Eurodac Regulation

2016/0132(COD) - 22/05/2024 - Final act

PURPOSE: to create a system for the comparison of biometric data to assist the implementation of Union asylum and migration policy.

LEGISLATIVE ACT: Regulation (EU) 2024/1358 of the European Parliament and of the Council on the establishment of ‘Eurodac’ for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council.

CONTENT: the new rules regarding the updated Eurodac database will allow to gather more accurate and complete data (also biometric data) on various categories of migrants, including applicants for international protection and people arriving irregularly in the EU. This Regulation is a pillar of the EU Pact on Asylum and Migration. It creates a system known as ‘Eurodac’ which aims to:

- support the asylum system, including by assisting in determining which Member State is to be responsible for examining an application for international protection registered in a Member State by a third-country national or a stateless person;

- assist with the application of Regulation (EU) 2024/1350 establishing a Union Resettlement and Humanitarian Admission Framework;

- assist with the control of irregular immigration to the Union, with the detection of secondary movements within the Union and with the identification of illegally staying third-country nationals and stateless persons for the purpose of determining the appropriate measures to be taken by Member States;

- assist with the protection of children, including in the context of law enforcement;

- lay down the conditions under which Member States’ designated authorities and the Europol designated authority may request the comparison of biometric or alphanumeric data with those stored in Eurodac for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences;

- assist in the correct identification of persons registered in Eurodac by storing identity data, travel document data and biometric data in the common identity repository (CIR);

- support the objectives of the European Travel Information and Authorisation System (ETIAS) and the Visa Information System (VIS).

Categories of people in Eurodac

Member States will be obliged to register the following categories of people in Eurodac: (i) asylum applicants; (ii) people who had crossed the EU's external border illegally; (iii) people disembarked

following a search and rescue operation as well as those found to be staying illegally in the territory of a Member State; (iv) people registered for an admission procedure under the Resettlement Regulation; (v) people resettled under a national scheme; (vi) and beneficiaries of temporary protection.

Expansion of Eurodac

Eurodac is being expanded to include **additional biometric data, such as facial images**. Other personal data will be collected, including name, date of birth, nationality and date and place of application for international protection.

The collection of biometric data will become compulsory for people **aged six and over**.

Special provisions relating to minors

The biometric data of minors from the age of six should be taken by officials trained specifically to take a minor's biometric data in a child-friendly and child-sensitive manner and in full respect of the **best interests of the child**.

In the event that there is uncertainty as to whether or not a child is under the age of six and there is no supporting proof of that child's age, the competent authorities of the Member States should consider that child to be under the age of six for the purposes of this Regulation.

The unaccompanied minor should be accompanied by a **representative** or, where a representative has not been designated, a person trained to safeguard the best interests of the child and his or her general wellbeing, throughout the time when his or her biometric data are taken.

Use of Eurodac for law enforcement purposes

Another update concerns the recording of threats posed by an individual to the security of a Member State.

Following the security checks referred to in this Regulation, the fact that a person could pose a threat to internal security ('security flag') should only be recorded in Eurodac if the person is **violent or unlawfully armed** or where there are clear indications that the person is linked to **terrorism** or a terrorist group, or are involved in offences within the scope of the **European arrest warrant**.

Data storage

The fingerprints of those who entered illegally will remain in the system for **5 years**. For asylum applicants, the storage period remains **10 years**.

The storage period is 5 years for individuals that are: (i) apprehended staying illegally on the territory of a Member State; (ii) disembarked following Search and Rescue operations; (iii) resettled under the Union Framework and under national schemes. For people who have been refused resettlement and for those whose resettlement admission procedure was discontinued, the retention period is 3 years. For future beneficiaries of temporary protection, the data will be stored for the duration of the protection (one year renewed subsequently).

eu-LISA should produce monthly cross-system statistics.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 12.6.2026.