

FORM FOR TABLING PARLIAMENTARY QUESTIONS

To the: COUNCIL
COMMISSION

ORAL QUESTIONS	WRITTEN QUESTIONS
Oral Question with debate (Rule 42) <input checked="" type="checkbox"/> Question Time (Rule 43) <input type="checkbox"/>	Written Question (Rule 44) <input checked="" type="checkbox"/> Priority Written Question (Rule 44 (4)) <input type="checkbox"/>
AUTHOR(S): Monika Flašíková-Beňová, Claude Moraes, Kinga Göncz and Sylvie Guillaume on behalf of the S&D Group	
SUBJECT: (please specify) Databases relating to racial and ethnic origin in the EU	
TEXT:	
<p>On 29/09/2010 the Commission stated it would have issued <i>"a letter of formal notice to France requesting the full transposition of the (free movement) directive, unless draft transposition measures and a detailed transposition schedule are provided by 15 October 2010"</i> and another one <i>"with detailed questions regarding the practical application of the political assurances provided"</i> by the French authorities on the fact that they <i>"fully ensure an effective and non-discriminatory application of EU law in line with the Treaties and the EU Charter of Fundamental Rights"</i>¹, including in the period of application of the 5 August circular explicitly targeting Roma - notwithstanding the evidence on the ethnic and racial nature of the expulsions upon which the EP called, in its resolution, the Commission to act against the French authorities also on the basis of discrimination.</p> <p>According to recent media information, the French <i>gendarmerie</i> runs a database called "MENS"² targeting Roma and travellers. NGOs have tabled a complaint on the creation of an illegal and non-declared database for the storage of "personal data related to racial and ethnic origin" and announced further appeals to the CNIL³ and the HALDE⁴, while French authorities deny the existence of such a database. The Immigration Minister had also previously announced the insertion of biometric⁵ data of expelled Roma in the OSCAR⁵ database, EDVIGE/EDVIRSP⁶ is in the process of being created. At the same time the Netherlands and other EU countries are reported to register ethnic and racial data. Against this background, the Council is discussing draft Conclusions to target "mobile (itinerant) criminal groups", however, in very ambiguous terms and without informing the EP on the initiative.</p> <p>Based on the new evidence on the existence of "MENS" database in France, what will the Commission do to verify this information? Should the Commission find the database infringing the principle of non-discrimination, what measures will the Commission take in order to rectify the situation and will it also consider infringement procedures against France?</p> <p>In light of recent developments in other Member States regarding the creation or existence of databases relating to racial or ethnic origin, will the Commission launch an investigation to collect further information on such databases and to verify their legality as regards to the principle of non-discrimination?</p> <p>What will the Commission do in order to ensure that the Member States in their administrative and law enforcement procedures do not resort to ethnic profiling?</p> <p>Signature(s): _____ Date: 08.10.2010</p>	

1 <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1207>

2 "Non-Sedentary Ethnic Minorities", held by the Central Office against the itinerant delinquency (OCLDI).

3 National data protection commission

4 High authority against discriminations and for equality

5 Tool for Repatriation Aid Statistics and Control - "Outil de Statistiques et de Contrôle de l'Aide au Retour" in French - storing a digital photograph and 10 fingerprints; another database (STIC-Canonge) collecting data on ethnicity and race had been revealed in 2009 in a parliamentary report.

6 Exploitation documentaire et valorisation de l'information générale / Exploitation documentaire et valorisation de l'information relative à la sécurité publique databases.

