

Thursday 18 November 1999

**5. Eurodac \*****A5-0059/1999****Proposal for a Council regulation concerning the establishment of 'Eurodac' for the comparison of the fingerprints of applicants for asylum and certain other aliens (COM(1999) 260 – C5-0082/1999 – 1999/0116(CNS))**

The proposal was amended as follows:

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 1)

*Title and text as a whole**(Replace 'alien' with 'third-country national' throughout the text.)*

(Amendment 2)

*Title*

Proposal for a Council Regulation (EC) concerning the establishment of 'Eurodac' for the comparison of the fingerprints of applicants for asylum and certain other *aliens*

Proposal for a Council Regulation (EC) concerning the establishment of 'Eurodac' for the comparison of the fingerprints of applicants for asylum and certain other **third-country nationals in order to simplify the implementation of the Dublin Convention**

(Amendment 3)

*Recital 5*

(5) It is also necessary to require the Member States promptly to take fingerprints of every applicant for asylum and of every *alien* who is apprehended in connection with the irregular crossing of a Community border, if they are at least 14 years of age.

(5) It is also necessary to require the Member States promptly to take fingerprints of every applicant for asylum and of every **third-country national** who is apprehended in connection with the irregular crossing of a Community border, if they are at least **18** years of age.

(Amendment 4)

*Recital 8*

(8) The conservation period should be shorter in certain special situations where there is no need to keep fingerprint data for that length of time: fingerprint data should be erased immediately once *aliens obtain Union citizenship*.

(8) The conservation period should be shorter in certain special situations where there is no need to keep fingerprint data for that length of time: fingerprint data should be erased immediately once **the person concerned obtains a residence permit**.

(Amendment 5)

*Article 4(1)*

1. Each Member State shall promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in points (a) to (f) of

1. Each Member State shall promptly take the fingerprints of every applicant for asylum of at least **18** years of age and shall promptly transmit the data referred to in points (a) to (f) of

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Article 5 (1) to the Central Unit. The procedure for taking fingerprints shall be determined in accordance with the national practice of the Member State concerned.

Article 5 (1) to the Central Unit. The procedure for taking fingerprints shall be determined in accordance with the national practice of the Member State concerned **and in accordance with the safeguards laid down in the European Convention on Human Rights and in the UN Convention on the Rights of the Child.**

(Amendment 6)

Article 4(6), 1st subparagraph a (new)

**Should the results of the comparison made by the Central Unit not reveal a clear match of the fingerprints, the Member State which asked for the comparison shall be considered the Member State of origin and shall initiate the asylum procedure.**

(Amendment 7)

Article 7

Data relating to a person who has acquired citizenship of the Union before expiry of the period referred to in Article 6 shall be erased from the central database, in accordance with Article 15(3) as soon as the Member State of origin becomes aware that the person has acquired citizenship of the Union.

Data relating to a person who has acquired citizenship of the Union, **or has been granted refugee status or a subsidiary or complementary form of protection or any other legal status**, shall be erased from the central database, in accordance with Article 15(3), as soon as the Member State of origin becomes aware that the person has acquired citizenship of the Union **or has been granted refugee status or a subsidiary or complementary form of protection or any other legal status.**

(Amendment 9)

Article 10(2)(ca) (new)

**(ca) the third-country national has been granted refugee status or a subsidiary or complementary form of protection.**

(Amendment 10)

Article 11(1), 1st subparagraph

1. With a view to checking whether *an alien* found illegally present within its territory has previously lodged an application for asylum in another Member State, each Member State may communicate to the Central Unit any fingerprints which it may have taken of any such *alien* of at least 14 years of age together with the reference number used by that Member State.

1. With a view to checking whether **a third-country national** found illegally present within its territory has previously lodged an application for asylum in another Member State, each Member State may communicate to the Central Unit any fingerprints which it may have taken of any such **third-country national** of at least **18** years of age together with the reference number used by that Member State.

(Amendment 11)

Article 12(1)

1. Data relating to a person who has been recognised and admitted as a refugee in a Member State shall be *blocked* in the central database. *Such blocking shall be carried out by the Central Unit on the instructions of the Member State of origin.*

1. Data relating to a person who has been recognised and admitted as a refugee in a Member State shall be **erased from** the central database.

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(Amendment 12)

*Article 15(4a) (new)*

**4a. No data shall be transferred or made accessible to the authorities of any third country, nor to any agency or authority in a Member State other than that which collects the original data referred to in Articles 4 and 8, except with the express written agreement of the joint supervisory authorities.**

**European Parliament legislative resolution on the proposal for a Council regulation concerning the establishment of 'Eurodac' for the comparison of the fingerprints of applicants for asylum and certain other aliens (COM(1999) 260 – C5-0082/1999 – 1999/0116(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(1999) 260),
  - having been consulted by the Council pursuant to Article 63(1)(a) of the EC Treaty (C5-0082/1999),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0059/1999);
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  5. Instructs its President to forward its position to the Council and Commission.

**6. Millennium bug: military, civilian and nuclear sectors**

**B5-0268, 0279, 0292 and 0303/1999**

**European Parliament resolution on the Year 2000 Bug in the civil and military sectors**

*The European Parliament,*

- having regard to the responsibilities of the EU in the areas of major accidents and their consequences, relating to radioactive and chemical pollution, and its role in nuclear safety under the Euratom Treaty,