



Basic information	
<p><b>2016/0132(COD)</b></p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p>	Procedure completed
<p>Eurodac Regulation</p> <p>Repealing Regulation (EU) No 603/2013 <a href="#">2008/0242(COD)</a></p> <p><b>Subject</b></p> <p>7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.30 Police, judicial and customs cooperation in general 8.4.08 Agencies and bodies of the EU</p> <p><b>Legislative priorities</b></p> <p><a href="#">Joint Declaration 2017</a> <a href="#">Joint Declaration 2018-19</a> <a href="#">Joint Declaration 2021</a> <a href="#">Joint Declaration 2022</a> <a href="#">Joint Declaration 2023-24</a></p>	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">LIBE</span> Civil Liberties, Justice and Home Affairs		<a href="#">BUXADÉ VILLALBA Jorge (ECR)</a>	26/10/2020
			Shadow rapporteur	
			<a href="#">RESSLER Karlo (EPP)</a>	
			<a href="#">SANTOS Isabel (S&amp;D)</a>	
			<a href="#">VAUTMANS Hilde (Renew)</a>	
			<a href="#">BRICMONT Saskia (Greens /EFA)</a>	
			<a href="#">VANDENDRIESSCHE Tom (ID)</a>	
<b>Former committee responsible</b>		<b>Former rapporteur</b>	<b>Appointed</b>	
<span style="border: 1px solid red; padding: 2px;">LIBE</span> Civil Liberties, Justice and Home Affairs				
<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>	
<span style="border: 1px solid red; padding: 2px;">AFET</span> Foreign Affairs		The committee decided not to give an opinion.		
<span style="border: 1px solid red; padding: 2px;">BUDG</span> Budgets				



	<b>Former committee for opinion</b>	<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<b>AFET</b> Foreign Affairs		
	<b>BUDG</b> Budgets		
	<b>Committee for opinion on the recast technique</b>	<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>JURI</b> Legal Affairs		
	<b>Former committee for opinion on the recast technique</b>	<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<b>JURI</b> Legal Affairs		
Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	Transport, Telecommunications and Energy	3545	2017-06-09
European Commission	<b>Commission DG</b>	<b>Commissioner</b>	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

<b>Key events</b>			
<b>Date</b>	<b>Event</b>	<b>Reference</b>	<b>Summary</b>
04/05/2016	Legislative proposal published	COM(2016)0272 	Summary
12/09/2016	Committee referral announced in Parliament, 1st reading		
30/05/2017	Vote in committee, 1st reading		
30/05/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
09/06/2017	Debate in Council		
09/06/2017	Committee report tabled for plenary, 1st reading	A8-0212/2017	Summary
12/06/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
14/06/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
21/10/2019	Committee referral announced in Parliament, 1st reading		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.020 GEDA/A/(2024)000915	
10/04/2024	Decision by Parliament, 1st reading	T9-0183/2024	Summary

10/04/2024	Results of vote in Parliament		
10/04/2024	Debate in Parliament	<a href="#">CRE link</a>	
14/05/2024	Act adopted by Council after Parliament's 1st reading		
14/05/2024	Final act signed		
22/05/2024	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2016/0132(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Nature of procedure</b>	Recast
<b>Legislative instrument</b>	Regulation
	Repealing Regulation (EU) No 603/2013 <a href="#">2008/0242(COD)</a>
<b>Legal basis</b>	Treaty on the Functioning of the EU TFEU 078-p2 Treaty on the Functioning of the EU TFEU 079-p2 Treaty on the Functioning of the EU TFEU 188-p2 Treaty on the Functioning of the EU TFEU 087-p2 Treaty on the Functioning of the EU TFEU 088-p2-a1
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	LIBE/9/00158

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE597.620</a>	02/02/2017	
Committee opinion	<span style="border: 1px solid red; padding: 2px;">BUDG</span>	<a href="#">PE597.583</a>	21/03/2017	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0212/2017</a>	09/06/2017	<a href="#">Summary</a>
Amendments tabled in committee		<a href="#">PE661.979</a>	19/03/2021	
Amendments tabled in committee		<a href="#">PE692.638</a>	04/05/2021	
Amendments tabled in committee		<a href="#">PE739.726</a>	10/02/2023	
Text agreed during interinstitutional negotiations		<a href="#">PE759.020</a>	08/02/2024	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0183/2024</a>	10/04/2024	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type	Reference	Date	Summary	
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000915	08/02/2024		
Draft final act	00015/2024/LEX	14/05/2024		
<b>European Commission</b>				
Document type	Reference	Date	Summary	
	<a href="#">COM(2016)0272</a>			

Legislative proposal		04/05/2016	<a href="#">Summary</a>
Supplementary legislative basic document	COM(2020)0614 	23/09/2020	<a href="#">Summary</a>
Commission response to text adopted in plenary	SP(2024)377	29/07/2024	

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	<a href="#">PT_PARLIAMENT</a>	<a href="#">COM(2016)0272</a>	06/10/2016	
Contribution	<a href="#">IT_SENATE</a>	<a href="#">COM(2016)0272</a>	20/10/2016	
Reasoned opinion	<a href="#">CZ_CHAMBER</a>	<a href="#">PE592.323</a>	25/10/2016	
Contribution	<a href="#">CZ_CHAMBER</a>	<a href="#">COM(2016)0272</a>	25/10/2016	
Contribution	<a href="#">IT_CHAMBER</a>	<a href="#">COM(2016)0272</a>	16/12/2016	
Contribution	<a href="#">FR_ASSEMBLY</a>	<a href="#">COM(2016)0272</a>	30/01/2020	
Contribution	<a href="#">ES_PARLIAMENT</a>	<a href="#">COM(2020)0614</a>	15/12/2020	
Contribution	<a href="#">PT_PARLIAMENT</a>	<a href="#">COM(2020)0614</a>	21/01/2021	
Contribution	<a href="#">RO_SENATE</a>	<a href="#">COM(2020)0614</a>	30/03/2021	
Contribution	<a href="#">EL_PARLIAMENT</a>	<a href="#">COM(2020)0614</a>	16/04/2021	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	<a href="#">N8-0002/2017</a> <a href="#">OJ C 009 12.01.2017, p. 0003</a>	21/09/2016	
ESC	Economic and Social Committee: opinion, report	<a href="#">CES2981/2016</a>	19/10/2016	
CofR	Committee of the Regions: opinion	<a href="#">CDR3267/2016</a>	08/12/2016	

#### Additional information

Source	Document	Date
EP Research Service	<a href="#">Briefing</a>	18/03/2019

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Name	Role	Committee	Date	Interest representatives
<a href="#">BJÖRK Malin</a>	Shadow rapporteur	<a href="#">LIBE</a>	18/09/2023	Save the Children Europe
<a href="#">BRICMONT Saskia</a>	Shadow rapporteur	<a href="#">LIBE</a>	13/08/2021	European Digital Rights
				European Digital Rights

BRICMONT Saskia	Shadow rapporteur	LIBE	08/04/2021	(meeting with APA)
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## Other Members

Name	Date	Interest representatives
BRICMONT Saskia	24/06/2021	EDPS (meeting with APA)

Final act
<a href="#">Regulation 2024/1358</a> OJ OJ L 22.05.2024 <span style="float: right;"><a href="#">Summary</a></span>

# Eurodac Regulation

2016/0132(COD) - 04/05/2016 - Legislative proposal

**PURPOSE:** to amend the current EUODAC Regulation (EU) No. 603/2013 in order to better manage the asylum system and to help tackle irregular migration.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** EUODAC is the European fingerprint database for identifying asylum seekers and irregular border-crossers.

In the [European agenda on migration](#), the Commission announced that it will have to evaluate the Dublin system and determine whether a revision of the legal parameters of Dublin will be needed to achieve a fairer distribution of asylum seekers in Europe.

The Commission also proposed to look into the possibility of adding **additional biometric identifiers** to EUODAC, such as facial images and the use of facial recognition software. The refugee crisis has exposed significant structural weaknesses and shortcomings in the design and implementation of European asylum and migration policy, including the Dublin and EUODAC systems, which prompted calls for reform.

On 6 April in its [Communication](#) "Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe", the Commission considered it a priority to bring forward a reform of the Dublin Regulation and establish a sustainable and fair system for determining the Member State responsible for asylum seekers ensuring a high degree of solidarity and a fair sharing of responsibility between Member States by proposing a corrective allocation mechanism.

As part of this, the Commission considered that EUODAC should be reinforced to reflect changes to the Dublin mechanism and to make sure that it continues to provide the fingerprint evidence it needs to function. It was also considered that EUODAC could contribute to the fight against irregular migration by storing fingerprint data under all categories and allowing comparisons to be made with all stored data for that purpose.

More specifically, this proposal is part of a **first set of legislative proposals** the Commission is presenting in the context of a major reform of the Common European Asylum System. These proposals include:

- **this draft Regulation** which aims to extend the scope of the Eurodac Regulation to include the possibility for Member States to store and search data belonging to third-country nationals or stateless persons who are not applicants for international protection and found irregularly staying in the EU;
- a [draft Regulation](#) on the European Union Agency for Asylum which aims to strengthen the mandate of the European Asylum Support Office (EASO);
- a [draft Regulation](#) 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.

**CONTENT:** this proposal amends the current EUODAC Regulation (EU) No. 603/2013, and extends its scope for the purposes of identifying illegally staying third-country nationals and those who have entered the European Union irregularly at the external borders, with a view to using this information to assist a Member State to **re-document** a third-country national for **return purposes**.

A summary of the main provisions is as follows:

**Scope:** the scope of the new EUODAC Regulation has been extended to include the possibility for Member States to **store and search data belonging to third-country nationals or stateless persons who are not applicants for international protection** and found irregularly staying in the EU, so that they can be identified for return and readmission purposes.

**Storing data:** storing more personal information centrally in Eurodac will allow the immigration and asylum authorities to easily identify an irregular third-country national or asylum applicant without the need to request this information from another Member State.

The proposal establishes strict access rules to the Eurodac system and the necessary safeguards - ensuring the respect of data protection requirements.

**Data retention:** the data retention period for personal data taken from asylum applicants will be **10 years**. This is to ensure that Member States can track secondary movements within the European Union following the granting of international protection status. This data can now be used to transfer refugees or persons granted subsidiary protection back to the Member State that granted them protection.

Fingerprint data for irregularly staying third-country nationals who do not claim asylum will be retained for **five years**. This will ensure that illegal immigration and secondary movements within and to the EU can be sufficiently monitored. This storage period is aligned with other EU legislation

**Facial image:** it has been proposed to add additional biometric identifiers to EURODAC in order to mitigate some of the challenges Member States were facing with damaged fingertips and non-compliance with the fingerprinting process. This proposal inserts a requirement for Member States to **take a facial image of the data-subject** for transmission to the Central System.

**Age for taking fingerprints and facial images:** many applicants for international protection and third-country nationals arriving irregularly to the European Union travel with families and in many cases very young children. It is proposed that the taking of fingerprints and facial images of minors for EURODAC should be changed to **six years old** which will help identify children in cases where they are separated from their families by allowing a Member State to follow up a line of inquiry where a fingerprint match indicates that they were present in another Member State.

It will also strengthen the protection of **unaccompanied minors**, who do not always formally seek international protection and who can risk harm when absconding from care institutions or child social services. Under the current legal and technical framework their identity cannot be established, making it harder to prevent them from ending up in situations which endanger their well-being.

The proposal provides safeguards in order to ensure that the taking of biometrics for minors will be carried out in full respect for their rights and will take into account their **best interests**.

**Sharing information on the identity of a third-country national with a non-EU country:** identifying and re-documenting an illegally staying third-country national for return and readmission purposes will require **data sharing in some circumstances with third countries** - for the purpose of returns. Strict conditions are set out under which this data can be shared.

Eurodac cannot be directly accessed by third countries and Member States cannot check data on behalf of a third country. This proposal aligns Eurodac with other databases such as the Visa Information System and the proposed Entry/Exit System

**Access to EURODAC by law enforcement authorities:** law enforcement authorities and Europol will continue to be able to search Eurodac to prevent, detect or investigate a serious crime or **terrorist offence**. Minor amendments have been made to the provisions for law enforcement access to make sure that all three categories of data stored in the Central System can be checked when a law enforcement search is carried out.

**Sanctions applicable to irregular third-country nationals or asylum applicant if they refuse to give their fingerprints:** the new proposal permits Member States to introduce sanctions, in accordance with their national law, for those individuals who refuse to comply with the fingerprinting procedure. It is up to the Member State to decide the **form of penalties or sanctions to be introduced**, as long as it does not breach the fundamental rights of the individual concerned. The use of detention or any form of coercion should only be used as a means of last resort.

**Territorial provisions:** the United Kingdom and Ireland may participate in this proposal, but are not required to do so, in accordance with the relevant Protocols attached to the Treaties.

**BUDGETARY IMPLICATIONS:** the cost estimate of EUR 29.872 million includes costs for the **technical upgrade and increased storage** and throughput of the Central System. It also reflects the additional staffing costs required by eu-LISA.

## Eurodac Regulation

2016/0132(COD) - 22/05/2024 - Final act

**PURPOSE:** to create a system for the comparison of biometric data to assist the implementation of Union asylum and migration policy.

**LEGISLATIVE ACT:** Regulation (EU) 2024/1358 of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council.

**CONTENT:** the new rules regarding the updated Eurodac database will allow to gather more accurate and complete data (also biometric data) on various categories of migrants, including applicants for international protection and people arriving irregularly in the EU. This Regulation is a pillar of the EU Pact on Asylum and Migration. It creates a system known as 'Eurodac' which aims to:

- support the asylum system, including by assisting in determining which Member State is to be responsible for examining an application for international protection registered in a Member State by a third-country national or a stateless person;
- assist with the application of Regulation (EU) 2024/1350 establishing a Union Resettlement and Humanitarian Admission Framework;
- assist with the control of irregular immigration to the Union, with the detection of secondary movements within the Union and with the identification of illegally staying third-country nationals and stateless persons for the purpose of determining the appropriate measures to be taken by Member States;
- assist with the protection of children, including in the context of law enforcement;
- lay down the conditions under which Member States' designated authorities and the Europol designated authority may request the comparison of biometric or alphanumeric data with those stored in Eurodac for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences;
- assist in the correct identification of persons registered in Eurodac by storing identity data, travel document data and biometric data in the common identity repository (CIR);

- support the objectives of the European Travel Information and Authorisation System (ETIAS) and the Visa Information System (VIS).

### **Categories of people in Eurodac**

Member States will be obliged to register the following categories of people in Eurodac: (i) asylum applicants; (ii) people who had crossed the EU's external border illegally; (iii) people disembarked following a search and rescue operation as well as those found to be staying illegally in the territory of a Member State; (iv) people registered for an admission procedure under the Resettlement Regulation; (v) people resettled under a national scheme; (vi) and beneficiaries of temporary protection.

### **Expansion of Eurodac**

Eurodac is being expanded to include **additional biometric data, such as facial images**. Other personal data will be collected, including name, date of birth, nationality and date and place of application for international protection.

The collection of biometric data will become compulsory for people **aged six and over**.

### **Special provisions relating to minors**

The biometric data of minors from the age of six should be taken by officials trained specifically to take a minor's biometric data in a child-friendly and child-sensitive manner and in full respect of the **best interests of the child**.

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.

The unaccompanied minor should be accompanied by a **representative** or, where a representative has not been designated, a person trained to safeguard the best interests of the child and his or her general wellbeing, throughout the time when his or her biometric data are taken.

### **Use of Eurodac for law enforcement purposes**

Another update concerns the recording of threats posed by an individual to the security of a Member State.

Following the security checks referred to in this Regulation, the fact that a person could pose a threat to internal security ('security flag') should only be recorded in Eurodac if the person is **violent or unlawfully armed** or where there are clear indications that the person is linked to **terrorism** or a terrorist group, or are involved in offences within the scope of the **European arrest warrant**.

### **Data storage**

The fingerprints of those who entered illegally will remain in the system for **5 years**. For asylum applicants, the storage period remains **10 years**.

The storage period is 5 years for individuals that are: (i) apprehended staying illegally on the territory of a Member State; (ii) disembarked following Search and Rescue operations; (iii) resettled under the Union Framework and under national schemes. For people who have been refused resettlement and for those whose resettlement admission procedure was discontinued, the retention period is 3 years. For future beneficiaries of temporary protection, the data will be stored for the duration of the protection (one year renewed subsequently).

eu-LISA should produce monthly cross-system statistics.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 12.6.2026.

## **Eurodac Regulation**

2016/0132(COD) - 23/09/2020 - Supplementary legislative basic document

In the context of the [New Pact on Migration and Asylum](#) which represents a fresh start on migration, the Commission presents this proposal which aims to amend the 2016 proposal for a recast Eurodac Regulation in order to fix existing loopholes and to transform Eurodac into an asylum and migration database.

### **New provisions of the proposal**

This proposal amending the 2016 proposal for a recast Eurodac Regulation puts in place a clear and consistent link between specific individuals and the procedures they are subjected to in order to better assist with the control of irregular migration and the detection of unauthorised movements. It also supports the implementation of the new [solidarity mechanism](#) and contains consequential amendments that will allow Eurodac to function within the interoperability framework between EU information systems.

### **Enlarged scope and improved Eurodac database**

The 2016 Commission proposal already enlarged the scope of Eurodac, adding new categories of persons for whom data should be stored, allowing its use to identify irregular migrants, lowering the age for fingerprinting, allowing the collection of identity information together with the biometric data, and extending the data storage period. This proposal builds on the provisional agreement between legislators, complements these changes and aims at transforming Eurodac into a common European database to support EU policies on asylum, resettlement and irregular migration.

The modernised Eurodac database shall be better able to track the movements of people who have entered and stayed illegally in the EU and then moved from one Member State to another, and shall show the shift of responsibility between Member States, including in the case of relocation.

It shall ensure consistency with the [proposal](#) for a screening Regulation. Moreover, it aims at gathering more accurate and complete data to inform policy making and thus at better assisting with the control of irregular migration and the detection of unauthorised movements by counting individual applicants in addition to applications. It also aims to support the identification of appropriate policy solutions in this area by allowing statistics to be drawn up combining data from several databases.

A number of amendments have been proposed that seek to ensure that Eurodac will function properly within the new interoperability framework and with the same objective presents further necessary amendments to two other legal instruments, namely the VIS and ETIAS Regulations.

Another objective is to provide additional support to national authorities dealing with asylum applicants whose application has already been rejected in another Member State by marking rejected applications.

The new system shall also provide additional support to national authorities dealing with asylum seekers whose applications have already been rejected in another Member State. It may also monitor assistance for voluntary departure and reintegration.

### ***Budgetary implications***

The present proposal entails a technical amendment to the Eurodac central system to provide for the possibility to carry out comparisons for all categories of data and for storage of all three categories of data. Further functionalities such as the storage of biographical data alongside a facial image will require more amendments to the Central System.

The cost estimate of EUR 29.872 million includes costs for the technical upgrade and increased storage and throughput of the Central System. It also consists of IT-related services, software and hardware and would cover the upgrade and customisation to allow searches for all categories of data covering both asylum and irregular migration purposes. It also reflects the additional staffing costs required by eu-LISA.

## **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.

## Eurodac Regulation

2016/0132(COD) - 09/06/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Monica MACOVEI (ECR, RO) 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 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], 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 committee recommended that the European Parliament's position adopted at first reading should take into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission. However, it made some amendments to the recast proposal which may be summarised as follows:

**Extension of the system of comparison of Eurodac data to third-country nationals or "resettled" stateless persons:** Members called for Eurodac to be extended to resettled third-country nationals and stateless persons for the purposes of identifying **secondary movements** of such persons.

The registration in Eurodac of information on resettled third-country nationals or stateless persons is designed to ensure that such persons enjoy the same level of protection and the same rights applicable to other beneficiaries of international protection as regards the processing of their data. This should also enable Member States to verify whether or not a third-country national or stateless person has **already been resettled in another Member State**.

**Alphanumeric and biometric data:** Members wanted to compare **the biometric or alphanumeric data** of the persons concerned with Eurodac data rather than fingerprints as proposed by the Commission in its proposal for the purposes of the prevention, detection or investigation of terrorist offences or other serious criminal offences.

In addition, Members considered that **fingerprints should always be preferred over facial images**. Where it is impossible to take the fingerprints of the third-country national or stateless person because his or her fingertips are damaged, either intentionally or not, or amputated, this Regulation should also permit the comparison of a facial image without fingerprints.

**Derogation:** Member States may derogate from in the case of illegally residing third-country nationals who entered the territory of the Union by lawfully crossing the external borders of the Schengen area and have overstayed the authorised period of stay by **no more than 15 days**.

**Interoperability of data collection systems and the role of European agencies in the area of freedom, security and justice:** given that the European Border and Coast Guard Agency plays a key role in the Union's efforts for a better management of external borders, and the prevention of illegal immigration and secondary movements, Members requested that it also have **access to Eurodac data** in order to be able to undertake risk analyses to the highest possible standard and to assist Member States with return related tasks. Those data should be processed in compliance with the data protection safeguards provided for in that Regulation.

As one of the tasks of the European Border and Coast Guard Agency and the [European Union Agency for Asylum](#), is the taking and transmitting of biometric data, the European Border and Coast Guard Agency and the European Union Agency for Asylum should also be **provided with their own interfaces so that they no longer need to rely on national infrastructures**. In the long run, those interfaces could be used as a single search interface.

Therefore, technological solutions should be developed to ensure the interoperability of Eurodac with the Schengen Information Systems (SIS), the Visa Information Systems (VIS), Europol, and any new relevant information systems developed in the area of freedom, security and justice, in order to enhance effective cooperation among Member States in managing external borders and combatting serious crime, including the system of entry/exit ([EES](#)) currently under construction.

**Eu-LISA and DublinNet:** in addition to the interoperability principles defined above, eu-LISA shall establish a **secure communication channel** between the EES Central System and Eurodac in order to allow full interoperability between both systems. A connection between the two systems is necessary in order for the biometric data of a third-country national registered in the EES to be transferred to Eurodac when registration of such biometric data is foreseen under this Regulation.

This specific channel, whose name would be **DublinNet**, would be managed by eu-LISA and would provide direct linkage and secure electronic transmission between the authorities of the Member States. The operational management of DublinNet shall consist of all the tasks necessary to ensure its availability **five days a week** during normal business hours.

**Specific role of Europol:** the future Regulation shall lay down the conditions under which the **European Police Office (Europol) may request comparisons with Eurodac** data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences falling within its mandate.

Europol shall designate an authority which is authorised to request comparisons with Eurodac data through its designated Europol access point in order to prevent, detect and investigate terrorist offences or other serious criminal offences. The designated authority shall be an operating unit of Europol.

**Unaccompanied minors and minors:** with a view to strengthening the protection of all migrant and refugee children, including unaccompanied minors who have not applied for international protection and children at risk of being separated from their families, Members requested that their biometric data can be retrieved for storage in the Central System and assist a Member State to find a family member or to identify possible links that these children may have with another Member State.

In the performance of those tasks, Member States should observe the principles laid down in the United Nations Convention on the Rights of the Child of 1989.

The biometric data of minors **from the age of six** shall be taken by officials trained specifically to enrol minor's fingerprints and to capture facial images in full respect of the best interests of the child.

The minor shall be informed in an age-appropriate manner, both orally and in writing, using leaflets and infographics and demonstrations specifically designed to explain the fingerprinting and facial image procedure to minors in a language he or she can understand.

**Where a minor**, in particular an unaccompanied or separated minor, **refuses to give his or her fingerprints or facial image** and there are reasonable grounds for believing that there are child safeguarding or protection risks, that minor should be referred to the competent national child protection authorities, national referral mechanisms, or both. Those authorities should undertake an assessment of the minor's special needs in accordance with the relevant law with a view to finding a sustainable solution for the minor in full respect of the best interests of the child. Detention of minors shall be prohibited.

**Application of sanctions in case of refusal to collect data:** in order to ensure that all the persons concerned by the Regulation are registered in Eurodac, Member States may introduce, where appropriate, well justified administrative sanctions, in accordance with their national law and with full respect for the Charter of Fundamental Rights of the European Union, for non-compliance with the process of taking biometric data. Member States shall ensure that an opportunity for counselling has been provided to those persons in order to persuade them to cooperate with the procedure and to inform them of the possible implications of non-compliance. The administrative sanctions shall be effective, proportionate and dissuasive. **Detention should only be used as a means of last resort.**

**Data retention period:** Members considered that the maximum period for which the biometric data of third-country nationals or stateless persons who have applied for international protection may be kept in the central system should be limited to a **maximum of 5 years**.

**Transfer of data collected from third countries:** Members request that personal data obtained as a result of a search in the Central System shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union unless such a transfer is strictly necessary and proportionate in cases falling within Europol's mandate.

Personal data which originated in a Member State and are exchanged between Member States shall not be transferred to third countries, including if there is a real risk that as a result of such transfer the data subject may be **subjected to torture, inhuman and degrading treatment** or punishment or any other violation of his or her fundamental rights.

**Study on the possibility of introducing facial recognition software to current Eurodac data:** lastly, Members requested that, by 2020, eu-LISA should carry out a study on the technical feasibility and reliability of adding facial recognition software to the Central System currently planned.