GENERAL SECRETARIAT
OF THE COUNCIL
DG H I

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Working Party on EURODAC

6-7 November1997

Item 5. Exchange of views on presentation of the EURODAC dossier to the December JHA Council

Draft
Presidency Note
to the K.4 Committee

Subject: Establishment of "EURODAC" (European system for the comparison of the fingerprints of asylum-seekers)

1. After noting that it was technically feasible to introduce a European system for comparing asylum-seekers' fingerprints, and before taking a final decision on whether to set up such a system, the Justice and Home Affairs Council on 23 November 1995 issued instructions for:
   - a draft text to be prepared for a Convention or Protocol covering the legal questions arising in respect of Eurodac, and for
   - further consideration to be given to the financial and technical aspects still to be solved
   - technical specifications to be drawn up which would be used, if necessary, for an invitation to tender.

   (See 11476/95 ASIM 308).

2. Since then, the Italian, Irish and Netherlands Presidencies, as well as the current Presidency, have actively continued to work, through the Eurodac Working Party, on drafting a Convention and have succeeded in finding legal solutions to most of the problems raised by the introduction of the system. However, various delegations continue to hold reservations on a number of articles in the draft Convention, reservations which the Chairman of the Working Party believes could not be withdrawn at its level (see 10191/2/97 ASIM 160 REV 2 + ADD 1).

3. Furthermore, in accordance with the Council's mandate, the firm Bossard Consultants was asked to continue to examine the technical and financial requirements of the Eurodac system by studying in particular:
   - the sizing of the central system,
   - the organization and cost of the central system,
   - the needs of the central system's users

   (see 11729/97 ASIM 204).

4. At its meetings of 23-24 October and 6-7 November 1997, the Eurodac Working Party endorsed the aforementioned documents and decided to submit them to the K.4 Committee with the aim of:

(i) examining the remaining reservations on the draft "Eurodac Convention"
(ii) noting the conclusions of the follow-up study carried out by the firm Bossard Consultants
(iii) submitting the draft Convention and the conclusions of Bossard's follow-up study to COREPER and the Justice and Home Affairs Council on 4 and 5 December 1997 with a recommendation to decide in favour of setting up the "Eurodac" system and therefore to:
- record political agreement, pending the Opinion of the European Parliament requested by the Council Presidency on 6 October 1997, on the draft Convention establishing the "Eurodac" system,
- confirm the Eurodac Working Party's mandate to draw up the technical specifications, on the basis of the follow-up study by the firm Bossard Consultants, with a view to issuing a call for tenders.