

EURODAC REGULATION

State of play

In June 2012, the Commission tabled its new proposal for a revised Eurodac regulation. In October 2012 the Council adopted its position in view of the negotiations with the European Parliament. The Civil Liberties Committee of the EP adopted its position on eurodac by 41 votes to 11 with 4 abstentions. The trilogues have started on 18 December 2012.

What's new?

- The revised regulation allows law enforcement authorities to access this central EU-wide fingerprint database, subject to strict conditions on data protection, for the purposes of fighting terrorism and organised crime.
- The recast also improves the practical application of the regulation on several aspects.

Background information

EURODAC Regulation of 11 December 2000

- **Official name:** [Council regulation](#) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention
- **Objective of the regulation:** The EURODAC regulation is the legal base for a biometric database for comparing fingerprints, which helps EU States to verify whether an asylum applicant has previously claimed asylum in another EU State, or whether an asylum applicant has been previously apprehended when entering EU territory unlawfully. It aims to make it easier for EU States to determine responsibility for examining an asylum application and facilitates the application of the Dublin II regulation. [More information](#).
- **Remark:** All EU States, as well as Norway, Iceland, Switzerland and Liechtenstein apply the EURODAC Regulation.

Improving regulation 2725/2000: Ongoing negotiations on a recast proposal of the regulation

- **3 December 2008 – Commission proposal on recast**
 - This proposal was designed to
 - ensure a more efficient support to the application of the Dublin Regulation and to properly address data protection concerns.
 - align the IT management framework to that of the SIS II and VIS Regulations (by providing for the taking over of the tasks of the operational management for EURODAC by the future Agency for the operational management of large-scale IT systems in the area of freedom, security and justice).
 - repeal the Implementing Regulation and to include its content in the EURODAC Regulation.
 - take into account developments in the asylum acquis and technical progress which took place since the adoption of the Regulation in 2000.
- **10 September 2009 – Amended proposal on recast**
 - The amended proposal aimed at, on the one hand, take into account the

position of the EP and the results of negotiations in the Council, and, on the other hand, introduce the possibility for Member States' law enforcement authorities and Europol to access the EURODAC central database for the purposes of prevention, detection and investigation of terrorist offences and other serious criminal offences.

- **11 October 2010 –New proposal on recast (similar to the 2008 recast)**
 - With the entry into force of the Treaty of Lisbon, the proposal for a Council Decision lapsed. Usually such proposals would be formally withdrawn and replaced with a new proposal to take account of the new framework of the TFEU. However, with a view to progressing on the negotiations on the asylum package and facilitating the conclusion of an agreement on the EURODAC Regulation, the Commission considered it more appropriate in 2010 to **withdraw from the EURODAC Regulation those provisions referring to the access for law enforcement purposes** and presented a new proposal on 11.10.2010 similar to the 2008 recast of the EURODAC Regulation.
 - The Commission also argued that enabling the swifter adoption of the new EURODAC Regulation **would facilitate the timely set up of the Agency for the operational management of large-scale IT systems** in the area of freedom, security and justice, since that Agency is to become responsible for the management of EURODAC as from 1 December 2012.
- **30 May 2012 – [New proposal](#) on recast**
 - Since the 2010 proposal, it has become clear that **including law enforcement access for EURODAC is needed** as part of a balanced deal on the negotiations of the CEAS package. Accordingly the Commission proposed this and merged it into a single new EURODAC Regulation (as this is now possible since the entry into force of the TFEU). [More information](#).
- **Progress of negotiations:**
 - [Procedure file](#) of the Legislative Observatory of the European Parliament.
 - *JHA Council 8 November 2010*: All Member States that took the floor voiced their disappointment that the provision for law enforcement access to the Eurodac data had been omitted from the latest Commission proposal. In the course of the debate, the Commission indicated that it was ready to reconsider the question of law enforcement access in the context of the EURODAC Regulation. [More information](#).
 - *JHA Council 8 March 2012*: discussions on amendments to the rules regulating this fingerprint database are on hold pending a revised Commission proposal. Member states have requested additional provisions which would allow their law enforcement authorities to access the Eurodac central database under strict conditions on data protection for the purposes of fighting terrorism and organised crime.
 - *JHA Council 6 and 7 December 2012*: A state of play is given: In October 2012 the Council adopted its position in view of the negotiations with the European Parliament; trilogues are expected to start, as soon as the Parliament adopts its position on this legislative text.

[More information:](#)

- **Positions taken by other stakeholders on the matter:** Position paper from [UNHCR](#).