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Council
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EURODAC – COMPARISON OF FINGERPRINTS OF APPLICANTS FOR ASYLUM

The Council took note of the progress of discussions on the draft Convention concerning the establishment of "Eurodac" for the comparison of fingerprints of applicants for asylum. In this connection it confirmed the agreements reached at technical level for certain articles.

The Council gave particular attention to the question of whether or not to maintain data in the system pertaining to persons who have been recognized or admitted as refugees in a Member State, in order to prevent persons having already obtained refugee status in a Member State from making an asylum application in another Member State. With regard to this, the Council decided to block the data in question in the system for a period of five years after the start of the Eurodac system, to allow reliable statistics to be drawn up on the practical effect of this phenomenon. After that period, it was agreed that a decision would be taken on the subsequent treatment of such data (deletion or retention for a further period), and the procedures for taking the decision would be defined (unanimity or two-thirds majority).

A reminder is given that the establishment of this system of a central data base will greatly facilitate the implementation of the 1990 Dublin Convention "determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities", which entered into force on 1 September 1997.

Following the establishment of this computerized European system for comparison of fingerprints, it will be easier to verify whether a person has already lodged an asylum application in one of the Member States. Thus asylum applicants should not have to face a long period of uncertainty as to the possible action taken on their applications. The operation of this system will also prevent asylum applicants from being returned from one Member State to another in succession without any of these Member States accepting competence for examining their asylum application. In addition, it will be possible with the system to avoid parallel examination by several Member States of asylum applications lodged by the same person.

It is laid down in the draft Convention that in compliance with the provisions of the European Convention for the Protection of Human Rights and the Fundamental Freedoms, the Member States shall promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data in question to the Central Unit. The Central Unit shall forthwith communicate the results of the comparison to the Member State of origin of the application, which in turn shall verify the data received.

The data should be kept in the central system for ten years from the date on which the fingerprints were last taken. However, where an individual has acquired citizenship of a Member State the data concerning that individual would be deleted.

Furthermore, the draft Convention contains a series of provisions relating to responsibility regarding data use and regarding security, damages, the rights of the persons concerned, interpretation of the Convention, etc.

Regarding the technical specifications and financial aspects of the system, the Council took note of a study of the dimensions, organization and cost of the central system and of the needs of system users. In this context, it asked the competent Working Party to draw up the standard technical conditions with a view to issuing a call to tender.