

**Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, for identifying an illegally staying third-country national or stateless person and on requests for the comparison with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) (COM (2016) 272 final)**

#### **PROPOSED FINAL DOCUMENT**

The Committee on Constitutional Affairs of Italy's Chamber of Deputies, having examined pursuant to Rule of Procedure No. 127, the proposal for a Regulation of the European Parliament and of the Council on the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, for identifying an illegally staying third-country national or stateless person and on requests for the comparison with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) (COM (2016) 272 final),

Whereas:

- EURODAC is a European fingerprint database for asylum-seekers that facilitates border control activities and helps prevent illegal entry into the EU;
- In addition to fingerprints, the system also records the asylum applicant's country of origin, the place and date of the application, the sex of the applicant, and the relevant reference number, as well as the date on which the fingerprints were taken; and, under the current legislation, fingerprints are taken of every person aged over 14 years;
- The data on asylum-seekers is stored for ten years unless the applicant obtains the citizenship of one of the Member States, whereupon the data shall be deleted immediately. For third-country persons apprehended during the irregular crossing of an external border, the data shall be stored for eighteen months from the date on which the fingerprints are taken, but shall be deleted immediately once

the person obtains a residence permit, or leaves the territory of the Member States, or acquires citizenship of a Member State;

- Although the current EURODAC system has proved useful, it is not adequate to deal with the constant increase in the migration flows and illegal crossings into the EU;
- This proposal therefore aims to strengthen the system and expand its functions, also with a view to facilitating repatriation and countering irregularities;
- The European Commission's proposal would use EURODAC also as a means of preventing irregular secondary movements within the EU;
- The provisions envisioned in article 2 to expand the categories of data and information that Member States must enter into EURODAC, with particular regard to facial images, are to be commended, and are not in violation of data protection laws;
- The Committee also agrees with the provisions of articles 10 and 13 to lower the minimum age for fingerprinting to six years, as this should enhance the effectiveness of the control of the movement of unaccompanied minors, who often flee from residential institutions and are at risk of falling prey to human traffickers, or, in any case, of being exploited or going missing;
- The Committee likewise appreciates the measures set out in the new article 17, which provide that the sets of data relating to third-country nationals residing illegally in the EU and not seeking asylum should be stored for five years;

Mindful that the present final document needs to be transmitted promptly to the European Commission as part of the political dialogue, as well as to the European Parliament and the Council;

**does hereby express a favourable opinion, with the following remark:**

As the negotiations on the proposal under examination advance, the Government must act to oppose within Council the stance adopted by those countries that, being against the reform to make European asylum policy more uniform, are intent on undermining the innovative scope of the measures here proposed.