

Asylum: Eurodac system for the comparison of fingerprints of third-country nationals or stateless applicants; requests for comparison with Eurodac data. Recast

2008/0242(COD) - 07/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 445 votes to 76 with 8 abstentions a legislative resolution amending, under the first reading of codecision procedure, the proposal for a regulation of the European Parliament and of the Council concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EC) No [.../...] [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] (recast).

The main amendments are as follows:

Operational management by the Management Authority: Parliament clarified that the Management Authority must be competent for EURODAC, as well as SIS II and VIS. It added that the setting-up of the Management Authority and the interoperability of the several databases for which it has competence shall be without prejudice to the separate and discrete operation of those databases.

Statistics: these must include the number of hits for persons granted international protection.

Collection, transmission and comparison of fingerprint data: Parliament felt that the deadline of 48 hours was too short for taking and transmitting the fingerprint data to the Central System. A deadline of 48 hours for taking the fingerprints and a deadline of 24 hours for transmitting the fingerprint data is inserted into the text. Parliament added that By way of exception, in cases when the fingerprints are seriously, but only temporarily, damaged and cannot provide suitable fingerprint data or in cases when there is a need to enforce a quarantine period because of severe contagious disease, the period of 48 hours for taking the fingerprints of applicants for international protection, may be extended up to a maximum of 3 weeks. Member States may also extend the period of 48 hours in well-founded and proven cases of force majeure for as long as those circumstances persist. The period of 24 hours for transmitting the required data shall apply accordingly.

Advance data erasure: data relating to a person who has acquired citizenship of any Member State or has been issued a long-term residence permit by a Member State in accordance with Directive 2003/109/EC before expiry of the relevant period shall be erased from the Central System.

Carrying out comparisons: in the interests of data protection the European Data Protection Supervisor should also be informed of inaccurate identifications.

Joint supervisory authority: the provision of data recorded in the EURODAC system to the authorities of any unauthorised third country, especially to the state of origin of the persons covered by the present Regulation, could trigger severe consequences for the family members of the persons covered by the EURODAC Regulation. Accordingly Parliament provided that all the authorities that participate in the EURODAC system shall prevent the access to or the transfer of data recorded in EURODAC to the authorities of any unauthorised third country, especially to the State of origin of the persons covered by this Regulation.

It also added that the Management Authority shall lay down a common set of requirements to be fulfilled by persons in order to be granted authorisation to access EURODAC.

Rights of the data subject: Members noted that the obligation to provide information in an age-appropriate manner should apply to all categories of persons subject to the EURODAC procedure who are minors and not only to applicants for international protection.

Supervision by the European Data Protection Supervisor: the European Data Protection Supervisor may request any information from the Management Authority considered necessary to carry out the functions entrusted to it under that Regulation.

Transitional period: during the transitional period, references in the Regulation to the Management Authority shall be construed as references to the Commission.