



2016/0132(COD)

16.2.2017

AMENDMENTS

14 - 264

Draft opinion

Gérard Deprez

(PE597.583v02-00)

Establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013, 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)

Proposal for a regulation

(COM(2016)0272 – C8-0179/2016 – 2016/0132(COD))

Amendment 14
Sophie Montel

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) *A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, seek international protection in the Union.*

Amendment

(2) *Policy on asylum is determined by the nation state, the only entity with a legitimate claim to express the will of the people, who are sovereign in this regard.*

Or. fr

Amendment 15
Sophie Montel

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) *For the purposes of applying Regulation (EU) No [.../...] 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 person²⁴, it is necessary to establish the identity of applicants for international protection and of persons apprehended in connection with the unlawful crossing of the external borders of the Union. It is also desirable, in order effectively to apply Regulation (EU) No [.../...], and in particular Articles[.] and [..] thereof, to allow each Member State to check whether a third-country national or stateless person found illegally staying on its territory has applied for international protection in another Member State.*

Amendment

(4) *Each Member State has a responsibility to establish the identity of applicants for international protection and of persons apprehended in connection with the unlawful crossing of the external borders of the Union. It has a responsibility to detain illegal immigrants, to consider their applications and, if appropriate, to expel them.*

²⁴ See page 31 of this Official Journal.

Or. fr

Amendment 16
Sophie Montel

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Biometrics constitute an important element in establishing the exact identity of such persons. It is necessary to set up a system for the comparison of their fingerprint and facial image *data*.

Amendment

(5) Biometrics constitute an important element in establishing the exact identity of such persons. It is necessary to set up a system for the comparison of their fingerprint and facial image *data, in order to be able to expel them automatically if they re-enter the territory after their initial application for asylum has been rejected*.

Or. fr

Amendment 17
Sophie Montel

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) *To that end, it is necessary to set up a system known as 'Eurodac', consisting of a Central System, which will operate a computerised central database of fingerprint and facial image data, as well as of the electronic means of transmission between the Member States and the Central System, hereinafter the "Communication Infrastructure".*

Amendment

deleted

Or. fr

Amendment 18
Sophie Montel

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) *For the purposes of applying and implementing Regulation (EU) No. [.../...] it is also necessary to ensure that a separate secure communication infrastructure exists, which Member State's competent authorities for asylum can use for the exchange of information on applicants for international protection. This secure electronic means of transmission shall be known as 'DubliNet' and should be managed and operated by eu-LISA.*

deleted

Or. fr

Amendment 19
Sophie Montel

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) In 2015, the refugee and migration crisis brought to the fore challenges faced by some Member States with *taking fingerprints of illegally staying third-country nationals or stateless persons who attempted to avoid the procedures for determining the Member State responsible for examining an application for international protection. The Communication of the Commission of 13 May 2015, titled "A European Agenda on Migration"*²⁵ *noted that "Member States must also implement fully the rules on taking migrants' fingerprints at the borders" and further proposed that "The Commission will also explore how more biometric identifiers can be used through the Eurodac system (such as using facial*

(9) In 2015, the refugee and migration crisis brought to the fore challenges faced by some Member States with ***coping with the floods of migrants. They can only be advised to invest human and material resources in protecting their borders, and it is important that those States which are under the greatest pressure should receive EU funding.***

recognition techniques through digital photos)".

²⁵ COM(2015) 240 final, 13.5.2015

Or. fr

Amendment 20
Sophie Montel

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) To assist Member States overcome challenges relating to non-compliance with the fingerprinting process, this Regulation also permits the comparison of a facial image without fingerprints as a last resort, where it is impossible to take the fingerprints of the third-country national or stateless person because his or her fingertips are damaged, either intentionally or not, or amputated. Member States should exhaust all attempts to ensure that fingerprints can be taken from the data-subject before a comparison using a facial image only can be carried out where non-compliance based on reasons not relating to the conditions of the individual's fingertips are given. Where facial images are used in combination with fingerprint data, it allows for the reduction of fingerprints registered while enabling the same result in terms of accuracy of the identification.

deleted

Or. fr

Amendment 21
Sophie Montel

Proposal for a regulation
Recital 11

(11) The return of third-country nationals who do not have a right to stay in the Union, ***in accordance with fundamental rights as general principles of Union law as well as international law, including refugee protection and human rights obligations, and in compliance with the provisions of Directive 2008/115/EC²⁶***, is an essential part of the comprehensive efforts to address migration and, in particular, to reduce and deter irregular migration. To increase the effectiveness of the Union system to return illegally staying third-country nationals is needed in order to maintain public trust in the Union migration and asylum system, and should go hand in hand with the efforts to protect those in need of protection.

(11) The return of third-country nationals who do not have a right to stay in the Union ***is the principal aim*** of the comprehensive efforts to address migration and, in particular, to reduce and deter irregular migration. To increase the effectiveness of the Union system to return illegally staying third-country nationals is needed in order to maintain public trust in the Union migration and asylum system, and should go hand in hand with the efforts to protect those in need of protection.

²⁶ *Directive of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.*

Or. fr

Amendment 22
Sophie Montel

Proposal for a regulation
Recital 12

(12) ***National authorities in the Member States experience difficulties in identifying illegally staying third-country nationals who use deceptive means to avoid their identification and to frustrate the procedures for re-documentation in view of their return and readmission. It is therefore essential to ensure that information on third-country nationals or stateless persons who are found to be***

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staying illegally in the EU are collected and transmitted to Eurodac and are compared also with those collected and transmitted for the purpose of establishing the identity of applicants for international protection and of third-country nationals apprehended in connection with the unlawful crossing of the external borders of the Union, in order to facilitate their identification and re-documentation and to ensure their return and readmission, and to reduce identity fraud. It should also contribute to reducing the length of the administrative procedures necessary for ensuring return and readmission of illegally staying third-country nationals, including the period during which they may be kept in administrative detention awaiting removal. It should also allow identifying third countries of transit, where the illegally staying third-country national may be readmitted.

Or. fr

Amendment 23
Jean-Paul Denanot

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) National authorities in the Member States experience difficulties in identifying illegally staying third-country nationals who use deceptive means to avoid their identification and to frustrate the procedures for re-documentation in view of their return and readmission. It is therefore essential to ensure that information on third-country nationals or stateless persons who are found to be staying illegally in the EU **are** collected and transmitted to Eurodac and **are** compared also with **those** collected and transmitted for the purpose of establishing the identity of applicants for international protection and of third-country nationals apprehended in

PE599.740v01-00

Amendment

(12) National authorities in the Member States experience difficulties in identifying illegally staying third-country nationals who use deceptive means to avoid their identification and to frustrate the procedures for re-documentation in view of their return and readmission. It is therefore essential to ensure that information on third-country nationals or stateless persons who are found to be staying illegally in the EU **is** collected and transmitted to Eurodac and **is** compared also with **that** collected and transmitted for the purpose of establishing the identity of applicants for international protection and of third-country nationals apprehended in

8/122

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connection with the unlawful crossing of the external borders of the Union, in order to facilitate their identification and re-documentation and to ensure their return and readmission, and to reduce identity fraud. It should also contribute to reducing the length of the administrative procedures necessary for ensuring return and readmission of illegally staying third-country nationals, including the period during which they may be kept in administrative detention awaiting removal. It should also allow identifying third countries of transit, where the illegally staying third-country national may be readmitted.

connection with the unlawful crossing of the external borders of the Union, in order to facilitate their identification and re-documentation and, ***in the case of third-country nationals who are staying in a country illegally***, to ensure their return and readmission, and to reduce identity fraud. It should also contribute to reducing the length of the administrative procedures necessary for ensuring return and readmission of illegally staying third-country nationals, including the period during which they may be kept in administrative detention awaiting removal. It should also allow identifying third countries of transit, where the illegally staying third-country national may be readmitted.

Or. fr

Amendment 24 **Sophie Montel**

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) In its Conclusions of 8 October 2015 on the future of return policy, the Council endorsed the initiative announced by the Commission to explore an extension of the scope and purpose of Eurodac to enable the use of data for return purposes²⁷. Member States should have the necessary tools at their disposal to be able to detect illegal migration to and secondary movements of illegally staying third-country nationals in the Union. Therefore, the data in Eurodac should be available, subject to the conditions set out in this Regulation, for comparison by the designated authorities of the Member States.

Amendment

deleted

²⁷ EU Action Plan on return, COM(2015)

Amendment 25
Sophie Montel

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) The Commission's Communication on Stronger and Smarter Information Systems for Borders and Security²⁸ highlights the need to improve the interoperability of information systems as a long-term objective, as also identified by the European Council and the Council. The Communication proposes to set up an Expert Group on Information Systems and Interoperability to address the legal and technical feasibility of achieving interoperability of the information systems for borders and security. This group should assess the necessity and proportionality of establishing interoperability with the Schengen Information Systems (SIS) and the Visa Information Systems (VIS), and examine if there is a need to revise the legal framework for law enforcement access to EURODAC.

deleted

²⁸ COM(2016) 205 final

Amendment 26
Jean-Paul Denanot

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) The Commission's Communication on Stronger and Smarter Information Systems for Borders and Security²⁸ highlights the need to improve the interoperability of information systems as a long-term objective, as also identified by the European Council and the Council. The Communication proposes to set up an Expert Group on Information Systems and Interoperability to address the legal and technical feasibility of achieving interoperability of the information systems for borders and security. This group should assess the necessity and proportionality of establishing interoperability with the Schengen Information Systems (SIS) and the Visa Information Systems (VIS), and examine if there is a need to revise the legal framework for law enforcement access to EURODAC.

²⁸ COM(2016) 205 final

(14) The Commission's Communication on Stronger and Smarter Information Systems for Borders and Security²⁸ highlights the need to improve the interoperability of information systems as a long-term objective, as also identified by the European Council and the Council. The Communication proposes to set up an Expert Group on Information Systems and Interoperability to address the legal and technical feasibility of achieving interoperability of the information systems for borders and security. This group should assess the necessity and proportionality of establishing interoperability with the Schengen Information Systems (SIS) and the Visa Information Systems (VIS), and examine if there is a need to revise the legal framework for law enforcement access to EURODAC. ***Such interoperability must always respect the balance between individual liberties and collective security.***

²⁸ COM(2016) 205 final

Or. fr

Amendment 27 **Sophie Montel**

Proposal for a regulation **Recital 15**

Text proposed by the Commission

(15) It is essential in the fight against terrorist offences and other serious criminal offences for the law enforcement authorities to have the fullest and most up-to-date information if they are to perform their tasks. The information contained in Eurodac is necessary for the purposes of the prevention, detection or investigation of terrorist offences as referred to in Council Framework Decision 2002/475/JHA²⁹ or of other serious criminal offences as referred to in

Amendment

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Council Framework Decision 2002/584/JHA³⁰ . Therefore, the data in Eurodac should be available, subject to the conditions set out in this Regulation, for comparison by the designated authorities of Member States and the European Police Office (Europol).

²⁹ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

³⁰ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. fr

Amendment 28
Sophie Montel

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) *The powers granted to law enforcement authorities to access Eurodac should be without prejudice to the right of an applicant for international protection to have his or her application processed in due course in accordance with the relevant law. Furthermore, any subsequent follow-up after obtaining a 'hit' from Eurodac should also be without prejudice to that right.*

deleted

Or. fr

Amendment 29
Sophie Montel

Proposal for a regulation

Recital 17

Text proposed by the Commission

Amendment

(17) The Commission outlined in its Communication to the Council and the European Parliament of 24 November 2005 on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs that authorities responsible for internal security could have access to Eurodac in well-defined cases, when there is a substantiated suspicion that the perpetrator of a terrorist or other serious criminal offence has applied for international protection. In that Communication the Commission also found that the proportionality principle requires that Eurodac be queried for such purposes only if there is an overriding public security concern, that is, if the act committed by the criminal or terrorist to be identified is so reprehensible that it justifies querying a database that registers persons with a clean criminal record, and it concluded that the threshold for authorities responsible for internal security to query Eurodac must therefore always be significantly higher than the threshold for querying criminal databases.

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Or. fr

Amendment 30

Sophie Montel

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) Moreover, Europol plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently,

deleted

Europol should also have access to Eurodac within the framework of its tasks and in accordance with Council Decision 2009/371/JHA³¹.

³¹ Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37).

Or. fr

Amendment 31
Jean-Paul Denanot

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Moreover, Europol plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently, Europol should also have access to Eurodac within the framework of its tasks and in accordance with Council Decision 2009/371/JHA³¹.

³¹ Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37).

Amendment

(18) Moreover, Europol plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently, Europol should also have access to Eurodac within the framework of its tasks and in accordance with Council Decision 2009/371/JHA³¹ **31**, *in a manner which is proportionate and respects the balance between individual liberties and collective security.*

³¹ Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121, 15.5.2009, p. 37).

Or. fr

Justification

Cooperation between Eurodac and Europol, which is motivated by the desire of the Commission to have tools which will help it to respond to the new security challenges, must be governed by strict conditions in order to avoid any abuse which might jeopardise the protection of civil and individual liberties.

Amendment 32
Sophie Montel

Proposal for a regulation
Recital 19

Text proposed by the Commission

Amendment

(19) *Requests for comparison of Eurodac data by Europol should be allowed only in specific cases, under specific circumstances and under strict conditions.*

deleted

Or. fr

Amendment 33
Sophie Montel

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) *Since Eurodac was originally established to facilitate the application of the Dublin Convention, access to Eurodac for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes a change of the original purpose of Eurodac, which interferes with the fundamental right to respect for the private life of individuals whose personal data are processed in Eurodac. In line with the requirements of Article 52(1) of the Charter of Fundamental Rights of the European Union, any such interference must be in accordance with the law, which must be formulated with sufficient precision to allow individuals to adjust their conduct and it must protect individuals against arbitrariness and indicate with sufficient clarity the scope of discretion conferred on the competent authorities and the manner of its exercise. Any interference must be necessary to*

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genuinely meet an objective of general interest and proportionate to the legitimate objective it aims to achieve.

Or. fr

Amendment 34
Sophie Montel

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Even though the original purpose of the establishment of Eurodac did not require the facility of requesting comparisons of data with the database on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, such a facility is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in Eurodac in cases where there are reasonable grounds for believing that the perpetrator or victim may fall under one of the categories covered by this Regulation will provide the designated authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when for example the only evidence available at a crime scene are latent fingerprints.

Amendment

(21) The best way of ensuring that clandestine migrants cannot commit crimes or attacks within the territory of the country that has admitted them is not to admit any clandestine migrants at all. Schengen must be abolished, so that each State bears sole responsibility for deciding who may enter its territory.

Or. fr

Amendment 35
Jean-Paul Denanot

Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

(21) Even though the original purpose of the establishment of Eurodac did not require the facility of requesting comparisons of data with the database on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, such a facility is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in Eurodac in cases where there are reasonable grounds for believing that the perpetrator or victim may fall under one of the categories covered by this Regulation will provide the designated authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when for example the only evidence available at a crime scene are latent fingerprints.

(21) Even though the original purpose of the establishment of Eurodac did not require the facility of requesting comparisons of data with the database on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, such a facility is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in Eurodac in cases where there are reasonable ***and duly stated*** grounds for believing that the perpetrator or victim may fall under one of the categories covered by this Regulation will provide the designated authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when for example the only evidence available at a crime scene are latent fingerprints.

Or. fr

Justification

The new provisions permitting cooperation between Eurodac and Europol cannot be established if they damage the balance between individual liberties and collective security. This cooperation must be governed by strict conditions, and requests must be duly substantiated and detailed.

Amendment 36 **Sophie Montel**

Proposal for a regulation **Recital 22**

Text proposed by the Commission

(22) This Regulation also lays down the conditions under which requests for comparison of fingerprint data with Eurodac data for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences should be allowed and the necessary safeguards to ensure the protection of the fundamental right to

Amendment

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respect for the private life of individuals whose personal data are processed in Eurodac. The strictness of those conditions reflects the fact that the Eurodac database registers fingerprint data of persons who are not presumed to have committed a terrorist offence or other serious criminal offence.

Or. fr

Amendment 37
Sophie Montel

Proposal for a regulation
Recital 23

Text proposed by the Commission

Amendment

(23) With a view to ensuring equal treatment for all applicants and beneficiaries of international protection, as well as in order to ensure consistency with the current Union asylum acquis, in particular with Directive 2011/95/EU of the European Parliament and of the Council³² and Regulation (EU) No [.../...], this Regulation includes applicants for subsidiary protection and persons eligible for subsidiary protection in its scope .

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³² *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).*

Or. fr

Amendment 38

PE599.740v01-00

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Sophie Montel

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

(24) It is also necessary to require the Member States promptly to take and transmit the fingerprint data of every applicant for international protection and of every third-country national or stateless person who is apprehended in connection with the irregular crossing of an external border of a Member State or is found to be staying illegally in a Member State , if they are at least six years of age.

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Or. fr

Amendment 39

Sophie Montel

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

(25) In view of strengthening the protection of unaccompanied minors who have not applied for international protection and those children who may become separated from their families, it is also necessary to take fingerprints and a facial image for storage in the Central System to help establish the identity of a child and assist a Member State to trace any family or links they may have with another Member State. Establishing family links is a key element in restoring family unity and must be is closely linked to the determination of the best interests of the child and eventually, the determination of a durable solution.

deleted

Or. fr

Amendment 40
Sophie Montel

Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) *The best interests of the minor should be a primary consideration for Member States when applying this Regulation. Where the requesting Member State establishes that Eurodac data pertain to a child, these data may only be used for law enforcement purposes by the requesting Member State in accordance with that State's laws applicable to minors and in accordance with the obligation to give primary consideration to the best interests of the child.* **deleted**

Or. fr

Amendment 41
Sophie Montel

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

(27) *It is necessary to lay down precise rules for the transmission of such fingerprint and facial image data to the Central System, the recording of such fingerprint and facial image data and of other relevant personal data in the Central System, their storage, their comparison with other fingerprint and facial image data, the transmission of the results of such comparison and the marking and erasure of the recorded data. Such rules may be different for, and should be specifically adapted to, the situation of different categories of third-country nationals or stateless persons.* **deleted**

Or. fr

Amendment 42
Sophie Montel

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

(28) Member States should ensure the transmission of fingerprint and facial image data of an appropriate quality for the purpose of comparison by means of the computerised fingerprint and facial recognition system. All authorities with a right of access to Eurodac should invest in adequate training and in the necessary technological equipment. The authorities with a right of access to Eurodac should inform the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council³³ ("eu-LISA") of specific difficulties encountered with regard to the quality of data, in order to resolve them.

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³³ *Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).*

Or. fr

Amendment 43
Sophie Montel

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

(29) The fact that it is temporarily or permanently impossible to take and/or to

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transmit fingerprint and facial image data, due to reasons such as insufficient quality of the data for appropriate comparison, technical problems, reasons linked to the protection of health or due to the data subject being unfit or unable to have his or her fingerprints or facial image taken owing to circumstances beyond his or her control, should not adversely affect the examination of or the decision on the application for international protection lodged by that person.

Or. fr

Amendment 44
Sophie Montel

Proposal for a regulation
Recital 30

Text proposed by the Commission

Amendment

(30) Member States should refer to the Commission's Staff Working Document on Implementation of the Eurodac Regulation as regards the obligation to take fingerprints adopted by the Council on 20 July 2015³⁴, which sets out a best practice approach to taking fingerprints of irregular third-country nationals. Where a Member State's national law allows for the taking of fingerprints by force or coercion as a last resort, those measures must fully respect the EU Charter of Fundamental Rights. Third-country nationals who are deemed to be vulnerable persons and minors should not be coerced into giving their fingerprints or facial image, except in duly justified circumstances that are permitted under national law.

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³⁴ COM(2015) 150 final, 27.5.2015

Or. fr

Amendment 45
Sophie Montel

Proposal for a regulation
Recital 31

Text proposed by the Commission

Amendment

(31) Hits obtained from Eurodac should be verified by a trained fingerprint expert in order to ensure the accurate determination of responsibility under Regulation (EU) No [.../...] ; the exact identification of the third-country national or stateless person and the exact identification of the criminal suspect or victim of crime whose data might be stored in Eurodac. Hits obtained from Eurodac based on facial images should also be verified where there is doubt that the result relates to the same person. *deleted*

Or. fr

Amendment 46
Sophie Montel

Proposal for a regulation
Recital 32

Text proposed by the Commission

Amendment

(32) Third-country nationals or stateless persons who have requested international protection in one Member State may try to request international protection in another Member State for many years to come. Therefore, the maximum period during which fingerprint and facial image data should be kept by the Central System should be of considerable length. Given that most third-country nationals or stateless persons who have stayed in the Union for several years will have obtained a settled status or even citizenship of a Member State after that period, a period of ten *deleted*

years should be considered a reasonable period for the storage of fingerprint and facial image data.

Or. fr

Amendment 47
Sophie Montel

Proposal for a regulation
Recital 33

Text proposed by the Commission

Amendment

(33) In view of successfully preventing and monitoring unauthorised movements of third-country nationals or stateless persons who have no right to stay in the Union, and of taking the necessary measures for successfully enforcing effective return and readmission to third countries in accordance with Directive 2008/115/EC³⁵ and the right to protection of personal data, a period of five years should be considered a necessary period for the storage of fingerprint and facial data.

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³⁵ OJ L 348, 24.12.2008, p.98

Or. fr

Amendment 48
Jean-Paul Denanot

Proposal for a regulation
Recital 33

Text proposed by the Commission

Amendment

(33) In view of successfully preventing and monitoring unauthorised movements of third-country nationals or stateless persons who have no right to stay in the Union, and of taking the necessary measures for *successfully enforcing*

(33) In view of successfully preventing and monitoring unauthorised movements of third-country nationals or stateless persons who have no right to stay in the Union, and of taking the necessary measures for *returning third-country*

effective return and readmission to third countries in accordance with Directive 2008/115/EC³⁵ and the right to protection of personal data, a period of five years should be considered a necessary period for the storage of fingerprint and facial data.

³⁵ OJ L 348, 24.12.2008, p.98

nationals and enforcing effective readmission to third countries in accordance with Directive 2008/115/EC³⁵ and the right to protection of personal data, a period of five years should be considered a necessary period for the storage of fingerprint and facial data.

³⁵ OJ L 348, 24.12.2008, p.98

Or. fr

Amendment 49
Sophie Montel

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) The storage period should be shorter in certain special situations where there is no need to keep fingerprint and facial data and all other personal data for that length of time. Fingerprint and facial image data and all other personal data belonging to a third-country national should be erased immediately once third-country nationals or stateless persons obtain citizenship of a Member State.

Amendment

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Or. fr

Amendment 50
Sophie Montel

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) It is appropriate to store data relating to those data subjects whose fingerprints and facial images were initially recorded in Eurodac upon

Amendment

deleted

lodging their applications for international protection and who have been granted international protection in a Member State in order to allow data recorded upon lodging an application for international protection to be compared against them.

Or. fr

Amendment 51
Sophie Montel

Proposal for a regulation
Recital 36

Text proposed by the Commission

Amendment

(36) eu-LISA has been entrusted with the Commission's tasks relating to the operational management of Eurodac in accordance with this Regulation and with certain tasks relating to the Communication Infrastructure as from the date on which eu-LISA took up its responsibilities on 1 December 2012. In addition, Europol should have observer status at the meetings of the Management Board of eu-LISA when a question in relation to the application of this Regulation concerning access for consultation of Eurodac by designated authorities of Member States and by Europol for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences is on the agenda. Europol should be able to appoint a representative to the Eurodac Advisory Group of eu-LISA .

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Or. fr

Amendment 52
Sophie Montel

Proposal for a regulation

PE599.740v01-00

26/122

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Recital 37

Text proposed by the Commission

Amendment

(37) *It is necessary to lay down clearly the respective responsibilities of the Commission and eu-LISA , in respect of the Central System and the Communication Infrastructure, and of the Member States, as regards data processing, data security, access to, and correction of recorded data.* *deleted*

Or. fr

Amendment 53 Sophie Montel

Proposal for a regulation Recital 38

Text proposed by the Commission

Amendment

(38) *It is necessary to designate the competent authorities of the Member States as well as the National Access Point through which the requests for comparison with Eurodac data are made and to keep a list of the operating units within the designated authorities that are authorised to request such comparison for the specific purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.* *deleted*

Or. fr

Amendment 54 Sophie Montel

Proposal for a regulation Recital 39

Text proposed by the Commission

Amendment

(39) *Requests for comparison with data* *deleted*

stored in the Central System should be made by the operating units within the designated authorities to the National Access Point, through the verifying authority, and should be reasoned. The operating units within the designated authorities that are authorised to request comparisons with Eurodac data should not act as a verifying authority. The verifying authorities should act independently of the designated authorities and should be responsible for ensuring, in an independent manner, strict compliance with the conditions for access as established in this Regulation. The verifying authorities should then forward the request, without forwarding the reasons for it, for comparison through the National Access Point to the Central System following verification that all conditions for access are fulfilled. In exceptional cases of urgency where early access is necessary to respond to a specific and actual threat related to terrorist offences or other serious criminal offences, the verifying authority should process the request immediately and only carry out the verification afterwards.

Or. fr

Amendment 55
Sophie Montel

Proposal for a regulation
Recital 40

Text proposed by the Commission

Amendment

(40) The designated authority and the verifying authority may be part of the same organisation, if permitted under national law, but the verifying authority should act independently when performing its tasks under this Regulation.

deleted

Or. fr

Amendment 56
Sophie Montel

Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment

(41) For the purposes of protection of personal data, and to exclude systematic comparisons which should be forbidden, the processing of Eurodac data should only take place in specific cases and when it is necessary for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences. A specific case exists in particular when the request for comparison is connected to a specific and concrete situation or to a specific and concrete danger associated with a terrorist offence or other serious criminal offence, or to specific persons in respect of whom there are serious grounds for believing that they will commit or have committed any such offence. A specific case also exists when the request for comparison is connected to a person who is the victim of a terrorist offence or other serious criminal offence. The designated authorities and Europol should thus only request a comparison with Eurodac when they have reasonable grounds to believe that such a comparison will provide information that will substantially assist them in preventing, detecting or investigating a terrorist offence or other serious criminal offence.

deleted

Or. fr

Amendment 57
Sophie Montel

Proposal for a regulation
Recital 42

(42) In addition, access should be allowed only on condition that comparisons with the national fingerprint databases of the Member State and with the automated fingerprinting identification systems of all other Member States under Council Decision 2008/615/JHA³⁶ did not lead to the establishment of the identity of the data subject. That condition requires the requesting Member State to conduct comparisons with the automated fingerprinting identification systems of all other Member States under Decision 2008/615/JHA which are technically available, unless that Member State can justify that there are reasonable grounds to believe that it would not lead to the establishment of the identity of the data subject. Such reasonable grounds exist in particular where the specific case does not present any operational or investigative link to a given Member State. That condition requires prior legal and technical implementation of Decision 2008/615/JHA by the requesting Member State in the area of fingerprint data, as it should not be permitted to conduct a Eurodac check for law enforcement purposes where those above steps have not been first taken. **deleted**

³⁶ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

Or. fr

Amendment 58
Sophie Montel

Proposal for a regulation
Recital 43

Text proposed by the Commission

Amendment

(43) *Prior to searching Eurodac, designated authorities should also, provided that the conditions for a comparison are met, consult the Visa Information System under Council Decision 2008/633/JHA³⁷.* **deleted**

³⁷ *Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).*

Or. fr

Amendment 59
Sophie Montel

Proposal for a regulation
Recital 44

Text proposed by the Commission

Amendment

(44) *For the purpose of efficient comparison and exchange of personal data, Member States should fully implement and make use of the existing international agreements as well as of Union law concerning the exchange of personal data already in force, in particular of Decision 2008/615/JHA.* **deleted**

Or. fr

Amendment 60
Sophie Montel

Proposal for a regulation
Recital 45

Text proposed by the Commission

Amendment

(45) *While the non-contractual liability of the Union in connection with the operation of the Eurodac system will be governed by the relevant provisions of the Treaty on the Functioning of the European Union (TFEU), it is necessary to lay down specific rules for the non-contractual liability of the Member States in connection with the operation of the system.* **deleted**

Or. fr

Amendment 61
Sophie Montel

Proposal for a regulation
Recital 46

Text proposed by the Commission

Amendment

(46) *Since the objective of this Regulation, namely the creation of a system for the comparison of fingerprint and facial image data to assist the implementation of Union asylum and migration policy, cannot, by its very nature, be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.* **deleted**

Or. fr

Amendment 62
Sophie Montel

Proposal for a regulation

PE599.740v01-00

32/122

AM\1117433EN.docx

Recital 48

Text proposed by the Commission

Amendment

(48) The national provisions adopted pursuant to Directive [2016/... /EU] of the European Parliament and of the Council [of ... 2016] on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data apply to the processing of personal data by competent authorities of the Member States for the purposes of the prevention, investigation, detection or prosecution of terrorist offences or of other serious criminal offences pursuant to this Regulation .

deleted

Or. fr

Amendment 63

Sophie Montel

Proposal for a regulation

Recital 49

Text proposed by the Commission

Amendment

(49) The rules set out in Regulation [2016/.../.] regarding the protection of the rights and freedoms of individuals, notably their right to the protection of personal data concerning them , with regard to the processing of personal data should be specified in respect of the responsibility for the processing of the data, of safeguarding the rights of data subjects and of the supervision of data protection , in particular as far as certain sectors are concerned.

deleted

Or. fr

Amendment 64
Sophie Montel

Proposal for a regulation
Recital 50

Text proposed by the Commission

Amendment

(50) Transfers of personal data obtained by a Member State or Europol pursuant to this Regulation from the Central System to any third country or international organisation or private entity established in or outside the Union should be prohibited, in order to ensure the right to asylum and to safeguard applicants for international protection from having their data disclosed to a third country. This implies that Member States should not transfer information obtained from the Central System concerning: the name(s); date of birth; nationality; the Member State(s) of origin or Member State of allocation; the details of the identity or travel document; ; the place and date of application for international protection; the reference number used by the Member State of origin; the date on which the fingerprints were taken as well as the date on which the Member State(s) transmitted the data to Eurodac; the operator user ID; and any information relating to any transfer of the data subject under [Regulation (EU) No 604/2013]. That prohibition should be without prejudice to the right of Member States to transfer such data to third countries to which [Regulation (EU) No 604/2013] applies [in accordance with Regulation (EU) No [.../2016]respectively with the national rules adopted pursuant to Directive [2016/.../EU]], in order to ensure that Member States have the possibility of cooperating with such third countries for the purposes of this Regulation.

deleted

Or. fr

Amendment 65
Sophie Montel

Proposal for a regulation
Recital 51

Text proposed by the Commission

Amendment

(51) In individual cases, information obtained from the Central System may be shared with a third-country in order to assist with the identification of a third-country national in relation to his/her return. Sharing of any personal data must be subject to strict conditions. Where such information is shared, no information shall be disclosed to a third-country relating to the fact that an application for international protection has been made by a third-country national where the country the individual is being readmitted to, is also the individual's country of origin or another third-country where they will be readmitted. Any transfer of data to a third-country for the identification of a third-country national must be in accordance with the provisions of Chapter V of Regulation (EU) No. [...2016].

deleted

Or. fr

Amendment 66
Sophie Montel

Proposal for a regulation
Recital 52

Text proposed by the Commission

Amendment

(52) National supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States, and the supervisory authority set up by Decision 2009/371/JHA should monitor the lawfulness of data processing activities performed by Europol.

deleted

Amendment 67

Sophie Montel

Proposal for a regulation**Recital 53***Text proposed by the Commission**Amendment*

(53) Regulation (EC) No 45/2001 of the European Parliament and of the Council³⁹, and in particular Articles 21 and 22 thereof concerning confidentiality and security of processing, applies to the processing of personal data by Union institutions, bodies, offices and agencies carried out in application of this Regulation. However, certain points should be clarified in respect of the responsibility for the processing of data and of the supervision of data protection, bearing in mind that data protection is a key factor in the successful operation of Eurodac and that data security, high technical quality and lawfulness of consultations are essential to ensure the smooth and proper functioning of Eurodac as well as to facilitate the application of [Regulation (EU) No 604/2013].

deleted

³⁹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Amendment 68

Sophie Montel

Proposal for a regulation
Recital 54

Text proposed by the Commission

Amendment

(54) *The data subject should be informed in particular of the purpose for which his or her data will be processed within Eurodac, including a description of the aims of Regulation (EU) [.../...], and of the use to which law enforcement authorities may put his or her data.*

deleted

Or. fr

Amendment 69
Sophie Montel

Proposal for a regulation
Recital 55

Text proposed by the Commission

Amendment

(55) *It is appropriate that national supervisory authorities monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor, as referred to in Regulation (EC) No 45/2001, should monitor the activities of the Union institutions, bodies, offices and agencies in relation to the processing of personal data carried out in application of this Regulation.*

deleted

Or. fr

Amendment 70
Sophie Montel

Proposal for a regulation
Recital 56

Text proposed by the Commission

Amendment

(56) *The European Data Protection Supervisor was consulted in accordance*

deleted

with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on [...]

Or. fr

Amendment 71
Sophie Montel

Proposal for a regulation
Recital 57

Text proposed by the Commission

Amendment

(57) Member States, the European Parliament, the Council and the Commission should ensure that the national and European supervisory authorities are able to supervise the use of and access to Eurodac data adequately.

deleted

Or. fr

Amendment 72
Sophie Montel

Proposal for a regulation
Recital 58

Text proposed by the Commission

Amendment

(58) It is appropriate to monitor and evaluate the performance of Eurodac at regular intervals, including in terms of whether law enforcement access has led to indirect discrimination against applicants for international protection, as raised in the Commission's evaluation of the compliance of this Regulation with the Charter of Fundamental Rights of the European Union ('the Charter'). eu-LISA should submit an annual report on the activities of the Central System to the European Parliament and to the Council.

deleted

Or. fr

Amendment 73
Sophie Montel

Proposal for a regulation
Recital 59

Text proposed by the Commission

Amendment

(59) *Member States should provide for a system of effective, proportionate and dissuasive penalties to sanction the unlawful processing of data entered in the Central System contrary to the purpose of Eurodac.* **deleted**

Or. fr

Amendment 74
Sophie Montel

Proposal for a regulation
Recital 60

Text proposed by the Commission

Amendment

(60) *It is necessary that Member States be informed of the status of particular asylum procedures, with a view to facilitating the adequate application of Regulation (EU) No 604/2013.* **deleted**

Or. fr

Amendment 75
Sophie Montel

Proposal for a regulation
Recital 61

Text proposed by the Commission

Amendment

(61) *This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter. In particular, this Regulation seeks to ensure full respect for the protection of personal data and for the* **deleted**

right to seek international protection, and to promote the application of Articles 8 and 18 of the Charter. This Regulation should therefore be applied accordingly.

Or. fr

Amendment 76
Sophie Montel

Proposal for a regulation
Recital 62

Text proposed by the Commission

Amendment

(62) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. **deleted**

Or. fr

Amendment 77
Sophie Montel

Proposal for a regulation
Recital 63

Text proposed by the Commission

Amendment

(63) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation] OR **deleted**

Or. fr

Amendment 78
Sophie Montel

Proposal for a regulation
Recital 64

Text proposed by the Commission

Amendment

(64) *[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.] OR* **deleted**

Or. fr

Amendment 79
Sophie Montel

Proposal for a regulation
Recital 65

Text proposed by the Commission

Amendment

(65) *[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]* **deleted**

Or. fr

Amendment 80

Sophie Montel

Proposal for a regulation

Recital 66

Text proposed by the Commission

Amendment

(66) *In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...,) its wish to take part in the adoption and application of this Regulation.] OR*

deleted

Or. fr

Amendment 81

Sophie Montel

Proposal for a regulation

Recital 67

Text proposed by the Commission

Amendment

(67) *[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...,) its wish to take part in the adoption and application of this Regulation.*

deleted

Or. fr

Amendment 82

Sophie Montel

Proposal for a regulation

Recital 68

Text proposed by the Commission

Amendment

(68) *In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]*

deleted

Or. fr

Amendment 83
Sophie Montel

Proposal for a regulation
Recital 69

Text proposed by the Commission

Amendment

(69) *It is appropriate to restrict the territorial scope of this Regulation so as to align it on the territorial scope of Regulation (EU) No [.../...],*

deleted

Or. fr

Amendment 84
Sophie Montel

Proposal for a regulation
Article 1

Text proposed by the Commission

Amendment

Article 1

deleted

Purpose of "Eurodac"

1.A system known as "Eurodac" is hereby established, the purpose of which shall be to:

(a)assist in determining which Member State is to be responsible pursuant to

Regulation (EU) No [.../...] for examining an application for international protection lodged in a Member State by a third-country national or a stateless person, and otherwise to facilitate the application of Regulation (EU) No [.../...] under the conditions set out in this Regulation;

(b)assist with the control of illegal immigration to and secondary movements within the Union and with the identification of illegally staying third-country nationals for determining the appropriate measures to be taken by Member States, including removal and repatriation of persons residing without authorisation.

(c)lay down the conditions under which Member States' designated authorities and the European Police Office (Europol) may request the comparison of fingerprint and facial image data with those stored in the Central System for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences .

2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set up under the latter's national law, fingerprint data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation and [Article 34(1) of Regulation (EU) No 604/2013].

Or. fr

Amendment 85
Sophie Montel

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. A system known as "Eurodac" is hereby established, the purpose of which **deleted**

shall be to:

(a) assist in determining which Member State is to be responsible pursuant to Regulation (EU) No [.../...] for examining an application for international protection lodged in a Member State by a third-country national or a stateless person, and otherwise to facilitate the application of Regulation (EU) No [.../...] under the conditions set out in this Regulation;

(b) assist with the control of illegal immigration to and secondary movements within the Union and with the identification of illegally staying third-country nationals for determining the appropriate measures to be taken by Member States, including removal and repatriation of persons residing without authorisation.

(c) lay down the conditions under which Member States' designated authorities and the European Police Office (Europol) may request the comparison of fingerprint and facial image data with those stored in the Central System for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences .

Or. fr

Amendment 86
Sophie Montel

Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) assist in determining which Member State is to be responsible pursuant to Regulation (EU) No [.../...] for examining an application for international protection lodged in a Member State by a third-country national or a stateless person, and otherwise to

deleted

facilitate the application of Regulation (EU) No [.../...] under the conditions set out in this Regulation;

Or. fr

Amendment 87
Sophie Montel

Proposal for a regulation
Article 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) assist with the control of illegal immigration to and secondary movements within the Union and with the identification of illegally staying third-country nationals for determining the appropriate measures to be taken by Member States, including removal and repatriation of persons residing without authorisation.

deleted

Or. fr

Amendment 88
Jean-Paul Denanot

Proposal for a regulation
Article 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) assist with the control of illegal immigration to and secondary movements within the Union and with the identification of illegally staying third-country nationals for determining the appropriate measures to be taken by Member States, including removal and repatriation of *persons* residing without authorisation.

(b) assist with the control of illegal immigration to and secondary movements within the Union and with the identification of illegally staying third-country nationals for determining the appropriate measures to be taken by Member States, including removal and repatriation of *third-country nationals* residing without authorisation.

Or. fr

Amendment 89
Sophie Montel

Proposal for a regulation
Article 1 – paragraph 1 – point nouveau c

Text proposed by the Commission

Amendment

(c) lay down the conditions under which Member States' designated authorities and the European Police Office (Europol) may request the comparison of fingerprint and facial image data with those stored in the Central System for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences .

deleted

Or. fr

Amendment 90
Sophie Montel

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set up under the latter's national law, fingerprint data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation and [Article 34(1) of Regulation (EU) No 604/2013].

deleted

Or. fr

Amendment 91
Sophie Montel

Proposal for a regulation
Article 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 92
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States are obliged to take the fingerprints and facial image of persons referred to in Article 10(1), 13(1) and 14(1) for the purposes of Article 1(1)(a) and (b) of this Regulation and shall impose on the data-subject the requirement to provide his or her fingerprints and a facial image and inform them as such in accordance with Article 30 of this Regulation. *deleted*

Or. fr

Amendment 93
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. Taking fingerprints and facial images of minors from the age of six shall be carried out in a child-friendly and child-sensitive manner by officials trained specifically to enrol minor's fingerprints and facial images. The minor shall be informed in an age-appropriate manner using leaflets and/or infographics and/or demonstrations specifically designed to explain the fingerprinting and facial image procedure to minors and they shall be accompanied by a responsible adult, *deleted*

guardian or representative at the time their fingerprints and facial image are taken. At all times Member States must respect the dignity and physical integrity of the minor during the fingerprinting procedure and when capturing a facial image.

Or. fr

Amendment 94
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States may introduce administrative sanctions, in accordance with their national law, for non-compliance with the fingerprinting process and capturing a facial image in accordance with paragraph 1 of this Article. These sanctions shall be effective, proportionate and dissuasive. In this context, detention should only be used as a means of last resort in order to determine or verify a third-country national's identity.*

deleted

Or. fr

Amendment 95
Nicola Caputo, Jean-Paul Denanot, Pina Picierno

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States *may* introduce administrative sanctions, in accordance with their national law, for non-compliance with the fingerprinting process and capturing a facial image in accordance with paragraph 1 of this Article. These sanctions

3. Member States *shall* introduce administrative sanctions, in accordance with their national law, for non-compliance with the fingerprinting process and capturing a facial image in accordance with paragraph 1 of this Article. These sanctions

shall be effective, proportionate and dissuasive. In this context, detention should only be used as a means of last resort in order to determine or verify a third-country national's identity.

shall be effective, proportionate and dissuasive. In this context, detention should only be used as a means of last resort in order to determine or verify a third-country national's identity.

Or. it

Amendment 96
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. Without prejudice to paragraph 3 of this Article, where enrolment of the fingerprints or facial image is not possible from third-country nationals who are deemed to be vulnerable persons and from a minor due to the conditions of the fingertips or face, the authorities of that Member State shall not use sanctions to coerce the taking of fingerprints or a facial image. A Member State may attempt to re-take the fingerprints or facial image of a minor or vulnerable person who refuses to comply, where the reason for non-compliance is not related to the conditions of the fingertips or facial image or the health of the individual and where it is duly justified to do so. Where a minor, in particular an unaccompanied or separated minor refuses to give their fingerprints or a facial image and there are reasonable grounds to suspect that there are child safeguarding or protection risks, the minor shall be referred to the national child protection authorities and /or national referral mechanisms.

deleted

Or. fr

Amendment 97
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 5

Text proposed by the Commission

Amendment

5. The procedure for taking fingerprints and a facial image shall be determined and applied in accordance with the national practice of the Member State concerned and in accordance with the safeguards laid down in the Charter of Fundamental Rights of the European Union, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the United Nations Convention on the Rights of the Child.

deleted

Or. fr

Amendment 98
Sophie Montel

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 99
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 100

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *'applicant for international protection' means a third-country national or a stateless person who has made an application for international protection as defined in Article 2(h) of Directive 2011/95/EU in respect of which a final decision has not yet been taken;* *deleted*

Or. fr

Amendment 101

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *'Member State of origin' means:* *deleted*

(i) in relation to a person covered by Article 10(1), the Member State which transmits the personal data to the Central System and receives the results of the comparison;

(ii) in relation to a person covered by Article 13(1), the Member State which transmits the personal data to the Central System and receives the results of the comparison ;

(iii) in relation to a person covered by Article 14(1), the Member State which transmits the personal data to the Central System and receives the results of the comparison;

Or. fr

Amendment 102

Sophie Montel

PE599.740v01-00

52/122

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Proposal for a regulation
Article 3 – paragraph 1 – point b – point i

Text proposed by the Commission

Amendment

(i) in relation to a person covered by Article 10(1), the Member State which transmits the personal data to the Central System and receives the results of the comparison; *deleted*

Or. fr

Amendment 103
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point b – point ii

Text proposed by the Commission

Amendment

(ii) in relation to a person covered by Article 13(1), the Member State which transmits the personal data to the Central System and receives the results of the comparison ; *deleted*

Or. fr

Amendment 104
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point b – point iii

Text proposed by the Commission

Amendment

(iii) in relation to a person covered by Article 14(1), the Member State which transmits the personal data to the Central System and receives the results of the comparison; *deleted*

Or. fr

Amendment 105

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty and who is not a national of a State which participates in this Regulation by virtue of an agreement with the European Union; **deleted**

Or. fr

Amendment 106

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) ‘illegal stay’ means the presence on the territory of a Member State, of a third-country national who does not fulfill, or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State; **deleted**

Or. fr

Amendment 107

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ‘beneficiary of international protection’ means a third-country **deleted**

national or a stateless person who has been granted international protection as defined in Article 2(a) of Directive 2011/95/EU;

Or. fr

Amendment 108
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) 'hit' means the existence of a match or matches established by the Central System by comparison between fingerprint data recorded in the computerised central database and those transmitted by a Member State with regard to a person, without prejudice to the requirement that Member States shall immediately check the results of the comparison pursuant to Article 26(4); **deleted**

Or. fr

Amendment 109
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) 'National Access Point' means the designated national system which communicates with the Central System; **deleted**

Or. fr

Amendment 110
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) *'eu-LISA' means the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011;* **deleted**

Or. fr

Amendment 111
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) *'Europol' means the European Police Office established by Decision 2009/371/JHA;* **deleted**

Or. fr

Amendment 112
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) *'Eurodac data' means all data stored in the Central System in accordance with Article 12, Article 13(2) and Article 14(2) ;* **deleted**

Or. fr

Amendment 113
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) *'law enforcement' means the prevention, detection or investigation of terrorist offences or of other serious criminal offences;*

deleted

Or. fr

Amendment 114
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) *'terrorist offences' means the offences under national law which correspond or are equivalent to those referred to in Articles 1 to 4 of Framework Decision 2002/475/JHA;*

deleted

Or. fr

Amendment 115
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) *'serious criminal offences' means the forms of crime which correspond or are equivalent to those referred to in Article 2(2) of Framework Decision 2002/584/JHA, if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;*

deleted

Or. fr

Amendment 116
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) 'fingerprint data' means the data relating to plain and rolled impressions of the fingerprints of all ten fingers, where present , or a latent fingerprint; *deleted*

Or. fr

Amendment 117
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) facial image means digital images of the face with sufficient image resolution and quality to be used in automatic biometric matching. *deleted*

Or. fr

Amendment 118
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The terms defined in Article [...] of Directive [2016/.../EU] shall have the same meaning in this Regulation in so far as personal data are processed by the authorities of the Member States for the purposes laid down in Article 1(1)(a) of this Regulation. *deleted*

Amendment 119

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Unless stated otherwise, the terms defined in Article [...] of Regulation (EU) No [...]/...] shall have the same meaning in this Regulation. *deleted*

Amendment 120

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. The terms defined in Article [...] of Directive [2016/.../EU] shall have the same meaning in this Regulation in so far as personal data are processed by the competent authorities of the Member States for the purposes laid down in Article 1(1)(c) of this Regulation. *deleted*

Amendment 121

Sophie Montel

Proposal for a regulation

Article 4

Text proposed by the Commission

Amendment

Article 4 *deleted*

System architecture and basic principles

1. Eurodac shall consist of:

(a) a computerised central fingerprint database ("Central System") composed of:

(i) a Central Unit,

(ii) a Business Continuity Plan and System;

(b) a communication infrastructure between the Central System and Member States that provides a secure and encrypted communication channel for Eurodac data ("Communication Infrastructure").

2. The EURODAC Communication Infrastructure will be using the existing 'Secure Trans European Services for Telematics between Administrations' (TESTA) network. A separate virtual private network dedicated to the EURODAC shall be established on the existing TESTA private virtual network to ensure the logical separation of EURODAC data from other data.

3. Each Member State shall have a single National Access Point.

4. Data on persons covered by Articles 10(1), 13(1) and 14(1) which are processed in the Central System shall be processed on behalf of the Member State of origin under the conditions set out in this Regulation and separated by appropriate technical means.

5. The rules governing Eurodac shall also apply to operations carried out by the Member States as from the transmission of data to the Central System until use is made of the results of the comparison.

Or. fr

Amendment 122
Sophie Montel

Proposal for a regulation
Article 4 – paragraph 1

PE599.740v01-00

60/122

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Text proposed by the Commission

Amendment

1. Eurodac shall consist of: *deleted*

(a) a computerised central fingerprint database ("Central System") composed of:

(i) a Central Unit,

(ii) a Business Continuity Plan and System;

(b) a communication infrastructure between the Central System and Member States that provides a secure and encrypted communication channel for Eurodac data ("Communication Infrastructure").

Or. fr

Amendment 123

Sophie Montel

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) a computerised central fingerprint database ("Central System") composed of: *deleted*

(i) a Central Unit,

(ii) a Business Continuity Plan and System;

Or. fr

Amendment 124

Sophie Montel

Proposal for a regulation

Article 4 – paragraph 1 – point a – point i

Text proposed by the Commission

Amendment

(i) *a Central Unit,* *deleted*

Or. fr

Amendment 125

Sophie Montel

Proposal for a regulation

Article 4 – paragraph 1 – point a – point ii

Text proposed by the Commission

Amendment

(ii) *a Business Continuity Plan and System;* *deleted*

Or. fr

Amendment 126

Sophie Montel

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *a communication infrastructure between the Central System and Member States that provides a secure and encrypted communication channel for Eurodac data ("Communication Infrastructure").* *deleted*

Or. fr

Amendment 127

Sophie Montel

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. *The EURODAC Communication Infrastructure will be using the existing 'Secure Trans European Services for* *deleted*

Telematics between Administrations' (TESTA) network. A separate virtual private network dedicated to the EURODAC shall be established on the existing TESTA private virtual network to ensure the logical separation of EURODAC data from other data.

Or. fr

Amendment 128
Sophie Montel

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Each Member State shall have a single National Access Point. *deleted*

Or. fr

Amendment 129
Sophie Montel

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Data on persons covered by Articles 10(1), 13(1) and 14(1) which are processed in the Central System shall be processed on behalf of the Member State of origin under the conditions set out in this Regulation and separated by appropriate technical means. *deleted*

Or. fr

Amendment 130
Sophie Montel

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. *The rules governing Eurodac shall also apply to operations carried out by the Member States as from the transmission of data to the Central System until use is made of the results of the comparison.* **deleted**

Or. fr

Amendment 131

Sophie Montel

Proposal for a regulation

Article 5

Text proposed by the Commission

Amendment

[...] **deleted**

Or. fr

Amendment 132

Sophie Montel

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. *eu-LISA shall be responsible for the operational management of Eurodac.* **deleted**

The operational management of Eurodac shall consist of all the tasks necessary to keep Eurodac functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the system functions at a satisfactory level of operational quality, in particular as regards the time required for interrogation of the Central System. A Business Continuity Plan and System shall be developed taking into account

maintenance needs and unforeseen downtime of the system, including the impact of business continuity measures on data protection and security.

2. eu-LISA shall ensure, in cooperation with the Member States, that at all times the best available and most secure technology and techniques, subject to a cost-benefit analysis, are used for the Central System.

Or. fr

Amendment 133
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

eu-LISA shall be responsible for the operational management of Eurodac.

deleted

Or. fr

Amendment 134
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The operational management of Eurodac shall consist of all the tasks necessary to keep Eurodac functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the system functions at a satisfactory level of operational quality, in particular as regards the time required for interrogation of the Central System. A Business Continuity Plan and System shall be developed taking into account

deleted

maintenance needs and unforeseen downtime of the system, including the impact of business continuity measures on data protection and security.

Or. fr

Amendment 135
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

2. eu-LISA shall ensure, in cooperation with the Member States, that at all times the best available and most secure technology and techniques, subject to a cost-benefit analysis, are used for the Central System. **deleted**

Or. fr

Amendment 136
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Eu-LISA shall be permitted to use real personal data of the Eurodac production system for testing purposes in the following circumstances: **deleted**

(a) for diagnostics and repair when faults are discovered with the Central System; and

(b) for testing new technologies and techniques relevant to enhance the performance of the Central System or transmission of data to it.

In such cases, the security measures, access control and logging activities at the testing environment shall be equal to the

ones for the Eurodac production system. Real personal data adopted for testing shall be rendered anonymous in such a way that the data-subject is no longer identifiable.

Or. fr

Amendment 137
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Eu-LISA shall be permitted to use real personal data of the Eurodac production system for testing purposes in the following circumstances: *deleted*

(a) for diagnostics and repair when faults are discovered with the Central System; and

(b) for testing new technologies and techniques relevant to enhance the performance of the Central System or transmission of data to it.

Or. fr

Amendment 138
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) for diagnostics and repair when faults are discovered with the Central System; and *deleted*

Or. fr

Amendment 139
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) for testing new technologies and techniques relevant to enhance the performance of the Central System or transmission of data to it. *deleted*

Or. fr

Amendment 140
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

In such cases, the security measures, access control and logging activities at the testing environment shall be equal to the ones for the Eurodac production system. Real personal data adopted for testing shall be rendered anonymous in such a way that the data-subject is no longer identifiable. *deleted*

Or. fr

Amendment 141
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. eu-LISA shall be responsible for the following tasks relating to the Communication Infrastructure: *deleted*

(a) supervision;

(b)security;

*(c)the coordination of relations between
the Member States and the provider.*

Or. fr

Amendment 142

Sophie Montel

Proposal for a regulation

Article 5 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) supervision;

deleted

Or. fr

Amendment 143

Sophie Montel

Proposal for a regulation

Article 5 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) security;

deleted

Or. fr

Amendment 144

Sophie Montel

Proposal for a regulation

Article 5 – paragraph 3 – point c

Text proposed by the Commission

Amendment

*(c) the coordination of relations
between the Member States and the
provider.*

deleted

Or. fr

Amendment 145
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission shall be responsible for all tasks relating to the Communication Infrastructure other than those referred to in paragraph 3, in particular:* **deleted**

(a) the implementation of the budget;

(b) acquisition and renewal;

(c) contractual matters.

Or. fr

Amendment 146
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) *the implementation of the budget;* **deleted**

Or. fr

Amendment 147
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) *acquisition and renewal;* **deleted**

Or. fr

Amendment 148

PE599.740v01-00

70/122

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Sophie Montel

**Proposal for a regulation
Article 5 – paragraph 4 – point c**

Text proposed by the Commission

Amendment

(c) *contractual matters.*

deleted

Or. fr

**Amendment 149
Sophie Montel**

**Proposal for a regulation
Article 5 – paragraph 5**

Text proposed by the Commission

Amendment

5. *A separate secure electronic transmission channel between the authorities of Member States known as the ‘DubliNet’ communication network set-up under [Article 18 of Regulation (EC) No. 1560/2003] for the purposes set out in Articles 32, 33 and 46 of Regulation (EU) No. [.../...] shall also be operated and managed by eu-LISA.*

deleted

Or. fr

**Amendment 150
Sophie Montel**

**Proposal for a regulation
Article 5 – paragraph nouveau6**

Text proposed by the Commission

Amendment

6. *Without prejudice to Article 17 of the Staff Regulations, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to all its staff required to work with Eurodac data. This obligation shall also apply after such staff leave office or employment or after the*

deleted

termination of their duties.

Or. fr

Amendment 151

Sophie Montel

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Member States' designated authorities for law enforcement purposes

1. For the purposes laid down in Article 1(1)(c), Member States shall designate the authorities that are authorised to request comparisons with Eurodac data pursuant to this Regulation. Designated authorities shall be authorities of the Member States which are responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences. Designated authorities shall not include agencies or units exclusively responsible for intelligence relating to national security.

2. Each Member State shall keep a list of the designated authorities.

3. Each Member State shall keep a list of the operating units within the designated authorities that are authorised to request comparisons with Eurodac data through the National Access Point.

Or. fr

Amendment 152

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. *For the purposes laid down in Article 1(1)(c), Member States shall designate the authorities that are authorised to request comparisons with Eurodac data pursuant to this Regulation. Designated authorities shall be authorities of the Member States which are responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences. Designated authorities shall not include agencies or units exclusively responsible for intelligence relating to national security.* **deleted**

Or. fr

Amendment 153
Sophie Montel

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. *Each Member State shall keep a list of the designated authorities.* **deleted**

Or. fr

Amendment 154
Sophie Montel

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *Each Member State shall keep a list of the operating units within the designated authorities that are authorised to request comparisons with Eurodac data through the National Access Point.* **deleted**

Or. fr

Amendment 155
Sophie Montel

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

*Member States' verifying authorities for
law enforcement purposes*

1.

For the purposes laid down in Article 1(1)(c), each Member State shall designate a single national authority or a unit of such an authority to act as its verifying authority. The verifying authority shall be an authority of the Member State which is responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.

The designated authority and the verifying authority may be part of the same organisation, if permitted under national law, but the verifying authority shall act independently when performing its tasks under this Regulation. The verifying authority shall be separate from the operating units referred to in Article 6(3) and shall not receive instructions from them as regards the outcome of the verification.

Member States may designate more than one verifying authority to reflect their organisational and administrative structures, in accordance with their constitutional or legal requirements.

2.

The verifying authority shall ensure that the conditions for requesting comparisons of fingerprints with Eurodac data are fulfilled.

Only duly empowered staff of the verifying authority shall be authorised to

receive and transmit a request for access to Eurodac in accordance with Article 20.

Only the verifying authority shall be authorised to forward requests for comparison of fingerprints and facial images to the National Access Point.

Or. fr

Amendment 156
Sophie Montel

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. *For the purposes laid down in Article 1(1)(c), each Member State shall designate a single national authority or a unit of such an authority to act as its verifying authority. The verifying authority shall be an authority of the Member State which is responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.*

deleted

The designated authority and the verifying authority may be part of the same organisation, if permitted under national law, but the verifying authority shall act independently when performing its tasks under this Regulation. The verifying authority shall be separate from the operating units referred to in Article 6(3) and shall not receive instructions from them as regards the outcome of the verification.

Member States may designate more than one verifying authority to reflect their organisational and administrative structures, in accordance with their constitutional or legal requirements.

Or. fr

Amendment 157
Sophie Montel

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

For the purposes laid down in Article 1(1)(c), each Member State shall designate a single national authority or a unit of such an authority to act as its verifying authority. The verifying authority shall be an authority of the Member State which is responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.

deleted

Or. fr

Amendment 158
Sophie Montel

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The designated authority and the verifying authority may be part of the same organisation, if permitted under national law, but the verifying authority shall act independently when performing its tasks under this Regulation. The verifying authority shall be separate from the operating units referred to in Article 6(3) and shall not receive instructions from them as regards the outcome of the verification.

deleted

Or. fr

Amendment 159
Sophie Montel

Proposal for a regulation

PE599.740v01-00

76/122

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Article 7 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Member States may designate more than one verifying authority to reflect their organisational and administrative structures, in accordance with their constitutional or legal requirements. *deleted*

Or. fr

Amendment 160

Sophie Montel

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. The verifying authority shall ensure that the conditions for requesting comparisons of fingerprints with Eurodac data are fulfilled. *deleted*

Only duly empowered staff of the verifying authority shall be authorised to receive and transmit a request for access to Eurodac in accordance with Article 20.

Only the verifying authority shall be authorised to forward requests for comparison of fingerprints and facial images to the National Access Point.

Or. fr

Amendment 161

Sophie Montel

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The verifying authority shall ensure that the conditions for requesting comparisons of fingerprints with Eurodac data are *deleted*

fulfilled.

Or. fr

Amendment 162

Sophie Montel

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Only duly empowered staff of the verifying authority shall be authorised to receive and transmit a request for access to Eurodac in accordance with Article 20.

deleted

Or. fr

Amendment 163

Sophie Montel

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Only the verifying authority shall be authorised to forward requests for comparison of fingerprints and facial images to the National Access Point.

deleted

Or. fr

Amendment 164

Sophie Montel

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Europol

1. For the purposes laid down in Article 1(1)(c), Europol shall designate a specialised unit with duly empowered Europol officials to act as its verifying authority, which shall act independently of the designated authority referred to in paragraph 2 of this Article when performing its tasks under this Regulation and shall not receive instructions from the designated authority as regards the outcome of the verification. The unit shall ensure that the conditions for requesting comparisons of fingerprints and facial images with Eurodac data are fulfilled. Europol shall designate in agreement with any Member State the National Access Point of that Member State which shall communicate its requests for comparison of fingerprint and facial image data to the Central System.

2. For the purposes laid down in Article 1(1)(c), Europol shall designate an operating unit that is authorised to request comparisons with Eurodac data through its designated National Access Point. The designated authority shall be an operating unit of Europol which is competent to collect, store, process, analyse and exchange information to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling within Europol's mandate.

Or. fr

Amendment 165
Sophie Montel

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purposes laid down in Article 1(1)(c), Europol shall designate a specialised unit with duly empowered **deleted**

Europol officials to act as its verifying authority, which shall act independently of the designated authority referred to in paragraph 2 of this Article when performing its tasks under this Regulation and shall not receive instructions from the designated authority as regards the outcome of the verification. The unit shall ensure that the conditions for requesting comparisons of fingerprints and facial images with Eurodac data are fulfilled. Europol shall designate in agreement with any Member State the National Access Point of that Member State which shall communicate its requests for comparison of fingerprint and facial image data to the Central System.

Or. fr

Amendment 166
Sophie Montel

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. *For the purposes laid down in Article 1 (1)(c), Europol shall designate an operating unit that is authorised to request comparisons with Eurodac data through its designated National Access Point. The designated authority shall be an operating unit of Europol which is competent to collect, store, process, analyse and exchange information to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling within Europol's mandate.*

deleted

Or. fr

Amendment 167
Sophie Montel

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80/122

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Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 168
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. *eu-LISA shall draw up statistics on the work of the Central System every month , indicating in particular:* *deleted*

(a)the number of data sets transmitted on persons referred to in Articles 10(1), 13(1) and 14(1);

(b)the number of hits for persons referred to in Article 10(1) who have subsequently lodged an application for international protection in another Member State , who were apprehended in connection with the irregular crossing of an external border and who were found illegally staying in a Member State ;

(c)the number of hits for persons referred to in Article 13(1) who have subsequently lodged an application for international protection who were apprehended in connection with the irregular crossing of an external border and who were found illegally staying in a Member State ;

(d)the number of hits for persons referred to in Article 14(1) who had previously lodged an application for international protection in another Member State , who were apprehended in connection with the irregular crossing of an external border and who were found illegally staying in a Member State ;

(e)the number of fingerprint data which the Central System had to request more than once from the Member States of origin because the fingerprint data originally transmitted did not lend themselves to comparison using the computerised fingerprint recognition system;

(f)the number of data sets marked, unmarked, blocked and unblocked in accordance with Article 19(1) and 17(2), (3) and (4) ;

(g)the number of hits for persons referred to in Article 19(1) and (4) for whom hits have been recorded under points (b) , (c) and (d) of this Article;

(h)the number of requests and hits referred to in Article 21(1);

(i)the number of requests and hits referred to in Article 22(1);

(j)the number of requests made for persons referred to in Article 31;

(h)the number of hits received from the Central System as referred to in Article 26(6).

Or. fr

Amendment 169
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the number of data sets transmitted on persons referred to in Articles 10(1), 13(1) and 14(1);

deleted

Or. fr

Amendment 170
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the number of hits for persons referred to in Article 10(1) who have subsequently lodged an application for international protection in another Member State , who were apprehended in connection with the irregular crossing of an external border and who were found illegally staying in a Member State ;* **deleted**

Or. fr

Amendment 171
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *the number of hits for persons referred to in Article 13(1) who have subsequently lodged an application for international protection who were apprehended in connection with the irregular crossing of an external border and who were found illegally staying in a Member State ;* **deleted**

Or. fr

Amendment 172
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *the number of hits for persons referred to in Article 14(1) who had previously lodged an application for* **deleted**

international protection in another Member State , who were apprehended in connection with the irregular crossing of an external border and who were found illegally staying in a Member State ;

Or. fr

Amendment 173
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the number of fingerprint data which the Central System had to request more than once from the Member States of origin because the fingerprint data originally transmitted did not lend themselves to comparison using the computerised fingerprint recognition system; *deleted*

Or. fr

Amendment 174
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) the number of data sets marked, unmarked, blocked and unblocked in accordance with Article 19(1) and 17(2), (3) and (4) ; *deleted*

Or. fr

Amendment 175
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) *the number of hits for persons referred to in Article 19(1) and (4) for whom hits have been recorded under points (b) , (c) and (d) of this Article;* ***deleted***

Or. fr

Amendment 176
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) *the number of requests and hits referred to in Article 21(1);* ***deleted***

Or. fr

Amendment 177
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) *the number of requests and hits referred to in Article 22(1);* ***deleted***

Or. fr

Amendment 178
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) the number of requests made for persons referred to in Article 31; *deleted*

Or. fr

Amendment 179
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(h) the number of hits received from the Central System as referred to in Article 26(6). *deleted*

Or. fr

Amendment 180
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. The monthly statistical data for persons referred to in paragraph 1(a) to (h) shall be published and made public by each month. At the end of each year, the yearly statistical data for persons referred to in paragraph 1(a) to (h) shall be published and made public by eu-LISA . The statistics shall contain a breakdown of data for each Member State. *deleted*

Or. fr

Amendment 181
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. *At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects for research and analysis purposes without allowing for individual identification as well as the possibility to produce regular statistics pursuant to paragraph 1. These statistics shall be shared with other Justice and Home Affairs Agencies if they are relevant for the implementation of their tasks.* **deleted**

Or. fr

Amendment 182
Sophie Montel

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10 **deleted**

Collection and transmission of fingerprints and facial image data

1.

Each Member State shall promptly take the fingerprints of all fingers and capture a facial image of every applicant for international protection of at least six years of age and shall, as soon as possible and no later than 72 hours after the lodging of his or her application for international protection, as defined by Article [21(2)]of Regulation (EU) No , transmit them together with the data referred to in Article 12 (c) to (n) of this Regulation to the Central System.

Non-compliance with the 72-hour time-limit shall not relieve Member States of the obligation to take and transmit the fingerprints to the Central System. Where the condition of the fingertips does not

allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of the applicant and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

2.

By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image of an applicant for international protection on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such fingerprints and facial image as soon as possible and no later than 48 hours after those health grounds no longer prevail.

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 1 by a maximum of a further 48 hours in order to carry out their national continuity plans.

3. Fingerprint data may also be taken and transmitted by members of the European Border [and Coast] Guard Teams or by Member State asylum experts when performing tasks and exercising powers in accordance with [Regulation on the European Border [and Coast] Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC] and [Regulation (EU) No. 439/2010].

Or. fr

Amendment 183
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. *Each Member State shall promptly* ~~*deleted*~~

take the fingerprints of all fingers and capture a facial image of every applicant for international protection of at least six years of age and shall, as soon as possible and no later than 72 hours after the lodging of his or her application for international protection, as defined by Article [21(2)]of Regulation (EU) No , transmit them together with the data referred to in Article 12 (c) to (n) of this Regulation to the Central System.

Non-compliance with the 72-hour time-limit shall not relieve Member States of the obligation to take and transmit the fingerprints to the Central System. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of the applicant and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

Or. fr

Amendment 184
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Each Member State shall promptly take the fingerprints of all fingers and capture a facial image of every applicant for international protection of at least six years of age and shall, as soon as possible and no later than 72 hours after the lodging of his or her application for international protection, as defined by Article [21(2)]of Regulation (EU) No , transmit them together with the data referred to in Article 12 (c) to (n) of this Regulation to the Central System.

deleted

Or. fr

Amendment 185
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Non-compliance with the 72-hour time-limit shall not relieve Member States of the obligation to take and transmit the fingerprints to the Central System. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of the applicant and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

deleted

Or. fr

Amendment 186
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. *By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image of an applicant for international protection on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such fingerprints and facial image as soon as possible and no later than 48 hours after those health grounds no longer prevail.*

deleted

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 1 by a maximum of a further 48 hours in order to carry out

their national continuity plans.

Or. fr

Amendment 187

Sophie Montel

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image of an applicant for international protection on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such fingerprints and facial image as soon as possible and no later than 48 hours after those health grounds no longer prevail.

deleted

Or. fr

Amendment 188

Sophie Montel

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 1 by a maximum of a further 48 hours in order to carry out their national continuity plans.

deleted

Or. fr

Amendment 189

Sophie Montel

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Fingerprint data may also be taken and transmitted by members of the European Border [and Coast] Guard Teams or by Member State asylum experts when performing tasks and exercising powers in accordance with [Regulation on the European Border [and Coast] Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC] and [Regulation (EU) No. 439/2010]. *deleted*

Or. fr

Amendment 190
Sophie Montel

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

[...] *deleted*

Or. fr

Amendment 191
Sophie Montel

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

The following information shall be sent to the Central System in order to be stored in accordance with Article 17 (1) for the purpose of transmission under Articles 15 and 16 : *deleted*

(a)when an applicant for international protection or another person as referred to in Article 21(1) (b), (c), (d) or (e) of

Regulation (EU) No [.../...] arrives in the Member State responsible following a transfer pursuant to a take back notification as referred to in Article 26 thereof, the Member State responsible shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding his or her date of arrival;

(b)when an applicant for international protection arrives in the Member State responsible following a transfer pursuant to a decision acceding to a take charge request according to Article 24 of Regulation (EU) No [.../...] , the Member State responsible shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival;

(c)when an applicant for international protection arrives in the Member State of allocation pursuant to Article 34 of Regulation (EU) No. [.../...] , that Member State shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival and record that it is the Member State of allocation.

Or. fr

Amendment 192
Sophie Montel

Proposal for a regulation
Article 11 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) when an applicant for international protection or another person as referred to in Article 21(1) (b), (c), (d) or (e) of Regulation (EU) No [.../...] arrives in the Member State responsible following a transfer pursuant to a take **deleted**

back notification as referred to in Article 26 thereof, the Member State responsible shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding his or her date of arrival;

Or. fr

Amendment 193
Sophie Montel

Proposal for a regulation
Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) when an applicant for international protection arrives in the Member State responsible following a transfer pursuant to a decision acceding to a take charge request according to Article 24 of Regulation (EU) No [.../...] , the Member State responsible shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person concerned and shall include his or her date of arrival;

deleted

Or. fr

Amendment 194
Sophie Montel

Proposal for a regulation
Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) when an applicant for international protection arrives in the Member State of allocation pursuant to Article 34 of Regulation (EU) No. [.../...] , that Member State shall send a data set recorded in conformity with Article 12 of this Regulation relating to the person

deleted

concerned and shall include his or her date of arrival and record that it is the Member State of allocation.

Or. fr

Amendment 195

Sophie Montel

Proposal for a regulation

Article 11 – paragraph d

Text proposed by the Commission

Amendment

(d) as soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 12 of this Regulation has left the territory of the Member States in compliance with a return decision or removal order issued following the withdrawal or rejection of the application for international protection , it shall update its data set recorded in conformity with Article 12 of this Regulation relating to the person concerned by adding the date of his or her removal or when he or she left the territory; **deleted**

Or. fr

Amendment 196

Sophie Montel

Proposal for a regulation

Article 11 – paragraph e

Text proposed by the Commission

Amendment

(e) the Member State which becomes responsible in accordance with Article 19(1) of Regulation (EU) No [.../...] shall update its data set recorded in conformity with Article 12 of this Regulation relating to the applicant for international protection by adding the **deleted**

date when the decision to examine the application was taken.

Or. fr

Amendment 197
Sophie Montel

Proposal for a regulation
Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Recording of data

Only the following data shall be recorded in the Central System:

(a) fingerprint data;

(b) a facial image;

(c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;

(d) nationality(ies);

(e) place and date of birth;

(f) Member State of origin, place and date of the application for international protection; in the cases referred to in Article 11(b), the date of application shall be the one entered by the Member State who transferred the applicant;

(g) sex;

(h) type and number of identity or travel document; three letter code of the issuing country and validity;

(i) reference number used by the Member State of origin;

(j) unique application number of the application for international protection pursuant to Article 22(2) of Regulation (EU) No. [.../...];

(k) the Member State of allocation in accordance with Article 11(c);

(l) date on which the fingerprints and/or facial image were taken;

(m) date on which the data were transmitted to the Central System;

(n) operator user ID;

(o) where applicable in accordance with Article 11(a), the date of the arrival of the person concerned after a successful transfer;

(p) where applicable in accordance with Article 11(b), the date of the arrival of the person concerned after a successful transfer;

(q) where applicable in accordance with Article 11(c), the date of the arrival of the person concerned after a successful transfer;

**THIS PARAGRAPH IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.**

(r) where applicable in accordance with Article 11(d), the date when the person concerned left or was removed from the territory of the Member States;

(s) where applicable in accordance with Article 11(e), the date when the decision to examine the application was taken.

Or. fr

Amendment 198
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Only the following data shall be recorded in the Central System:

deleted

(a) fingerprint data;

(b) a facial image;

(c) surname(s) and forename(s), name(s) at birth and previously used names and

any aliases, which may be entered separately;

(d)nationality(ies);

(e)place and date of birth;

(f)Member State of origin, place and date of the application for international protection; in the cases referred to in Article 11(b), the date of application shall be the one entered by the Member State who transferred the applicant;

(g)sex;

(h)type and number of identity or travel document; three letter code of the issuing country and validity;

(i)reference number used by the Member State of origin;

(j)unique application number of the application for international protection pursuant to Article 22(2) of Regulation (EU) No. [.../...];

(k)the Member State of allocation in accordance with Article 11(c);

(l)date on which the fingerprints and/or facial image were taken;

(m)date on which the data were transmitted to the Central System;

(n)operator user ID;

(o)where applicable in accordance with Article 11(a), the date of the arrival of the person concerned after a successful transfer;

(p)where applicable in accordance with Article 11(b), the date of the arrival of the person concerned after a successful transfer;

(q)where applicable in accordance with Article 11(c), the date of the arrival of the person concerned after a successful transfer;

Or. fr

Amendment 199
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *fingerprint data;* *deleted*

Or. fr

Amendment 200
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *a facial image;* *deleted*

Or. fr

Amendment 201
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *surname(s) and forename(s),
name(s) at birth and previously used
names and any aliases, which may be
entered separately;* *deleted*

Or. fr

Amendment 202
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *nationality(ies);* *deleted*

Or. fr

Amendment 203

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) *place and date of birth;* *deleted*

Or. fr

Amendment 204

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) *Member State of origin, place and date of the application for international protection; in the cases referred to in Article 11(b), the date of application shall be the one entered by the Member State who transferred the applicant;* *deleted*

Or. fr

Amendment 205

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) *sex;* *deleted*

Amendment 206

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) type and number of identity or travel document; three letter code of the issuing country and validity; **deleted**

Amendment 207

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) reference number used by the Member State of origin; **deleted**

Amendment 208

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) unique application number of the application for international protection pursuant to Article 22(2) of Regulation (EU) No. [.../...]; **deleted**

Amendment 209
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) the Member State of allocation in accordance with Article 11(c); *deleted*

Or. fr

Amendment 210
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) date on which the fingerprints and/or facial image were taken; *deleted*

Or. fr

Amendment 211
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) date on which the data were transmitted to the Central System; *deleted*

Or. fr

Amendment 212
Sophie Montel

Proposal for a regulation
Article 12 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) *operator user ID;* *deleted*

Or. fr

Amendment 213

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) *where applicable in accordance with Article 11(a), the date of the arrival of the person concerned after a successful transfer;* *deleted*

Or. fr

Amendment 214

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) *where applicable in accordance with Article 11(b), the date of the arrival of the person concerned after a successful transfer;* *deleted*

Or. fr

Amendment 215

Sophie Montel

Proposal for a regulation

Article 12 – paragraph 1 – point q

Text proposed by the Commission

Amendment

(q) *where applicable in accordance* *deleted*

with Article 11(c), the date of the arrival of the person concerned after a successful transfer;

Or. fr

Amendment 216
Sophie Montel

Proposal for a regulation
Article 12 – paragraph r

Text proposed by the Commission

Amendment

(r) where applicable in accordance with Article 11(d), the date when the person concerned left or was removed from the territory of the Member States; *deleted*

Or. fr

Amendment 217
Sophie Montel

Proposal for a regulation
Article 12 – paragraph s

Text proposed by the Commission

Amendment

(s) where applicable in accordance with Article 11(e), the date when the decision to examine the application was taken. *deleted*

Or. fr

Amendment 218
Sophie Montel

Proposal for a regulation
Article 13

Text proposed by the Commission

Amendment

[...] *deleted*

Amendment 219

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall promptly ~~take the fingerprints of all fingers and capture a facial image of every third-country national or stateless person of at least six years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back or who remains physically on the territory of the Member States and who is not kept in custody, confinement or detention during the entirety of the period between apprehension and removal on the basis of the decision to turn him or her back.~~

Amendment 220

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to the Central System the following data in relation to any third-country national or stateless person, as referred to in paragraph 1, who is not turned back:

(a) fingerprint data;

- (b) a facial image;*
- (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;*
- (d) nationality(ies);*
- (e) place and date of birth*
- (f) Member State of origin, place and date of the apprehension;*
- (g) sex;*
- (h) type and number of identity or travel document; three letter code of the issuing country and validity;*
- (i) reference number used by the Member State of origin;*
- (j) date on which the fingerprints and/or facial image were taken;*
- (k) date on which the data were transmitted to the Central System;*
- (l) operator user ID;*
- (m) where applicable in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States.*

Or. fr

Amendment 221
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

- (a) fingerprint data; deleted*

Or. fr

Amendment 222
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a facial image; *deleted*

Or. fr

Amendment 223
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point c

Text proposed by the Commission

Amendment

**(c) surname(s) and forename(s),
name(s) at birth and previously used
names and any aliases, which may be
entered separately;** *deleted*

Or. fr

Amendment 224
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) nationality(ies); *deleted*

Or. fr

Amendment 225
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) place and date of birth *deleted*

Amendment 226

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) Member State of origin, place and date of the apprehension; *deleted*

Or. fr

Amendment 227

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) sex; *deleted*

Or. fr

Amendment 228

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) type and number of identity or travel document; three letter code of the issuing country and validity; *deleted*

Or. fr

Amendment 229

Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) *reference number used by the Member State of origin;* *deleted*

Or. fr

Amendment 230
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) *date on which the fingerprints and/or facial image were taken;* *deleted*

Or. fr

Amendment 231
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) *date on which the data were transmitted to the Central System;* *deleted*

Or. fr

Amendment 232
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) *operator user ID;* *deleted*

Or. fr

Amendment 233

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 2 – point m

Text proposed by the Commission

Amendment

(m) *where applicable in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States.* *deleted*

Or. fr

Amendment 234

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. *By way of derogation from paragraph 2, the data specified in paragraph 2 relating to persons apprehended as described in paragraph 1 who remain physically on the territory of the Member States but are kept in custody, confinement or detention upon their apprehension for a period exceeding 72 hours shall be transmitted before their release from custody, confinement or detention.* *deleted*

Or. fr

Amendment 235

Sophie Montel

Proposal for a regulation

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Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. *Non-compliance with the 72-hour time-limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take and transmit the fingerprints to the Central System. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.* *deleted*

Or. fr

Amendment 236

Sophie Montel

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

Amendment

5. *By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such fingerprints and facial image as soon as possible and no later than 48 hours after those health grounds no longer prevail.* *deleted*

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

Or. fr

Amendment 237
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such fingerprints and facial image as soon as possible and no later than 48 hours after those health grounds no longer prevail. *deleted*

Or. fr

Amendment 238
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans. *deleted*

Or. fr

Amendment 239
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission

Amendment

6. *As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with paragraph (1) has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph (2) relating to the person concerned by adding the date of his or her removal or when he or she left the territory.* **deleted**

Or. fr

Amendment 240
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

Amendment

7. *Fingerprint data may also be taken and transmitted by members of the European Border [and Coast] Guard Teams when performing tasks and exercising powers in accordance with [Regulation on the European Border [and Coast] Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC].* **deleted**

Or. fr

Amendment 241
Sophie Montel

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

[...] **deleted**

Amendment 242

Sophie Montel

Proposal for a regulation

Article 14 – paragraph nouveau1

Text proposed by the Commission

Amendment

1. Each Member State shall promptly take the fingerprints of all fingers and capture a facial image of every third-country national or stateless person of at least six years of age who is found illegally staying within its territory. **deleted**

Or. fr

Amendment 243

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State concerned shall, as soon as possible and no later than 72-hours after the date of apprehension, transmit to the Central System the following data in relation to any third-country national or stateless person, as referred to in paragraph 1: **deleted**

- (a) fingerprint data;**
- (b) a facial image;**
- (c) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately;**
- (d) nationality(ies);**
- (e) place and date of birth**
- (f) Member State of origin, place and date of the apprehension;**

- (g)sex;*
- (h)type and number of identity or travel document; three letter code of the issuing country and validity;*
- (i)reference number used by the Member State of origin;*
- (j)date on which the fingerprints and/or facial image were taken;*
- (k)date on which the data were transmitted to the Central System;*
- (l)operator user ID;*
- (m)where applicable in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States*

Or. fr

Amendment 244
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point a

Text proposed by the Commission

Amendment

- (a) fingerprint data;* *deleted*

Or. fr

Amendment 245
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point b

Text proposed by the Commission

Amendment

- (b) a facial image;* *deleted*

Or. fr

Amendment 246
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *surname(s) and forename(s),
name(s) at birth and previously used
names and any aliases, which may be
entered separately;* *deleted*

Or. fr

Amendment 247
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) *nationality(ies);* *deleted*

Or. fr

Amendment 248
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) *place and date of birth* *deleted*

Or. fr

Amendment 249
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) Member State of origin, place and date of the apprehension; *deleted*

Or. fr

Amendment 250
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) sex; *deleted*

Or. fr

Amendment 251
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) type and number of identity or travel document; three letter code of the issuing country and validity; *deleted*

Or. fr

Amendment 252
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) reference number used by the Member State of origin; *deleted*

Or. fr

Amendment 253

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 2 – point j

Text proposed by the Commission

Amendment

*(j) date on which the fingerprints
and/or facial image were taken;* *deleted*

Or. fr

Amendment 254

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 2 – point k

Text proposed by the Commission

Amendment

*(k) date on which the data were
transmitted to the Central System;* *deleted*

Or. fr

Amendment 255

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) operator user ID; *deleted*

Or. fr

Amendment 256

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 2 – point m

Text proposed by the Commission

Amendment

(m) where applicable in accordance with paragraph 6, the date when the person concerned left or was removed from the territory of the Member States

deleted

Or. fr

Amendment 257
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. The fingerprint data of a third-country national or a stateless person as referred to in paragraph 1 shall be transmitted to the Central System and compared with the fingerprint data of persons fingerprinted for the purposes of Article 10(1), 13(1) and 14(1) transmitted by other Member States and already recorded in the Central System.

deleted

Or. fr

Amendment 258
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. Non-compliance with the 72-hour time-limit referred to in paragraph 3 of this Article shall not relieve Member States of the obligation to take and transmit the fingerprints to the Central System. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 26,

deleted

the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article, and resend them as soon as possible and no later than 48 hours after they have been successfully retaken.

Or. fr

Amendment 259
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image of the apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such fingerprints and facial image as soon as possible and no later than 48 hours after those health grounds no longer prevail.

deleted

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

Or. fr

Amendment 260
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 1, where it is not possible to take the fingerprints and facial image of the

deleted

apprehended person on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and send such fingerprints and facial image as soon as possible and no later than 48 hours after those health grounds no longer prevail.

Or. fr

Amendment 261
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

In the event of serious technical problems, Member States may extend the 72-hour time-limit in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans. **deleted**

Or. fr

Amendment 262
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. *As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 13(1) of this Regulation has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 of this Article relating to the person concerned by adding the date of his or her removal or when he or she left the territory.* **deleted**

**THIS PARAGRAPH IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.**

Or. fr

Amendment 263
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

As soon as the Member State of origin ensures that the person concerned whose data was recorded in Eurodac in accordance with Article 13(1) of this Regulation has left the territory of the Member States in compliance with a return decision or removal order, it shall update its data set recorded in conformity with paragraph 2 of this Article relating to the person concerned by adding the date of his or her removal or when he or she left the territory. **deleted**

Or. fr

Amendment 264
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

**THIS PARAGRAPH IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.** **deleted**

Or. fr