

## EURODAC CONVENTION

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The Council examined the main outstanding questions on the draft Convention establishing Eurodac, a central system for the comparison of fingerprints of applicants for asylum: whether Eurodac should be extended to illegal immigrants in the light of findings of the feasibility study commissioned following the discussion at the March session; the funding and management arrangements for Eurodac's central unit; the possibility of preliminary rulings by the Court of Justice; and the territorial scope of the Convention.

At the end of debate, the Council drew the following conclusions:

- (i) The Council concludes that taking account of the feasibility study it will draw up a Protocol to the Eurodac Convention extending the Eurodac system to include the fingerprints of "illegal immigrants" <sup>(2)</sup> for adoption by the end of 1998.
- (ii) Taking account of the provisions of the Amsterdam Treaty, the Council agrees that it will seek to reach agreement on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Eurodac Convention. This could take the form of either a provision in the Convention or a provision in a Protocol on the same timescale as in (i).
- (iii) The Member States will take appropriate steps to ensure that the national procedures for adopting the Eurodac Convention and any Protocols are completed simultaneously at the earliest opportunity.

On the funding and management arrangements for the central unit, the debate showed that a very large majority supported the view that Eurodac should be managed by the Commission and that it should be financed by the Community Budget. In this context, the Commission gave preliminary indications on possible practical and legal consequences if it were to manage the central unit.

With regard to the territorial scope of the Convention, the Council agreed that, as regards the United Kingdom, it should only apply to the United Kingdom of Great Britain and Northern Ireland.

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<sup>(2)</sup> The precise definition of what constitutes an illegal immigrant is still to be determined.

The establishment of Eurodac is of capital importance in supporting the operation of the 1990 Dublin Convention which entered into force on 1 September 1997. Its operation will make it easier to verify whether a person has already lodged an asylum application in one of the Member States and thus avoid parallel examination by several Member States of asylum applications lodged by the same person. It will also prevent asylum applicants from being sent from one Member State to another in succession without any of these Member States accepting competence for examining their asylum application.

According to the draft Convention, Member States would take the fingerprints of asylum applicants and transmit the data to the Central Unit. The latter would compare the data with those already stored and inform the Member State which transmitted the data of the results of the comparison. Ten years after their input data would be automatically erased. At the request of the Member State of origin, the data of a person who has acquired citizenship in a Member State would be erased.