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

2018/0330B(COD) - 13/02/2020 - Text adopted by Parliament, 1st reading/single reading

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 Parliament's 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.