

Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816

CHAPTER IX **U.K.**

Amendments to other Union instruments

Article 59 **U.K.**

Amendments to Regulation (EU) 2018/1726

Regulation (EU) 2018/1726 is amended as follows:

- (1) Article 12 is replaced by the following:

Article 12

Data quality

- 1 Without prejudice to Member States' responsibilities with regard to the data entered into the systems under the Agency's operational responsibility, the Agency, closely involving its Advisory Groups, shall establish for all systems under the Agency's operational responsibility automated data quality control mechanisms and procedures, common data quality indicators and the minimum quality standards to store data, in accordance with the relevant provisions of the legal instruments governing those information systems and of Article 37 of Regulations (EU) 2019/817⁽¹⁾ and (EU) 2019/818⁽²⁾ of the European Parliament and of the Council.
- 2 The Agency shall establish a central repository containing only anonymised data for reporting and statistics in accordance with Article 39 of Regulations (EU) 2019/817 and (EU) 2019/818, subject to specific provisions in the legal instruments governing the development, establishment, operation and use of large-scale IT systems managed by the Agency;
- (2) in Article 19, paragraph 1 is amended as follows:
- (a) the following point is inserted:
- (eea) adopt reports on the state of play of the development of the interoperability components pursuant to Article 78(2) of Regulation (EU) 2019/817 and Article 74(2) of Regulation (EU) 2019/818;
- (b) point (ff) is replaced by the following:
- (ff) adopt reports on the technical functioning of SIS pursuant to Article 60(7) of Regulation (EU) 2018/1861 of the European Parliament and of the Council⁽³⁾ and Article 74(8) of Regulation (EU) 2018/1862 of the European Parliament

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and of the Council⁽⁴⁾, of the 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 92(4) of Regulation (EU) 2018/1240, of the ECRIS-TCN and of the ECRIS reference implementation pursuant to Article 36(8) of Regulation (EU) 2019/816 of the European Parliament and of the Council⁽⁵⁾ and of the interoperability components pursuant to Article 78(3) of Regulation (EU) 2019/817 and Article 74(3) of Regulation (EU) 2019/818;;

(c) point (hh) is replaced by the following:

(hh) adopt formal comments on the European Data Protection Supervisor's reports on its audits pursuant to Article 56(2) of Regulation (EU) 2018/1861, Article 42(2) of Regulation (EC) No 767/2008, Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226, Article 67 of Regulation (EU) 2018/1240, Article 29(2) of Regulation (EU) 2019/816 and Article 52 of Regulations (EU) 2019/817 and (EU) 2019/818 and ensure appropriate follow-up of those audits;;

(d) point (mm) is replaced by the following:

(mm) ensure annual publication of the list of competent authorities authorised to search directly the data contained in SIS pursuant to Article 41(8) of Regulation (EU) 2018/1861 and Article 56(7) of Regulation (EU) 2018/1862, together with the list of Offices of the national systems of SIS (N.SIS) and SIRENE Bureaux pursuant to Article 7(3) of Regulation (EU) 2018/1861 and Article 7(3) of Regulation (EU) 2018/1862 respectively as well as the list of competent authorities pursuant to Article 65(2) of Regulation (EU) 2017/2226, the list of competent authorities pursuant to Article 87(2) of Regulation (EU) 2018/1240, the list of central authorities pursuant to Article 34(2) of Regulation (EU) 2019/816 and the list of authorities pursuant to Article 71(1) of Regulation (EU) 2019/817 and Article 67(1) of Regulation (EU) 2019/818;;

(3) in Article 22, paragraph 4 is replaced by the following:

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 an observer when a question concerning SIS in relation to the application of Regulation (EU) 2016/1624 is on the agenda.

Europol may attend the meetings of the Management Board as an 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 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

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is on the agenda or when a question concerning ETIAS in relation to Regulation (EU) 2018/1240 is on the agenda.

The European Border and Coast Guard Agency may attend the meetings of the Management Board as an observer when a question concerning ETIAS in relation with the application of Regulation (EU) 2018/1240 is on the agenda.

Eurojust, Europol and the European Public Prosecutor's Office may attend the meetings of the Management Board as observers when a question concerning Regulation (EU) 2019/816 is on the agenda.

Europol, Eurojust and the European Border and Coast Guard Agency may attend the meetings of the Management Board as observers when a question concerning Regulations (EU) 2019/817 and (EU) 2019/818 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.;

- (4) in Article 24(3), point (p) is replaced by the following:
- (p) without prejudice to Article 17 of the Staff Regulations of Officials, 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 (EU) 2017/2226, Article 74(2) of Regulation (EU) 2018/1240, Article 11(16) of Regulation (EU) 2019/816 and Article 55(2) of Regulations (EU) 2019/817 and (EU) 2019/818;;
- (5) Article 27 is amended as follows:
- (a) in paragraph 1, the following point is inserted:
- (da) Interoperability Advisory Group;;
- (b) paragraph 3 is replaced by the following:
3. Europol, 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.
- Eurojust, Europol, and the European Public Prosecutors Office may each appoint a representative to the ECRIS-TCN Advisory Group.
- Europol, Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the Interoperability Advisory Group..

Article 60 **U.K.**

Amendments to Regulation (EU) 2018/1862

Regulation (EU) 2018/1862 is amended as follows:

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- (1) in Article 3, the following points are added:
- (18) ‘ESP’ means the European search portal established by Article 6(1) of Regulation (EU) 2019/818 of the European Parliament and of the Council⁽⁶⁾;
 - (19) ‘shared BMS’ means the shared biometric matching service established by Article 12(1) of Regulation (EU) 2019/818;
 - (20) ‘CIR’ means the common identity repository established by Article 17(1) of Regulation (EU) 2019/818;
 - (21) ‘MID’ means the multiple-identity detector established by Article 25(1) of Regulation (EU) 2019/818;
- (2) Article 4 is amended as follows:
- (a) in paragraph 1, points (b) and (c) are replaced by the following:
 - (b) a national system (N.SIS) in each of the Member States, consisting of the national data systems which communicate with Central SIS, including at least one national or shared backup N.SIS;
 - (c) a communication infrastructure between CS-SIS, backup CS-SIS and NI-SIS (‘the Communication Infrastructure’) that provides an encrypted virtual network dedicated to SIS data and the exchange of data between SIRENE Bureaux, as referred to in Article 7(2); and
 - (d) a secure communication infrastructure between CS-SIS and the central infrastructures of the ESP, the shared BMS and the MID.;
 - (b) the following paragraphs are added:
 - 8. Without prejudice to paragraphs 1 to 5, SIS data on persons and identity documents may also be searched via the ESP.
 - 9. Without prejudice to paragraphs 1 to 5, SIS data on persons and identity documents may also be transmitted via the secure communication infrastructure referred to in point (d) of paragraph 1. These transmissions shall be limited to the extent that the data are required for the purposes of Regulation (EU) 2019/818.;
- (3) in Article 7, the following paragraph is inserted:
- 2a. The SIRENE Bureaux shall also ensure the manual verification of different identities in accordance with Article 29 of Regulation (EU) 2019/818. To the extent necessary to carry out this task, the SIRENE Bureaux shall have access to the data stored in the CIR and the MID for the purposes laid down in Articles 21 and 26 of Regulation (EU) 2019/818;
- (4) in Article 12(1), the following subparagraph is added:
- Member States shall ensure that every access to personal data via the ESP is also logged for the purposes of checking whether the search was lawful, monitoring the lawfulness of data processing, self-monitoring, and data integrity and security.;
- (5) in Article 44(1), the following point is added:

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- (f) verifying different identities and combating identity fraud in accordance with Chapter V of Regulation (EU) 2019/818.
- (6) In Article 74, paragraph 7 is replaced by the following:
7. For the purpose of Article 15(4) and of paragraphs 3, 4 and 6 of this Article, eu-LISA shall store data referred to in Article 15(4) and in paragraph 3 of this Article which shall not allow for the identification of individuals in the central repository for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818.

eu-LISA shall allow the Commission and the bodies referred to in paragraph 6 of this Article to obtain bespoke reports and statistics. Upon request, eu-LISA shall grant access to the central repository for reporting and statistics in accordance with Article 39 of Regulation (EU) 2019/818 to Member States, the Commission, Europol, and the European Border and Coast Guard Agency..

Article 61 **U.K.**

Amendments to Regulation (EU) 2019/816

Regulation (EU) 2019/816 is amended as follows:

- (1) in Article 1, the following point is added:
- (c) the conditions under which ECRIS-TCN contributes to facilitating and assisting in the correct identification of persons registered in ECRIS-TCN under the conditions and for the purposes of Article 20 of Regulation (EU) 2019/818 of the European Parliament and of the Council⁽⁷⁾, by storing identity data, travel document data and biometric data in the CIR.;
- (2) Article 2 is replaced by the following:

Article 2

Scope

This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States. This Regulation also facilitates and assists in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818.;

- (3) Article 3 is amended as follows:
- (a) point (8) is deleted;
- (b) the following points are added:
- (19) ‘CIR’ means the common identity repository established by Article 17(1) of Regulation (EU) 2019/818;

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Changes to legislation: Regulation (EU) 2019/818 of the European Parliament and of the Council,

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- (20) 'ECRIS-TCN data' means all data stored in the central system and in the CIR in accordance with Article 5;
- (21) 'ESP' means the European search portal established by Article 6(1) of Regulation (EU) 2019/818.;
- (4) Article 4(1) is amended as follows:
- (a) point (a) is replaced by the following:
- (a) a central system;;
- (b) the following point is inserted:
- (aa) the CIR;;
- (c) the following point is added:
- (e) a communication infrastructure between the central system and the central infrastructures of the ESP and the CIR;;
- (5) Article 5 is amended as follows:
- (a) in paragraph 1, the introductory part is replaced by the following:
1. For each convicted third-country national, the central authority of the convicting Member State shall create a data record in ECRIS-TCN. The data record shall include;;
- (b) the following paragraph is inserted:
- 1a. The CIR shall contain the data referred to in point (b) of paragraph 1 and the following data of point (a) of paragraph 1: surname (family name), first names (given names), date of birth, place of birth (town and country), nationality or nationalities, gender, previous names, if applicable, where available pseudonyms or aliases, where available, the type and number of the person's travel documents, as well as the name of the issuing authority. The CIR may contain the data referred to in paragraph 3. The remaining ECRIS-TCN data shall be stored in the central system.;
- (6) Article 8 is amended as follows:
- (a) paragraph 1 is replaced by the following:
1. Each data record shall be stored in the central system and the CIR for as long as the data related to the convictions of the person concerned are stored in the criminal records.;
- (b) paragraph 2 is replaced by the following:
2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the data record, including any fingerprint data or facial images, from the central system and the CIR. The erasure shall be done automatically, where possible, and in any event no later than one month after the expiry of the retention period.;
- (7) Article 9 is amended as follows:

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- (a) in paragraph 1, the word ‘ECRIS-TCN’ is replaced by the words ‘the central system and the CIR’;
 - (b) in paragraphs (2), (3) and (4), the words ‘central system’ are replaced by the words ‘the central system and the CIR’;
- (8) in Article 10(1), point (j) is deleted;
 - (9) in Article 12(2), the words ‘central system’ are replaced by the words ‘the central system and the CIR’;
 - (10) in Article 13(2), the words ‘central system’ are replaced by the words ‘the central system, the CIR’;
 - (11) in Article 23(2), the words ‘central system’ are replaced by the words ‘the central system and the CIR’;
 - (12) Article 24 is amended as follows:
 - (a) paragraph 1 is replaced by the following:
 1. The data entered into the central system and the CIR shall only be processed for the purposes of the identification of the Member States holding the criminal records information of third-country nationals. The data entered into the CIR shall also be processed in accordance with Regulation (EU) 2019/818 for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN in accordance with this Regulation.;
 - (b) the following paragraph is added:
 3. Without prejudice to paragraph 2, access for the purposes of consulting the data stored in the CIR shall also be reserved for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union agencies that are competent for the purposes laid down in Articles 20 and 21 of Regulation (EU) 2019/818. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.;
 - (13) in Article 32, paragraph 2 is replaced by the following:
 2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in that paragraph in the central repository for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818;
 - (14) in Article 33(1) the words ‘central system’ are replaced by the words ‘central system, the CIR and’;
 - (15) in Article 41, paragraph 2 is replaced by the following:
 2. For convictions handed down prior to the date of start of entry of data in accordance with Article 35(1), the central authorities shall create the individual data records in the central system and the CIR as follows:
 - a alphanumeric data to be entered into the central system and the CIR by the end of the period referred to in Article 35(2);
 - b fingerprint data to be entered into the CIR within two years after the start of operations in accordance with Article 35(4)..

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- (1) Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).
- (2) Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).’;
- (3) Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).
- (4) Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 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 and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).
- (5) Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).’;
- (6) Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).’.
- (7) Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).’;

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