

Thursday 15 January 1998

Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation on a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French department of Guiana as a result of those regions' remoteness (COM(97)0389 – C4-0451/97 – 97/0200(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council, COM(97)0389 – 97/0200(CNS) (*),
 - having been consulted by the Council pursuant to Article 43 of the EC Treaty (C4-0451/97),
 - having regard to the Commission's report on the application of the system of compensation for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French department of Guiana, as a result of their very remote location (COM(97)0388),
 - having regard to Rule 58 of its Rules of Procedure.
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Budgets (A4-0385/97).
1. Approves the Commission 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. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 4. Instructs its President to forward this opinion to the Council and Commission.

(*) OJ C 292, 26.9.1997, p. 5.

2. Fingerprints of applicants for asylum *

A4-0402/97

Draft Council Act drawing up the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum and 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 – 97/0915(CNS))

The draft Act and the Convention were approved with the following amendments:

TEXT PROPOSED
BY THE COUNCIL

AMENDMENTS
BY PARLIAMENT

(Amendment 1)

Draft act, first citation a (new)

Having consulted the European Parliament,

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

(Amendment 2)

Annex (Convention), first recital

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:**

(Amendment 3)

Annex (Convention), fourth 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 4)

Annex (Convention), eighth 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 for the other standards applicable in the European Union,**

(Amendment 5)

Annex (Convention), 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.**

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

(Amendment 6)

Annex (Convention), 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.

(Amendment 7)

Annex (Convention), Article 1(3a) (new)

3a. 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 purposes.

(Amendment 9)

Annex (Convention), Article 1(3b) (new)

3b. 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 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and with standards on data protection at least comparable to those guaranteed by Community regulations.

(Amendment 10)

Annex (Convention), Article 2(4), indents

- 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.

- 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.

(Amendment 11)

Annex (Convention), Article 2(5)

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.

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

(Amendment 12)

Annex (Convention), Article 2(7)

7. 'Headquarters State' shall mean the Member State in which the Central Unit is situated. **Deleted**

(Amendment 13)

Annex (Convention), Article 3(1)

1. A Central Unit shall be established *in the Member State designated as responsible for operating* the central database of fingerprints of applicants for asylum on behalf of the Member States (-). The Central Unit shall be equipped with a computerized fingerprint recognition system.

1. A Central Unit shall be established **at the Commission to operate** the central database of fingerprints of applicants for asylum on behalf of the Member States. The Central Unit shall be equipped with a computerized fingerprint recognition system.

1.1 How the decision designating the Member State responsible for operating the database is to be taken will be examined at a later stage.

(Amendment 14)

Annex (Convention), Article 3(3)

3. *Insofar as the Convention does not provide otherwise, operation of the Central Unit shall be governed by the national law of the headquarters State.*

3. **The internal rules governing the operation of the Central Unit shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission, after consulting the European Parliament.**

(Amendment 15)

Annex (Convention), Article 3(4)

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

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

(The words 'the headquarters State' to be replaced by 'the Commission' throughout the Convention)

(Amendment 16)

Annex (Convention), 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 for the Protection of Human Rights and Fundamental Freedoms**, 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).**

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

(Amendment 18)

Annex (Convention), Article 4(5)

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.

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 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.

(Amendment 19)

Annex (Convention), 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, acting by a qualified majority on a proposal from the Commission, after consulting the European Parliament.**

(Amendment 20)

Annex (Convention), Article 5(1), second subparagraph (new)

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

(Amendment 21)

Annex (Convention), Article 5(1a) (new)

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

(Amendment 22)

Annex (Convention), 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 23)

Annex (Convention), Article 6(1a) (new)

1a. However, where an applicant for asylum 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.

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

(Amendment 24)

Annex (Convention), 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 25)

Annex (Convention), 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 26)

Annex (Convention), Article 6a(4)

4. The Council shall adopt implementing provisions concerning compilation of those statistics (*).

Deleted*(The draft statement in the Annex is also deleted)*

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

(Amendment 27)

Annex (Convention), 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.**

(Amendment 28)

Annex (Convention), Article 9(2)

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.

(Amendment 29)

Annex (Convention), Article 12(1), second subparagraph (new)

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

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BY PARLIAMENT

(Amendment 30)

Annex (Convention), Article 13(5a) (new)

5a. The joint supervisory authority shall have staff with sufficient knowledge of fingerprint data.

(Amendment 31)

Annex (Convention), Article 13(9a) (new)

9a. 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).

(Amendment 32)

*Annex (Convention), Article 13a (new)***Article 13a**

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 33)

*Annex (Convention), Article 16, heading and first paragraph***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 Articles 164 to 188 of the EC Treaty, subject to the provisions of Article 15 above.

(Amendment 34)

Annex (Convention), 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.

Deleted

(Amendment 35)

*Annex (Convention), Article 18***Reservations**

This Convention shall not be subject to any reservations.

Deleted

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

(Amendment 36)

Annex (Convention), Article 19, heading and paragraphs 1 and 2

Entry into force

1. This Convention shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.

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**

1. This Convention shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.

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' to be replaced by 'the President of the Commission' in the following articles)

(Amendment 37)

Annex (Convention), Article 19(3a) (new)

3a. If, at the time of entry into force of the Treaty of Amsterdam, this Convention has not yet been approved by a majority of the Member States, it shall be replaced by a Regulation.

At any event, the Commission must submit a proposal for the replacement of this Convention, within five years of its entry into force.

(Amendment 38)

Annex (Convention), 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**.

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 (11079/97 — C4-0506/97 — 97/0915(CNS))

(Consultation procedure)

The European Parliament.

- having regard to the Council proposal, 11079/97 — 97/0915(CNS),
- having been consulted by the Council pursuant to Article K.6, second paragraph, of the Treaty on European Union (C4-0506/97),
- having regard to Rule 58 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties and Internal Affairs (A4-0402/97),

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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.

3. Transatlantic trade relations

A4-0403/97

Resolution on transatlantic trade and economic relations

The European Parliament,

- having regard to the Transatlantic Declaration on EC-US relations of 22 November 1990 (1);
 - having regard to the New Transatlantic Agenda (NTA) adopted in Madrid on 3 December 1995, and to the accompanying Joint EU-US Action Plan;
 - having regard to the Transatlantic Business Dialogue (TABD) Chicago Declaration (9 November 1996) and to the results of the TABD Conference in Rome on 6-7 November 1997;
 - having regard to the results of the EU/US Summits of 16 December 1996, 28 May and 5 December 1997 and to the preceding Senior Level Group reports;
 - having regard to the results of the NTA Conference entitled 'Bridging the Atlantic: People to people links' held in Washington on 5-6 May 1997;
 - having regard to the WTO Singapore declaration of 13 December 1996;
 - having regard to its resolutions of 20 November 1997 on the New Transatlantic Agenda (EU-US relations) (2), 15 May 1997 on the suspension of the WTO dispute settlement procedure as regards the Helms-Burton Act (3) and 18 September 1997 on the negotiations between the Commission and the US Administration on the Helms-Burton Act (4);
 - having regard to Rule 148 of its Rules of Procedure;
 - having regard to the report by the Committee on External Economic Relations and the opinion of the Committee on Culture, Youth, Education and the Media (A4-0403/97).
- A. whereas relations between the EU and the US should be based on common interests in the economic, political and security fields, and in the fields of environmentally sustainable development and social cohesion, as well as a common perception of world-wide responsibilities, dependencies and needs;
- B. whereas the EU and the US share common values, ranging from democracy, human rights, economic philosophy, social stability to environmental concerns and cultural sovereignty, as well as a common security policy;
- C. whereas the transatlantic relationship is one of the most open and independent in the world, and constitutes, for both partners, the most important economic link in terms of trade, investment and technology exchanges.

(1) Bulletin of the European Communities, 11-1990, point 1.5.3.

(2) Minutes of that sitting, Part II, Item 4.

(3) OJ C 167, 2.6.1997, p. 150.

(4) OJ C 304, 16.10.1997, p. 116.