## Basic information

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|---|---|
| **2018/0330B(COD)**<br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation | Procedure completed |
| European Border and Coast Guard: false and authentic documents online (FADO) system<br><br>Repealing Regulation 2013/1052 2011/0427(COD)<br>Repealing Regulation 2016/1624 2015/0310(COD)<br><br>**Subject**<br><br>7.10.04 External borders crossing and controls, visas<br>8.40.08 Agencies and bodies of the EU | |

## Key players

European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | METSOLA Roberta (EPP) | 24/07/2019 |
| | Shadow rapporteur<br><br>KALJURAND Marina (S&D)<br><br>TUDORACHE Dragoş (Renew)<br><br>BRICMONT Saskia (Greens/EFA)<br><br>BUXADÉ VILLALBA Jorge (ECR)<br><br>REGO Sira (GUE/NGL) | |

| Former committee responsible | Former rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| BUDG Budgets | The committee decided not to give an opinion. | |

| Former committee for opinion | Former rapporteur for opinion | Appointed |
|---|---|---|
| BUDG Budgets | | |

| Committee for opinion on the legal basis | Rapporteur for opinion | Appointed |
|---|---|---|
| JURI Legal Affairs | ROBERTI Franco (S&D) | 20/11/2019 |

Council of the European Union

| Council configuration | Meetings | Date |
|---|---|---|
| Justice and Home Affairs (JHA) | 3756 | 2020-03-13 |

European Commission

| Commission DG | Commissioner |
|---|---|
| Migration and Home Affairs | AVRAMOPOULOS Dimitris |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 12/09/2018 | Legislative proposal published | COM(2018)0631 | |
| 28/03/2019 | Committee referral announced in Parliament, 1st reading | | |
| 21/10/2019 | Resumption of business from the previous parliamentary term | | |
| 07/11/2019 | Vote in committee, 1st reading | | |
| 07/11/2019 | Committee decision to open interinstitutional negotiations with report adopted in committee | | |
| 11/11/2019 | Committee report tabled for plenary, 1st reading | A9-0022/2019 | Summary |
| 13/11/2019 | Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72) | | |
| 25/11/2019 | Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72) | | |
| 09/12/2019 | Approval in committee of the text agreed at 1st reading interinstitutional negotiations | | |
| 12/02/2020 | Debate in Parliament | | |
| 13/02/2020 | Decision by Parliament, 1st reading | T9-0038/2020 | Summary |
| 13/03/2020 | Act adopted by Council after Parliament's 1st reading | | |
| 30/03/2020 | Final act signed | | |
| 06/04/2020 | Final act published in Official Journal | | |
| 14/07/2020 | End of procedure in Parliament | | |

## Technical information

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|---|---|
| **Procedure reference** | 2018/0330B(COD) |

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|---|---|
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Regulation |
| **Amendments and repeals** | Repealing Regulation 2013/1052 2011/0427(COD)<br>Repealing Regulation 2016/1624 2015/0310(COD) |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | LIBE/9/00459 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE641.177 | 19/09/2019 | |
| Amendments tabled in committee | | PE642.889 | 17/10/2019 | |
| Committee report tabled for plenary, 1st reading/single reading | | A9-0022/2019 | 11/11/2019 | Summary |
| Specific opinion | JURI | PE645.098 | 10/01/2020 | |
| Text adopted by Parliament, 1st reading/single reading | | T9-0038/2020 | 13/02/2020 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Draft final act | 00097/2019/LEX | 01/04/2020 | |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2018)0631 | 12/09/2018 | |
| Commission response to text adopted in plenary | SP(2020)94 | 10/03/2020 | |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES4848/2018 | 12/12/2018 | |
| CofR | Committee of the Regions: opinion | CDR6213/2018 | 06/02/2019 | |

## Additional information

| Source | Document | Date |
|---|---|---|

**Final act**

Regulation 2020/0493
OJ L 107 06.04.2020, p. 0001 Summary

# 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.

# 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.

# 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.