Dkt 5

PRES 94 [illegible]
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JUSTICE AND HOME AFFAIRS COUNCIL
LUXEMBOURG 20 JUNE 1994
EURODAC
BACKGROUND NOTE

The idea to set up an automatic system for comparin the finger prints of asylum seekers has been pursued by Member States for a long time. It appears to be an important way of combatting duplication of asylum claims in different Member States. Before the entry into force of the T.E.U. Member States worked on this idea and came to the conclusion that a feasability study should be conducted to explore how such an electronic system could be set up. It was also decided that the contract should be concluded according to Belgian law. The mandate was agreed by ministers responsible for immigration at their Copenhagen meeting the 1st June 1993. Afterwards it emerged that the way the group had operated before, especially in putting aside certain propositions, was not in conformity with Belgian law. In order to prevent any problems the Justice and Home Affairs Council decided on 30 November 1993 to reopen the procedure for selecting the consultant for this feasability study.

Eleven proposals were submitted. Four were selected in a "short list" as being the most interresting ones. The Steering Committee I discussed the question in May 1994. Very strong opposition against one candidate (a Belgian company) was launched by the Netherlands and by France, which absolutely refused this proposal. On an Italian suggestion it appears that the proposal made by "Consortium Bossard, Team Consult and Organotecnica" was the only one for which there was no opposition. The K 4 Committee endorsed this choice at it meeting on the 1st of June. The same decision was taken by COREPER.

The only reservation is a belgian one. It concerns not the proposed decision itself, but only the request that this decision has to be, according to belgian law, be justified in writing, especially explaining why this proposal seemed to be the best one. A contrario this would explain why the other candidates were not chosen, which could be useful if the decision is challenged before the belgian courts. The Belgian agreement depends of the preparation of this justification, which should be drawn up by the Secretariat of the Council.

Formally the Council has only to confirm this agreement and not to adopt a formal decision. As to the financial aspects a declaration would be annexed to the minutes of the Council stating that this feasability study will be paid for by Member States and that the GNP key is the relevant basis for determining the contribution of each Member State. The Council will also adopt the mandate for the consultant.

There is no need for the Commission to intervene on this question