

EUROPEAN PARLIAMENT

30 October 1997

A4-0000/97

DRAFT REPORT

on

- I. the draft Council Act drawing up the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum
- and
- II. the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum
(11079/97 - C4-0506/97)

Committee on Civil Liberties and Internal Affairs

Rapporteur: Mrs d'Ancona

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By letter of... the Council consulted Parliament, pursuant to Article K.3 of the Treaty on European Union, on the draft Council Act drawing up the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum, and on the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum.

At the sitting of... 1997 the President of Parliament announced that he had referred these drafts to the Committee on Civil Liberties and Internal Affairs as the committee responsible and the Committee on Legal Affairs and Citizens' Rights and the Committee on Culture, Youth, Education and the Media for their opinions.

At its meeting of 28 October 1997 the Committee on Civil Liberties and Internal Affairs had appointed Mrs d'Ancona rapporteur.

It considered the draft Council Act and the Convention at its meeting(s) of

At the latter/last meeting it adopted the draft legislative resolution by ... votes to ..., with ... abstention(s)/unanimously.

The following took part in the vote/The following were present for the vote: ..., chairman/acting chairman; ... (and ...), vice-chairman/chairmen; ..., rapporteur; ..., ... (for ...), ... (for ... pursuant to Rules 138(2)), ... and

The opinion(s) of the Committee on ...

The report was tabled on

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

A
LEGISLATIVE PROPOSAL

Draft Council Act drawing up the convention concerning the establishment of
'Eurodac' for the comparison of fingerprints of applicants for asylum

Draft Council Act

Amendments by Parliament

(Amendment 1)
first citation a (new)

having consulted the European Parliament,

Convention
drawn up on the basis of Article K.3 of the Treaty on European Union,
concerning the establishment of 'Eurodac'
for the comparison of fingerprints of applicants for asylum

Council Text

Amendments by Parliament

(Amendment 2)
Second recital

AWARE of the need, in pursuit of this objective, to take measures to avoid any situations arising which would result in applicants for asylum being left in doubt for too long as regards the likely outcome of their applications and concerned to provide all applicants for asylum with a guarantee that their applications will be examined by one of the Member States and to ensure that applicants for asylum are not referred successively from one Member State to another without any of these States acknowledging itself to be competent to examine the application for asylum;

AWARE of the need, in pursuit of this objective, to take measures to avoid any situations arising which would result in applicants for asylum being left in doubt for too long as regards the likely outcome of their applications;

CONCERNED to provide all applicants for asylum with a guarantee that their applications will be examined by one of the Member States and to ensure that applicants for asylum are not referred successively from one Member State to another, or to a third country where their application will not be considered in accordance with criteria comparable to those applicable in the European Union, without any of the Member States acknowledging itself to be competent to examine the application for asylum;

(Amendment 3)
last recital

CONSIDERING that the processing of such data is only possible with due regard for the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed at Strasbourg on 28 January 1981,

CONSIDERING that the processing of such data must observe the strictest standards of confidentiality and is only possible with due regard for the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed at Strasbourg on 28 January 1981 and with due regard for the other standards applicable in the European Union,

(Amendment 4)

Article 1(1)

1. The Member States shall establish and maintain a system, known as 'Eurodac', the sole purpose of which shall be to assist in determining the Member State which is responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State.

1. The Member States shall supply the data necessary for the operation of a system, known as 'Eurodac', the sole purpose of which shall be to assist in determining the Member State which is responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State. The system shall be operated by the Commission.

(Amendment 5)

Article 1(4) (new)

4. The use of the system pursuant to the preceding paragraphs must be regarded as subject to very strict limits. The use of the Eurodac system must on no account be extended to cover wider areas or other purposes.

(Amendment 6)

Article 1(5) (new)

5. The fact that a person's fingerprints are held on Eurodac shall not mean that a State receiving a new asylum application from that person shall have the right to refuse to consider the application.

(Amendment 7)
Article 1(6) (new)

6. The Member States shall use the Eurodac system in full accordance with the provisions of the 1951 Geneva Convention as amended by the 1967 New York Protocol, with the 1958 European Convention for the protection of Human Rights, and with standards on data protection at least comparable to those guaranteed by Community regulations.

(Amendment 8)
Article 5(1) a (new)

- 1a. Under no circumstances may data concerning the names of asylum applicants or information about applications be recorded.

(Amendment 9)
Article 2(7)

7. 'Headquarters State' shall mean the Member State in which the Central Unit is situated. ~~deleted~~

(Amendment 10)
Article 3(1)

- | | |
|--|---|
| 1. A Central Unit shall be established in <u>the Member State designated as responsible for operating</u> the central database of fingerprints of applicants for asylum on behalf of the Member States ⁽¹⁾ . The Central Unit shall be equipped with a computerized fingerprint recognition system. | 1. A Central Unit shall be established at <u>the Commission to operate</u> the central database of fingerprints of applicants for asylum on behalf of the Member States ⁽¹⁾ . The Central Unit shall be equipped with a computerized fingerprint recognition system. |
|--|---|

(Amendment 11)
Article 3(3)

- | | |
|--|---|
| 3. <u>Insofar as the Convention does not provide otherwise, operation of the Central Unit shall be governed by the national law of the headquarters State.</u> | 3. <u>The internal rules governing the operation of the Central Unit shall be adopted by the Council by a qualified majority on a proposal from the Commission, having consulted the European Parliament.</u> |
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(Amendment 12)
Article 3(4)

- | | |
|--|---|
| 4. The <u>headquarters State</u> shall submit to the Council an annual report on the activities of the Central Unit. | 4. The <u>Commission</u> shall submit to the Council <u>and the European Parliament</u> an annual report on the activities of the Central Unit. (the words 'the headquarters State' should be replaced by 'the Commission' throughout the Convention) |
|--|---|

⁽¹⁾ How the decision designating the Member State responsible for operating Eurodac is to be taken will be examined at a later stage.

(Amendment 13)
Article 4(7)

7. ~~The Council shall adopt the implementing rules which are necessary to give effect to the procedures provided for in this Article.~~

7. The implementing rules which are necessary to give effect to the procedures provided for in this Article shall be adopted by the Council by a qualified majority on a proposal from the Commission, having consulted the European Parliament.

(Amendment 14)
Article 6(1)

1. Each set of data, as referred to in Article 5(1), shall be stored in the central database for ten years from the date on which the fingerprints were last taken. Upon expiry of this period, the Central Unit shall automatically erase the data from the central database.

1. Each set of data, as referred to in Article 5(1), shall be stored in the central database for five years from the date on which the fingerprints were last taken. Upon expiry of this period, the Central Unit shall automatically erase the data from the central database.

(Amendment 15)
Article 6(2) (new))

2. However, where an asylum applicant has been recognized under the rules of the 1951 Geneva Convention as amended by the 1967 New York Protocol, or under the European Union's temporary protection rules, the data will be removed from the Central Unit within no more than one month. In that case, Member States which have inspected such data by means of Eurodac data transmission shall also remove such data from their systems within the same time limit.

(Amendment 16)

Article 6a (2)

2. Notwithstanding the provisions of Article 6, data relating to a person who has been recognized and admitted as a refugee in a Member State in accordance with the Geneva Convention of 28 July 1951, as amended by the New York Protocol of 31 January 1967, shall be erased from the central database. In conformity with Article 9, such erasure shall be carried out by the Member State of origin as soon as that Member State becomes aware that the person has been recognized and admitted as a refugee in a Member State. ~~deleted~~

(Amendment 17)

Article 6a (3)

3. Five years after the introduction of the central database, the Council shall decide, on the basis of reliable statistics on persons who have filed an application for asylum in a Member State after having been recognized and admitted as refugees in another Member State, whether the provision in paragraph 2 should be revoked. ~~deleted.~~

(Amendment 18)

Article 6a (4)

4. The Council shall adopt implementing provisions concerning compilation of those statistics.⁽¹⁾ ~~deleted.~~ (the draft statement in the Annex falls)

⁽¹⁾ See draft statement for entry in the Council minutes in the Annex to the Annex.

(Amendment 19)
Article 9(-1) (new)

- 1. Persons authorized to have access to the data shall be individually designated police and immigration officers, whose names shall be forwarded to the Commission.

(Amendment 20)
Article 13 a (new)

1. A European protector of data on citizens, appointed by the European Parliament, shall have full rights of access to the system, the right to consider complaints, and access to the meetings of the joint supervisory authority.
2. The European protector of data on citizens shall report annually, without mentioning the names of the individuals involved, to the European Parliament, the Commission and Council.

(Amendment 21)
Article 16

Preliminary rulings

The Court of Justice of the European Communities shall have jurisdiction to give preliminary rulings on the interpretation of the provisions of this Convention.

Preliminary rulings and other legal remedies

The Court of Justice of the European Communities shall have jurisdiction to give rulings on this Convention in accordance with the provisions of the EC Treaty, subject to the provisions of Article 15 above.

(Amendment 22)

Article 19(2)

Entry into force

2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of the procedures necessary under their constitutional requirements for adopting this Convention.

Entry into force and replacement

2. Member States shall notify the President of the Commission of the completion of the procedures necessary under their constitutional requirements for adopting this Convention. (the words 'the Secretary-General of the Council of the European Union' should be replaced by 'the President of the Commission' in the following articles).

(Amendment 23)

Article 19(4) (new)

4. If, at the time of the entry into force of the Treaty of Amsterdam, this Convention has not yet been approved by a majority of Member States, it will be replaced by a regulation. At any event, the Commission must submit a draft replacement for this Convention within five years of its entry into force.

(Amendment 24)

Date of signature and deposit

Done at... this... day of... in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, such original being deposited in the archives of the General Secretariat of the Council of the European Union.

Done at... this... day of... in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic; such original being deposited in the archives of the General Secretariat of the Commission of the European Communities.

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution embodying Parliament's opinion on the draft Council Act drawing up the convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum, and on the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum

(Consultation procedure)

The European Parliament,

- having regard to the Council proposal,
 - having been consulted by the Council pursuant to Article K.6(2) of the Treaty on European Union (9933),
 - having regard to Rule 58 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs,
1. Approves the Council proposal, subject to Parliament's amendments;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Instructs its President to forward this opinion to the Council and Commission.

B. EXPLANATORY STATEMENT

Introduction

The Council's proposal on a computerized system for the recognition of fingerprints of applicants for asylum takes the form of a Convention pursuant to Article K.3 of the Treaty on European Union. As always in connection with the principal aspects of cooperation in the field of justice and home affairs, the European Parliament is being consulted. This consultation is compulsory, and the Council may not adopt any Convention if the Parliament is not consulted, because the Treaty provides that the Presidency must ensure that the views of Parliament are duly taken into consideration in decision-making. Nevertheless it has occurred several times that the Council has adopted agreements without even consulting the European Parliament, and since it was not easy to bring a complaint before the Court of Justice on these decisions, they were not contested in law by Parliament.

In the treatment of this proposal, the Council must allow a reasonable time for the consultation of the European Parliament. Your rapporteur considers that the Council cannot require the European Parliament to have its opinion ready within a very short time, since the Treaty makes no provision for this. In view of its good relationship with the Luxembourg Presidency, the European Parliament nevertheless has an interest in producing a report as quickly as possible, though under some protest.

With this in mind your rapporteur has decided to draw on past reports by Parliament on the customs information system and on the European information system. The recommendations made in those reports are largely incorporated here.

Legal basis

Article K.1 of the Treaty on European Union concerns the Third Pillar subject areas. The subject of the Convention, the exchange of data on asylum seekers, falls within the scope of the Third Pillar of the Treaty on European Union. Article K.1 refers to asylum policy. It is admittedly open to question whether the exchange of data on fingerprints necessarily falls under this heading. However, the same article also refers to conditions of entry to the Member States for nationals of third countries and to combatting unauthorized residence. Possibly, though this is not likely given the specific restrictions provided for in this connection, the subject matter could be covered by police cooperation. All in all, it may be concluded that the subject at issue is in fact covered by the Third Pillar.

Article K.3 of the Treaty on European Union refers to the various forms of decision under the Third Pillar (joint actions, conventions etc.). Although joint actions were not originally regarded as binding, they are now deemed to be decisions binding on the Member States in the context of the Third Pillar. Conventions adopted under Article K.3 also count as binding decisions. On this there has always been agreement in principle. Given that the intention is to create a binding set of rules, a choice has to be made here between a joint action and a convention. The choice is not easy to make in this case. Although conventions have the advantage of being instruments recognized under international law, and thus provide a better legal basis for a set of rules, they also have the disadvantage that the transposition of conventions in national law, or the performance of commitments entered into in the broader sense, requires long drawn-out ratification procedures.

Although the subject matter lends itself ideally to a joint action, which does not have the disadvantage of long-winded ratification procedures, a convention is nevertheless slightly preferable. This is

because of the legal certainty it confers on the persons affected, for whom the decisions in question can be of great importance. A decision on whether a person is to be admitted to an asylum procedure can make the difference between life and death. This possibility must always be borne in mind and all necessary precautions taken to ensure that the persons affected are placed in the best possible position with regard to legal certainty.

The Treaty of Amsterdam

Although this is not, strictly speaking, relevant to the choice of the legal basis at the present time, there is also the question of the status which a decision needing to be taken on the existing data exchange system will have under the Treaty of Amsterdam. Here again the question arises of which area this subject falls within. It appears from the above that the most obvious choice is between granting of asylum/criteria for asylum (both referred to in Article 73k(1)), combatting illegal immigration (Article 73k(3)) and possibly the cooperation between administrations referred to in Article 73n. In other words, the subject-matter of the Convention has been communitarized under the Treaty of Amsterdam. If the Convention has not been ratified by all the Member States at the time of the entry into force of the Treaty of Amsterdam, this could mean that the adoption of a regulation would yield a much quicker and better result. A regulation does not need to be ratified in order for the desired effects to be achieved speedily, and also has the additional advantage of being subject to broader judicial control by the Court of Justice.

A European data protector

In view of the number of automated systems for the exchange of data on persons, as well as those for the exchange of data closely related to persons, the question has already been raised of whether a kind of European ombudsman for data protection should not be appointed. The need for such a person becomes more urgent the more systems are developed and the less power the people registered in the systems have to defend themselves against registration. Although the Council prefers other solutions, these are too restricted and nationally specific in nature to constitute good European data protection. In the structures opted for by the Council the national representatives in principle have the upper hand. Your rapporteur therefore proposes that a European data protector be appointed.

The position of the Commission

As always in the case of data exchange in the context of the Third Pillar, the Commission is given a position which can at best be described as that of a participant, though it could also be termed a mere observer. In the context of the EC Treaty, however, the Commission is designated as the body implementing and inspiring European integration. The Commission must therefore be given a greater role than the one accorded to it in this proposal. In our opinion there is nothing to prevent the coordination of data exchange being placed in the hands of the Commission. The Commission would also be better equipped than the Council to house all the various data exchange systems in one computer while at the same time ensuring that the systems remained separate. However, the most telling argument for conferring the operation of the system on the Commission is that, under the EC Treaty, the Commission implements the budget and that gradually significant sums will be necessary for the development and operation of data exchange systems in the field of justice and home affairs.

EUROPEAN PARLIAMENT

COMMITTEE ON CIVIL LIBERTIES AND INTERNAL AFFAIRS

13 November 1997

PE 224.431/25-49

AMENDMENTS 25-49

DRAFT REPORT by Mrs d'Ancona
EURODAC

(PE 224.431)

Proposal for a Council Decision

Text proposed by the Council

Amendments

(Amendment 25 by Mrs Roth)
Third citation

RECALLING the objective of harmonization of the Member States' asylum policies, set by the Strasbourg European Council on 8 and 9 December 1989 and further developed by the Maastricht European Council on 9 and 10 December 1991 and the Brussels European Council on 10 and 11 December 1993 as well as in the Commission communication on immigration and asylum policies of 23 February 1994;

WHEREAS the objective of harmonization of the Member States' asylum policies, set by the Strasbourg European Council on 8 and 9 December 1989 and further developed by the Maastricht European Council on 9 and 10 December 1991 and the Brussels European Council on 10 and 11 December 1993, as well as in the Commission communication on immigration and asylum policies of 23 February 1994, is an essential condition for setting up the Eurodac system, since the criteria for granting the right of asylum differ from one Member State to the other, notably depending on foreign policy considerations;

Or. fr

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PE 224.431/25-49

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(Amendment 26 by Mrs Roth)
Sixth recital a (new)

WHEREAS the condition of asylum-seeker reflects a human right and is certainly not an offence, and whereas for this reason only asylum-seekers who have been found guilty of a criminal offence may possibly be included in a database of this kind;

Or. fr

(Amendment 27 by Mrs Palacio Vallelersundi)
Article 1(3)

3. Without prejudice to the use of data transmitted to Eurodac by the Member State of origin in other databases set up under the latter's national law, fingerprints and other personal data may be processed in Eurodac only for the purposes set out in Article 15(1) of the Dublin Convention.

3. Without prejudice to the use of data stored in Eurodac by the Member State of origin in other databases set up under the latter's national law, fingerprints and other personal data may be processed in Eurodac only for the purposes set out in Article 15(1) of the Dublin Convention.

Or. es

(Amendment 28 by Mr Andrews)
Article 2(4) and (5)

4. 'Transmission of data' shall mean:

- communication of data from Member States to the Central Unit for recording in the central database and communication to Member States of the results of the comparison made by the Central Unit, as well as
- recording of data directly by Member States in the central database and direct communication of the results of the comparison to such Member States.

4. 'Transmission of data' shall mean:

- communication of personal data from Member States to the Central Unit for recording in the central database and communication to Member States of the results of the comparison made by the Central Unit, as well as
- recording of personal data directly by Member States in the central database and direct communication of the results of the comparison to such Member States.

5. 'Personal data' shall mean any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical identity.

5. 'Personal data' shall mean any information referred to in Article 5(1), points 1 to 6 relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical identity.

Or. en

(Amendment 29 by Mr Andrews)
Article 3(4)

4. The headquarters State shall submit to the Council an annual report on the activities of the Central Unit.

4. The headquarters State shall submit to the Council and the European Parliament an annual report on the activities of the Central Unit.

Or. en

(Amendment 30 by Mrs Roth)
Article 4(1)

1. The Member States shall, in accordance with their national law, promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in Article 5(1), points 1 to 6, to the Central Unit.

1. The Member States shall, in accordance with their national law, promptly take the fingerprints of every applicant for asylum who has been sentenced for a criminal offence and is at least 21 years of age and shall promptly transmit the data referred to in Article 5(1), points 1 to 6, to the Central Unit.

Or. fr

(Amendment 31 by Mr Andrews)
Article 4(1)

1. The Member States shall, in accordance with their national law, promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in Article 5(1), points 1 to 6, to the Central Unit.

1. The Member States shall, in accordance with their national law, promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in Article 5(1), points 1 to 6, to the Central Unit. The applicant for asylum shall be informed of the purpose of taking his/her fingerprints as provided for in Article 11(1).

Or. en

(Amendment 32 by Mrs Palacio Vallelersundi)
Article 4(1)

1. The Member States shall, in accordance with their national law, promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in Article 5(1), points 1 to 6, to the Central Unit.

1. The Member States shall, in accordance with their national law and the safeguards laid down in the European Convention on Human Rights, promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in Article 5(1), points 1 to 6, to the Central Unit.

Or. es

(Amendment 33 by Mrs Zimmermann)
Article 4(4)

4. Any Member State may request that the comparison referred to in paragraph 3 should cover the fingerprint data previously transmitted by it, in addition to the data from other Member States.

~~deleted~~

Or. de

(Amendment 34 by Mrs d'Ancona)
Article 4(5)

The Central Unit shall forthwith communicate the results of the comparison to the Member State of origin, together with the data referred to in Article 5(1), relating to those fingerprints which, in the opinion of the Central Unit, are so similar as to be considered as matching with the fingerprints which were transmitted by that Member State. Direct transmission to the Member State of origin of the results of the comparison shall be permissible where the technical conditions for such purpose are met.

The Central Unit shall forthwith communicate the results of the comparison to the Member State of origin, together with the data referred to in Article 5(1), relating to those fingerprints which the Central Unit has ascertained match with the fingerprints which were transmitted by that Member State. Direct transmission to the Member State of origin of the results of the comparison shall be permissible where the technical conditions for such purpose are met.

Or. nl

(Amendment 35 by Mrs d'Ancona)
Article 4(7)

7. The Council shall adopt the implementing rules which are necessary to give effect to the procedures provided for in this Article.

7. The Council shall adopt the implementing rules which are necessary to give effect to the procedures provided for in this Article. Such rules shall invariably concern the qualifications that the Central Unit's staff must possess.

Or. nl

(Amendment 36 by Mrs Roth)
Article 5(1), subparagraph a (new)

The list of data may in no case be extended to include other kinds of information, either under a protocol to this Convention or by any other means.

Or. fr

(Amendment 37 by Mrs Palacio Vallelersundi)
Article 6a(2)

2. ~~Notwithstanding the provisions of Article 6, data relating to a person who has been recognized and admitted as a refugee in a Member State in accordance with the Geneva Convention of 28 July 1951, as amended by the New York Protocol of 31 January 1967, shall be erased from the central database. In conformity with Article 9, such erasure shall be carried out by the Member State of origin as soon as that Member State becomes aware that the person has been recognized and admitted as a refugee in a Member State.~~ deleted

Or. es

(Amendment 38 by Mrs Palacio Vallelersundi)
Article 6a(3)

3. ~~Five years after the introduction of the central database, the Council shall decide, on the basis of reliable statistics on persons who have filed an application for asylum in a Member State after having been recognized and admitted as refugees in another Member State, whether the provision in paragraph 2 should be revoked.~~

3. ~~The Council shall decide, five years after the introduction of the central database, whether to restrict or erase the data of the Central Unit on persons who have obtained the status of refugee in a Member State of the European Union.~~

Or. es

(Amendment 39 by Mrs Palacio Vallelersundi)
Article 6a(4)

4. ~~The Council shall adopt implementing provisions concerning compilation of those statistics.~~ deleted

Or. es

(Amendment 40 by Mrs Zimmermann)
Article 7(1)(e)

(e) the results of fingerprint comparisons transmitted by the Central Unit are lawfully used.

(e) the results of fingerprint comparisons transmitted by the Central Unit are lawfully used exclusively to ascertain the competence of the Member State of origin in accordance with the Dublin Convention.

Or. de

(Amendment 41 by Mrs Zimmermann)
Article 9(1)

The Member State of origin shall have access to data which it has transmitted and which are recorded in the central database in accordance with the provisions of this Convention. No Member State may conduct searches in the data transmitted by another Member State, nor may it receive such data apart from data resulting from the comparison referred to in Article 4(5).

The Member State of origin shall pursuant to Article 9(3) have access to data which it has transmitted and which are recorded in the central database in accordance with the provisions of this Convention for a further three months after transmission. However, erasures may be made at any time. No Member State may conduct searches in the data transmitted by another Member State, nor may it receive such data apart from data resulting from the comparison referred to in Article 4(5).

Or. de

(Amendment 42 by Mrs Palacio Vallelersundi)
Article 9(2) and (2a) (new)

2. The authorities of Member States which have access to data recorded in the central database shall be those designated by each Member State. Each Member State shall communicate to the depositary a list of these authorities.

2. Each Member State shall propose, designating them by name, the authorities with access to the data registered in the central database.

2a. The Council, acting unanimously, shall approve the designations proposed by the Member States.

Or. es

(Amendment 43 by Mrs Palacio Vallelersundi)
Article 12(1), first sentence

2. Each Member State shall designate a national supervisory authority or authorities responsible for personal data protection in that Member State.

2. Each Member State shall propose, designating them by name, the authorities responsible for personal data protection in that Member State.

Or. es

(Amendment 44 by Mrs d'Ancona)
Article 12(1), last sentence a (new)

Member States shall ensure that the supervisory authority has staff with sufficient knowledge of fingerprint data.

Or. nl

(Amendment 45 by Mrs d'Ancona)
Article 13(5a) (new)

The joint supervisory authority shall have staff with sufficient knowledge of fingerprint data.

Or. nl

(Amendment 46 by Mr Andrews)
Article 13(9a) (new)

10. The joint supervisory authority may assist the data subject in the exercise of his/her right to correct or erase data within the meaning of Article 11(8).

Or. en

(Amendment 47 by Mrs Palacio Vallelersundi)
Article 17, second paragraph

The Council, acting [unanimously][by a qualified majority][by a two-thirds majority of the High Contracting Parties] shall adopt the necessary implementing measures.

The Council, acting unanimously. shall adopt the necessary implementing measures.

Or. es

(Amendment 48 by Mrs Roth)
Article 18

This Convention shall not be subject to any reservations.

This Convention may be the subject of reservations.

Or. fr

(Amendment 49 by Mrs Palacio Vallelersundi)
Article 19(3)

3. Article 4(7), Article 6a(4) and the second paragraph of Article 17 of this Convention shall enter into force on the day following the notification, referred to in paragraph 2, by the last Member State of the European Union when the Council adopts the act establishing this Convention to fulfil that formality. The other provisions of this Convention shall enter into force 90 days later.

3. Article 4(7) and the second paragraph of Article 17 of this Convention shall enter into force on the day following the notification, referred to in paragraph 2, by the last Member State of the European Union when the Council adopts the act establishing this Convention to fulfil that formality. The other provisions of this Convention shall enter into force 90 days later.

Or. es