

Eurodac system for the comparison of the fingerprints of applicants for asylum and certain other aliens for the effective application of the Dublin Convention

1999/0116(CNS) - 28/05/2015 - Follow-up document

The Commission's European Agenda on Migration (EAM) adopted on 13 May 2015 highlighted the need to ensure that all Member States comply with their legal obligation to fingerprint under the Eurodac Regulation (Council Regulation (EC) No 2725/2000). In doing so, the Commission emphasised the need to provide guidance to Member States to facilitate systematic fingerprinting in **full respect of fundamental rights** and more specifically of the right to data protection.

As regards the issue of migrants from Eritrea and Syria: over the past year, it has become apparent that irregular migrants and asylum seekers from certain countries of origin, notably Eritreans and Syrians, have been refusing to cooperate in being fingerprinted by Member State authorities. Consequently, a large number of asylum applications appear then to be made in Member States in circumstances where it was thought likely that the applicant had entered the EU via another Member State (often after being rescued at sea).

In order to establish existing practices the European Commission carried out a long enquiry to find out how Member States were dealing with the fingerprint situation (including how and if they used coercion for this purpose).

Purpose of the report: this paper presents possible best practices for Member States to follow in order to ensure that their obligations under the Eurodac Regulation are fulfilled. It provides guidance to facilitate systematic fingerprinting, in full respect of fundamental rights. The Commission services recommend the following best practices, which are in line with the provisions of the EU Charter of Fundamental Rights. They should serve as a basis for discussions with Member States to agree on a coherent common approach. Depending on the outcome of these discussions, the Commission will reflect on the need to propose additional steps.

Best practices are set out in the document as a graduated approach ranging from cooperation measures to restrictive coercive measures.