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NOTE

From: Presidency
To: Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)

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)
- Conditions for access for law enforcement purposes

On 4 May 2016, the Commission submitted the abovementioned proposal for a recast Eurodac Regulation¹. The proposal includes the necessary changes to adapt and reinforce the Eurodac system in accordance with the new Dublin rules and to expand its purpose to help tackle irregular migration and facilitate returns.

Following the presentation of the proposal and a first exchange of views, which took place 12 May, the Asylum Working Party started the examination of the proposal at its meeting on 26 May. Two readings of the proposal have now been completed during which delegations expressed broad support for the objectives of the proposal and the majority of the changes proposed.

¹ doc. 8765/1/16 REV 1

It has also been clear during these examinations that many delegations would be in favour of simplified and broader access of law enforcement authorities to Eurodac.

The 2013 Eurodac Regulation introduced access to the database by law enforcement authorities for the prevention, detection and investigation of terrorism and other serious offences. The data in Eurodac is available, subject to the conditions set out in the Regulation, for comparison by the designated authorities of Member States and Europol.

Recital 14 of the proposal refers to the work of the Expert Group on interoperability of information systems, set up on the basis of the Commission's Communication on Stronger and Smarter Information Systems for Borders and Security², which should examine if there is a need to revise the legal framework for law enforcement access to Eurodac. Attention has also been drawn to the Roadmap³ which contains actions to enhance information management and information exchange in the JHA area.

In view of this, the Presidency would like to seek delegations' views on the following questions:

While there seems to be a broad agreement that the provisions relating to law enforcement access in the proposal should be amended,

- Do delegations agree that the provisions relating to access of law enforcement authorities to Eurodac should be simplified and broadened, and which concrete measures would you suggest?
- Do you consider that the access of law enforcement should be enlarged to other criminal acts, besides prevention, detection and investigation of terrorism and other serious offences, and if so, how would you define these other acts?

² doc. 7644/16

³ Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area (9368/1/16 REV 1)