



Council of the
European Union

Brussels, 12 April 2017
(OR. en)

8221/17

**Interinstitutional File:
2016/0132 (COD)**

LIMITE

**EURODAC 13
CODEC 598
ENFOPOL 182
ASILE 25**

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	7549/17 ASILE 17 EURODAC 10 ENFOPOL 146 CODEC 456
No. Cion doc.:	8765/16 REV 1 ASILE 13 EURODAC 3 ENFOPOL 132 CODEC 630
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) - Inclusion of colour copies of passport or ID documents in Eurodac

Following the discussion held in the Counsellors meeting of 28 March 2017, delegations are invited to discuss and decide on the following two outstanding issues:

I. Documents to be included in Eurodac

The Presidency took note that the majority of the Member States supported the insertion in Eurodac of scanned colour copies of passports or ID documents with the possibility to insert additional documents. In view of the views expressed by the Member States, the Presidency suggests the following compromise proposal:

Where available, a scanned colour copy of an identity or travel document, and if not available, of any other document which could facilitate the identification of the third-country national or stateless person for return purposes.

This wording will be inserted in Articles 12, 13 and 14 of the current Eurodac proposal, as well as in Article 12c of the new Chapter on data of resettled persons.

Member States considered that birth, marriage, divorce and citizenship certificates, as well as driving licenses, are all useful documents when it comes to establishing the identity or nationality of a third-country national, or the identity or country of habitual residence of a stateless person, and thus useful for the purposes of issuing a travel document in order to return or readmit the third-country national or stateless person. In line with eu-LISA's Impact Assessment on the Inclusion of Passport Copies (and other scanned documents), a limit on the number of documents that should be put in the system needs to be determined. Following a clear guidance given by the Counsellors' meeting, this discussion can continue in the Eurodac Advisory Group.

II. Validation of documents included in Eurodac

Most Member States indicated that while the document should be scanned and uploaded in Eurodac immediately, establishing the authenticity of the documents should be done at a later stage. Technically, the possibility should be provided for the Member States to indicate whether the document has been authenticated or not. However, a decision still needs to be taken as to what should be done with those documents which are counterfeit or whose authenticity cannot be established:

Option 1 – Leave the document in Eurodac but is marked as 'counterfeit, stolen blank, or authenticity cannot be established (depending on the case)'

Option 2 – Remove the document from Eurodac.

Based on the guidance to be given by the Member States on this issue, the discussion on the technical aspects can be pursued in the Eurodac Advisory Group.