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

2018/0330B(COD) - 06/04/2020 - Final act

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.