Thursday 20 January 2022

P9_TA(2022)0007

Objection to a delegated act: Determining cases where identity data may be considered as same or similar for the purpose of the multiple identity detection pursuant to Regulation (EU) 2019/817

European Parliament resolution of 20 January 2022 on the Commission delegated regulation of 29 September 2021 supplementing Regulation (EU) 2019/817 of the European Parliament and of the Council as regards determining cases where identity data may be considered as same or similar for the purpose of the multiple identity detection (C(2021)05056 — 2021/2913(DEA))

(2022/C 336/11)

The European Parliament,

— having regard to the Commission delegated regulation (C(2021)05056),

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to 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 [1], and in particular Articles 28(5) and 73(6) thereof,

— having regard to Rule 111(3) of its Rules of Procedure,

— having regard to the motion for a resolution by the Committee on Civil Liberties, Justice and Home Affairs,

A. whereas Article 3 of the Commission delegated regulation provides that the cases where identity data may be considered as similar are set out in Annex II thereto;

B. whereas Annex II, point 2, of the Commission delegated regulation provides that 'eu-LISA shall use an algorithm in order to calculate the similarity between identity data across different data fields from the different EU information systems';

C. whereas Annex II, point 2, of the Commission delegated regulation further provides that '[t]hat algorithm shall be based on previously established thresholds of similarity.';

D. whereas Annex II, point 2, of the Commission delegated regulation moreover provides that '[i]n order to define that algorithm, eu-LISA shall be assisted and advised by experts from the Commission, the Member States and the Union agencies using the EU information systems and interoperability components.';

E. whereas Article 28(5) of Regulation (EU) 2019/817 requires the Commission to adopt delegated acts laying down the procedures to determine the cases in which identity data can be considered to be the same or similar;

F. whereas the Commission delegated regulation clearly does not lay down the procedures to determine the cases in which identity data can be considered to be similar, but sub-delegates that power to eu-LISA and to experts from the Commission, the Member States and the Union agencies using the EU information systems and interoperability components;

1. Objects to the Commission delegated regulation;

2. Instructs its President to forward this resolution to the Commission and to notify it that the delegated regulation cannot enter into force;

3. Instructs its President to forward this resolution to the Council and to the governments and parliaments of the Member States.

[1] OJ L 135, 22.5.2019, p. 27.