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

2018/0330B(COD) - 11/11/2019 - Committee report tabled for plenary, 1st reading/single reading

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.

FADO's architecture and access thereto

Members proposed that FADO's 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.