

Eurodac Regulation

2016/0132(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 404 votes to 202, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 and for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Creation of Eurodac

The aim of the proposed Regulation is to create a system for comparing biometric data (Eurodac) to help implement the EU's asylum and migration policy. The system should support the asylum system, contribute to the control of illegal immigration into the EU, the detection of secondary movements within the EU and the identification of illegally staying third-country nationals and stateless persons, and contribute to the protection of children, including for law enforcement purposes.

This Regulation fully respects human dignity and fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to respect for private life, the right to the protection of personal data, the right to asylum and the prohibition of torture and inhuman or degrading treatment.

Collection of data

The revised Eurodac Regulation seeks to improve the collection of data on asylum applicants and irregular migrants apprehended in the EU Member States territory through biometric data - by adding facial images to existing fingerprinting databases - and additional information, including name, surname, nationality and date and place of birth. Authorities will also include information on decisions to remove and return the person or relocate them.

The threshold for collecting data from a child should be **lowered from 14 to 6 years of age**, to be taken by trained staff in a child-friendly manner.

The best interests of the child should be a primary consideration in the application of this Regulation. In the event that there is uncertainty as to whether or not a child is under the age of six and there is no supporting proof of that child's age, the competent authorities of the Member States should consider that child to be under the age of six for the purposes of this Regulation.

Eurodac data that pertain to a child under the age of 14 should only be used for law enforcement purposes against such a child where there are grounds to consider that those data are necessary for the purpose of the prevention, detection or investigation of a terrorist offence or other serious criminal offence which that child is suspected of having committed.

Security flags

Authorities will be able to record in the system if a person presents a threat to internal security, only if the person is **violent or unlawfully armed**, or where they have links to **terrorism** or a terrorist group, or are involved in offences within the scope of the **European arrest warrant**.

The Member State of origin which has concluded that the threat to internal security identified following the screening no longer applies should delete the record of the security flag from the dataset, after having consulted any other Member States having registered a dataset of the same person.

New categories

Members supported including people taking part in national and EU resettlement schemes as well as for beneficiaries of temporary protection in the scope of the database.

Statistics

eu-LISA should draw up statistics on the work of Eurodac every month indicating, in particular the number of: (i) applicants and the number of first-time applicants; (ii) rejected applicants; (iii) persons who have been disembarked following search and rescue operations; (iv) persons who have been registered as beneficiaries of temporary protection; (v) applicants who have been granted international protection in a Member State; (vi) persons who have been registered as minors; (vii) persons who have been admitted under a national resettlement scheme.

Cross-referenced, anonymised statistics should be improved with interoperability between Eurodac and other justice and home affairs systems - such as Visa Information System, ETIAS and Entry/Exit System – in order to provide useful information to policy makers.

The statistics should be made available to the Member States, to the European Parliament, to the Commission, to the European Union Agency for Asylum, to the European Border and Coast Guard Agency and to Europol. Cross-system statistics alone should not be used to deny access to the territory of the Union.