MEPs back deal with Council on police access to asylum seekers' fingerprints

Committees Committee on Civil Liberties, Justice and Home Affairs [24-04-2013 - 11:11]

Member states' police forces and Europol would gain access to asylum seekers' fingerprints in the Eurodac database to help them fight terrorism and serious crime, under a provisional deal between Parliament and Council endorsed by the Civil Liberties Committee on Wednesday. MEPs ensured that personal data would be duly protected and that police access would be limited to cases where there is a major public security concern.

Eurodac stores the fingerprints of asylum seekers aged over 14. Since 2003 it has been used to help determine which member state is responsible, under the Dublin regulation, for dealing with asylum applications. To address data protection concerns and help combat terrorism and serious crime, the Commission proposed in May 2012 to update Eurodac rules so as to allow national police forces and Europol to compare fingerprints linked to criminal investigations with those contained in Eurodac.

MEPs agreed to allow police access to Eurodac, but inserted stricter data protection provisions and new safeguards to ensure that data is not used for purposes other than fighting terrorism and serious crime and police access is only possible if there is an overriding public security concern" which makes such a request proportionate.

Law enforcement access to the fingerprints stored in Eurodac on a "hit or nothing" basis in cases of serious crime or terrorism is a major step forward in stepping up the fight against crime. Safeguards for protecting individual rights are there", said rapporteur Monica Macovei (EPP, RO) after the committee vote.

Strict conditions for police access

Police access to Eurodac should not affect asylum seekers' right to have their applications for international protection duly processed, says the agreed text, adding that transfers of personal data to third countries or international organisations should be banned. The police could only request a comparison of fingerprint data with those stored in Eurodac after checking their own national databases and those of all EU countries (unless there are reasonable grounds to believe that such comparison would not be relevant), as well as the Visa Information System.

How will it work?

Member states should appoint an authority to request, via an electronic form, a comparison of fingerprint data with those stored in Eurodac. If approved, that authority could then access Eurodac via a national access point. A verifying national body would first check that all conditions for requesting such access are met. Both authorities may be part of the same organisation, but, at MEPs' request, the verifying body should act independently and not receive instructions from the other authority.

Next steps

The deal between Parliament and Council representatives was endorsed by 42 votes in

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1/2

favour, 8 against and 5 abstentions. The text will be put to a plenary vote in June, together with the other three remaining acts forming the backbone of the Common European Asylum System (CEAS): the asylum procedures directive (also voted on Wednesday), the reception conditions directive and the Dublin regulation. EU countries would have two years to apply the new Eurodac rules.

Procedure: codecision (ordinary legislative procedure), first reading

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