Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2018/0330B(COD)
European Border and Coast Guard: false and authentic documents online (FADO) system Repealing Regulation 2013/1052 2011/0427(COD) Repealing Regulation 2016/1624 2015/0310(COD) Subject 7.10.04 External borders crossing and controls, visas 8.40.08 Agencies and bodies of the EU	Procedure completed

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		24/07/2019
	epp METSOLA Roberta	
	Shadow rapporteur	
	S&D KALJURAND Marina	
	renew europe. TUDORACHE Dragoş	
	BRICMONT Saskia	
	ECR BUXADÉ VILLALBA Jorge	

Former committee responsible
LIBE Civil Liberties, Justice and Home Affairs

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	

Former committee for opinion
BUDG Budgets

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs		20/11/2019
	S&D ROBERTI Franco	

Council of the European Union

Council configuration	Meeting	Date
Justice and Home Affairs (JHA)	3756	13/03/2020

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

12/09/2018	Legislative proposal published	COM(2018)0631	
28/03/2019	Committee referral announced in Parliament, 1st reading		
21/10/2019	Committee referral announced in Parliament, 1st reading		
07/11/2019	Vote in committee, 1st reading		
07/11/2019	Committee decision to open interinstitutional negotiations with report adopted in committee		
11/11/2019	Committee report tabled for plenary, 1st reading	A9-0022/2019	Summary
13/11/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
25/11/2019	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
09/12/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
12/02/2020	Debate in Parliament		
13/02/2020	Results of vote in Parliament		
13/02/2020	Decision by Parliament, 1st reading	T9-0038/2020	Summary
13/03/2020	Act adopted by Council after Parliament's 1st reading		
30/03/2020	Final act signed		
06/04/2020	Final act published in Official Journal		
14/07/2020	End of procedure in Parliament		

Technical information

Procedure reference	2018/0330B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation 2013/1052 2011/0427(COD) Repealing Regulation 2016/1624 2015/0310(COD)
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00459

Documentation gateway

Legislative proposal		COM(2018)0631	12/09/2018	EC	
Economic and Social Committee: opinion, report		CES4848/2018	12/12/2018	ESC	
Committee of the Regions: opinion		CDR6213/2018	06/02/2019	CofR	
Committee draft report		PE641.177	19/09/2019	EP	
Amendments tabled in committee		PE642.889	17/10/2019	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0022/2019	11/11/2019	EP	Summary
Specific opinion	JURI	PE645.098	10/01/2020	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0038/2020	13/02/2020	EP	Summary
Commission response to text adopted in plenary		SP(2020)94	10/03/2020	EC	
Draft final act		00097/2019/LEX	01/04/2020	CSL	

Final act

Regulation 2020/493
OJ L 107 06.04.2020, p. 0001 Summary

European Border and Coast Guard: false and authentic documents online (FADO) system

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Roberta METSOLA (EPP, MT) on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council.

As a reminder, the False and Authentic Documents Online system (FADO) was established by Joint Action 98/700/JHA within the General Secretariat of the Council. Over the past years, the Agency has developed expertise in the area of document fraud. The Agency is therefore to take over the administration as well as the operation and technical management of FADO from the General Secretariat of the Council. It shall be ensured that, during the transitional period, FADO remains fully operational until the transfer has been effectively carried out and the existing information has been transferred to the new system. The ownership of the existing data should then be transferred to the Agency.

The proposed Regulation aims to repeal Council Joint Action 98/700/JHA.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal.

The main amendments concern the following:

Subject matter

The aim of the proposed Regulation is to constitute a new legislative basis for governing FADO. Its purpose is to provide up-to-date information on authentic and false documents and to contribute to the fight against document and identity fraud by sharing information on security features and potential fraud characteristics in authentic and false documents between the competent national authorities, with third parties, such as Union institutions, bodies, offices and agencies, and, where applicable, with third countries, territorial entities, international organisations, other entities subject to international law and private entities, and on authentic documents with the general public.

Scope

FADO shall contain information on specimen travel, identity, residence and civil status documents, driving licenses and vehicle licenses issued by Member States and falsified versions of such documents in their possession. It may also contain other related official documents that are used when applying for travel, residence or identity documents issued by Member States, and, where applicable, by third countries, territorial entities and international organisations.

It should be noted that the proposed Regulation shall not affect the competence of Member States relating to the recognition of passports, travel documents, visas or other identity documents.

Categories of documents and data contained in FADO

FADO shall include the following:

- information, including images, on specimen documents, their security features, on false, forged, counterfeit or pseudo documents and their fraud characteristics;

- summary information on forgery techniques;

- statistics on detected false documents;

- recommendations on effective ways of detecting specific methods of forgery.

Member States shall transmit without delay to the European Border and Coast Guard Agency (the Agency) all the data on specimen and fraudulent travel, identity, residence and civil status documents, driving licenses and vehicle licenses in relation to which they are data controller under the applicable Union data protection law. When the Member States become data controller in respect of additional data on such documents and licenses, they shall also transmit them without delay to the Agency.

Responsibilities of the Agency

The Agency shall:

- be responsible for establishing FADO in accordance with this Regulation. It shall ensure the functioning of FADO 24 hours a day, 7 days a week and provide for the its maintenance and updating;

- provide the Member States competent authorities with near real-time assistance in the detection and identification of falsified documents.

FADOs architecture and access thereto

Members proposed that FADOs architecture shall enable different levels of access rights to FADO. Only document experts from the Member States authorities competent in the area of document fraud, such as border police and other law enforcement authorities, shall have access to FADO in an unrestricted manner.

Protection and processing of personal data

Member States shall ensure that individuals whose personal data are used on specimen and falsified documents are protected in accordance with the relevant applicable rules, including as regards the processing of their personal data in FADO. Personal data shall be limited to what is strictly necessary for the purposes of FADO. FADO should contain personal data in the form of a facial image or alphanumerical data only insofar as they are related to the security features in a specimen document or the method of falsification of a falsified document.

European Border and Coast Guard: false and authentic documents online (FADO) system

The European Parliament adopted by 592 votes to 33, with 3 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council.

The European Parliaments position adopted at first reading, in accordance with the ordinary legislative procedure, amended the Commission proposal as follows:

Subject matter and purpose

The Regulation shall provide the new legal basis necessary to govern the European Image Archiving System on False and Authentic Documents Online (FADO)), established by Council Joint Action 98/700/JHA within the General Secretariat of the Council.

This Regulation establishes the False and Authentic Documents Online (FADO) system containing information on authentic documents issued by Member States, the EU, and third parties, such as third countries, territorial entities, international organisations and other entities subject to international law, and on false versions thereof.

The purpose of the FADO system is to contribute to the fight against document and identity fraud by sharing information on the security features of, and potential fraud characteristics in, authentic and false documents between the Member State authorities competent in the area of document fraud.

The purpose of the FADO system is also to contribute to the fight against document and identity fraud by sharing information with other actors, including the general public.

Members specified that the FADO system shall contain information on all types of authentic travel, identity, residence and civil status documents, driving licences and vehicle licences issued by Member States, EU laissez-passer and false versions of these documents in their possession. Member States and the EU shall forward information on those documents to the European Border and Coast Guard Agency (the Agency) without delay.

The FADO system shall also contain:

- information on other related official documents, in particular those used to support requests for official documents issued by Member States, and on false versions of such documents;

- information on all types of genuine travel, identity, residence and civil status documents, driving licences and registration certificates and other related official documents, in particular those used to support applications for official documents, issued by third parties, such as third countries, territorial entities, international organisations and other entities subject to international law, and on false versions of such documents.

Third parties, such as third countries, territorial entities, international organisations and other entities subject to international law, may provide the Agency with information on such documents.

The FADO system may also contain recommendations on effective means of detecting specific methods of falsification and other relevant information.

Responsibilities of the Agency

The Agency shall ensure the correct and reliable functioning of the FADO system and provide support to the competent authorities of the Member States in the detection of false documents. It shall be responsible for the timely and efficient input of information into the FADO system and ensure the uniformity and quality of this information.

Access to the system

Different levels of access shall be granted to users:

- the Commission and the Agency, to the extent necessary for the performance of their tasks, and Member State authorities competent in the field of document fraud, such as police, border guards and other law enforcement authorities and other relevant national authorities, shall have secure access to the FADO system in accordance with the need-to-know principle;

- the general public shall have access to specimens of authentic documents or authentic documents containing pseudonymised data;

- the following actors shall have limited access to the information stored in the FADO system: (i) EU institutions, bodies, offices and agencies, other than the Commission and the Agency; (ii) third parties, such as third countries, territorial entities, international organisations and other entities subject to international law; (iii) private entities, such as airlines and other carriers.

Member States shall decide which competent authorities in the field of document fraud have access to the FADO system, including the level of access granted to them, and shall inform the Commission and the Agency accordingly. Upon request, the Commission shall transmit this information to the European Parliament.

Processing of personal data by the Agency

Personal data contained in the FADO system shall be processed only to the extent strictly necessary for the management of the FADO system.

To this end, the Agency shall ensure that technical and organisational measures, such as pseudonymisation, are put in place in accordance with the data minimisation principle, in a way that does not allow the identification of natural persons through the FADO system without the use of additional data.

European Border and Coast Guard: false and authentic documents online (FADO) system

PURPOSE: updating the European system of false and authentic documents on-line (FADO system) to combat document and identity fraud.

LEGISLATIVE ACT: Regulation (EU) 2020/493 of the European Parliament and of the Council on the False and Authentic Documents Online (FADO) system and repealing Council Joint Action 98/700/JHA.

CONTENT: the Regulation constitutes the new legal basis necessary to govern the European Image Archiving System for False and Authentic Documents Online (FADO). The FADO system was set up in 1998 to facilitate the exchange of information between Member States' authorities on authentic and false documents.

Scope and content

The updated FADO system shall contain information on travel, identity, residence and civil status documents, driving licences and vehicle licences issued by Member States or the Union, and on false versions thereof.

It may also contain information on the aforementioned documents issued by third parties, such as third countries, territorial entities, international organisations and other entities subject to international law, and on false versions of such documents.

Member States and the Union shall send information on such documents to the European Border and Coast Guard Agency without delay. Third countries, territorial entities, international organisations and other entities subject to international law may also transmit information on such documents to the Agency.

The FADO system may also contain handbooks, contact lists, information on valid travel documents and their recognition by Member States, recommendations on effective ways of detecting specific methods of falsification and other useful related information.

Responsibilities of the Agency

The Agency shall ensure the correct and reliable functioning of the FADO system and provide support to the competent authorities of the Member States in the detection of false documents. It shall be responsible for the timely and efficient input of information into the FADO system and ensure the uniformity and quality of this information.

Architecture of the FADO system and access thereto

Different levels of access shall be granted to users:

- the Commission and the Agency, to the extent necessary for the performance of their tasks, and Member State authorities competent in the field of document fraud, such as police, border guards and other law enforcement authorities and other relevant national authorities, shall have secure access to the FADO system in accordance with the need-to-know principle;

- the general public shall have access to specimens of authentic documents or authentic documents containing pseudonymised data;

- the following actors shall have limited access to the information stored in the FADO system: (i) EU institutions, bodies, offices and agencies, other than the Commission and the Agency; (ii) third parties, such as third countries, territorial entities, international organisations and other entities subject to international law; (iii) private entities, such as airlines and other carriers.

Member States shall decide which competent authorities in the field of document fraud have access to the FADO system, including the level of access granted to them, and shall inform the Commission and the Agency accordingly. Upon request, the Commission shall transmit this information to the European Parliament.

The Commission may adopt delegated acts as regards the establishment of measures granting access to the FADO system to Union institutions, bodies, offices and agencies, third parties and private entities on a limited basis.

Processing of personal data by the Agency

Personal data contained in the FADO system shall be processed only to the extent strictly necessary for the management of the FADO system.

To this end, the Agency shall ensure that technical and organisational measures, such as pseudonymisation, are put in place in accordance with the data minimisation principle, in a way that does not allow the identification of natural persons through the FADO system without the use of additional data.

ENTRY INTO FORCE: 26.4.2020.