provisionally agreed</u> (d) the number and type of cases that have ended in successful identifications;
#999.	(e) the need and use made of the exceptional case of urgency including those cases where that urgency was not accepted by the <i>ex post</i> verification carried out by the central access point.	(e) the need and use made of the exceptional case of urgency including those cases where that urgency was not accepted by the <i>ex post</i> verification carried out by the central access point.	(e) the need and use made of the exceptional case of urgency including those cases where that urgency was not accepted by the <i>ex post</i> verification carried out by the central access point.	<u>Provisionally agreed</u> (e) the need and use made of the exceptional case of urgency including those cases where that urgency was not accepted by the <i>ex post</i> verification carried out by the central access point

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
#				<u>Provisionally agreed</u> <i>7a. A technical solution shall be made available to Member States in order to <u>manage users access requests referred to in Article 22 and to facilitate the collection of the data listed in this paragraph for the purpose of generating statistics referred to in this paragraph.</u> The Commission shall adopt implementing acts concerning the specifications of the technical solution. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).</i>
#1000.	Member State and Europol annual reports shall be transmitted to the Commission by 30 June of the subsequent year.	Member State and Europol annual reports shall be transmitted to the Commission by 30 June of the subsequent year.	Member State and Europol annual reports shall be transmitted to the Commission by 30 June of the subsequent year.	<u>Provisionally agreed</u> Member State and Europol annual reports shall be transmitted to the Commission by 30 June of the subsequent year.
#1001.		<i>The Commission shall transmit those reports to the European</i>		<u>Provisionally agreed</u>

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
		<i>Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights.</i>		[...]
#1002.	<i>Article 69 Entry into force and applicability</i>	<i>Article 69 Entry into force and applicability</i>	<i>Article 69 Entry into force <del>and applicability</del></i>	<i>Article 69 Entry into force and applicability</i>
#1003.	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> .	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> .	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> .	<u>Provisionally agreed</u> 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> .
#				<u>Provisionally agreed</u> The provisions of this Regulation related to the ESP, the sBMS, the CIR, the MID, the automated data quality control mechanisms and procedures, the common data quality indicators and the minimum quality standards <del>the UMF standard</del> and the CRRS shall apply from the date determined by the Commission respectively in Article 62(1), 62(1a), 62(1b), 62(1c), 62(1d),

	<b>Amended Commission proposal (ST 10178/18)</b>	<b>EP amendments</b>	<b>Council negotiation mandate (ST 11312/18)</b>	<b>Compromise text proposals</b>
				62(1e) and 62(1f) with the exception of Articles 6, 12, 17, 25, <u>38</u> , 42, 52, 54, 55, 60, 61, 63, 64, 65, 67 and 68(1), which shall apply from [the data of entry into force of this Regulation].  The provisions relating to the Eurodac shall apply from the date the recast of Regulation (EU) No 603/2013 of the European Parliament and of the Council becomes applicable.
#1004.	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.	<u>Provisionally agreed</u> This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
#1005.	Done at Strasbourg, <i>For the European Parliament</i> The President  <i>For the Council</i> The President	Done at Strasbourg, <i>For the European Parliament</i> The President  <i>For the Council</i> The President	Done at Strasbourg, <i>For the European Parliament</i> The President  <i>For the Council</i> The President	<u>Provisionally agreed</u> Done at Strasbourg, <i>For the European Parliament</i> The President  <i>For the Council</i> The President

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