

**Question for oral answer O-0143/2010
to the Commission**

Rule 115

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on behalf of the S&D Group

Subject: Databases relating to racial and ethnic origin in the EU

On 29 September 2010 the Commission stated that it would issue 'a letter of formal notice to France requesting the full transposition of the free movement directive, unless draft transposition measures and a detailed transposition schedule are provided by 15 October 2010' and another letter 'with detailed questions regarding the practical application of the political assurances provided' by the French authorities to the effect that they 'fully ensure an effective and non-discriminatory application of EU law in line with the Treaties and the EU Charter of Fundamental Rights', including in relation to the period of application of the 5 August 2010 circular explicitly targeting Roma – notwithstanding the evidence of the ethnic and racial nature of the expulsions, leading Parliament, in its resolution, to call on the Commission to act against the French authorities inter alia for discrimination.

According to recent media information, the French gendarmerie runs a database called 'MENS'² targeting Roma and travellers. NGOs have tabled a complaint about the creation of an illegal and non-declared database for the storage of 'personal data related to racial and ethnic origin' and have announced further appeals to the CNIL³ and the HALDE⁴, while French authorities deny the existence of such a database. The Immigration Minister had also previously announced that biometric data on expelled Roma were to be stored in the OSCAR⁵ database and in EDVIGE/EDVIRSP⁶, another database in the process of being created. At the same time the Netherlands and other EU countries are reported to be registering ethnic and racial data. Against this background, the Council is discussing draft Conclusions concerning 'mobile (itinerant) criminal groups' in very ambiguous terms and without informing the EP on the initiative.

Given the new evidence on the existence of the MENS database in France, what will the Commission do to verify this information? Should the Commission find the database to be infringing the principle of non-discrimination, what measures will the Commission take to rectify the situation, and will it consider infringement procedures against France?

In the light of recent developments in other Member States regarding the creation or existence of databases relating to racial or ethnic origin, will the Commission launch an investigation to collect further information on such databases and to check whether they are lawful under the principle of non-discrimination?

What will the Commission do in order to ensure that the Member States, in their administrative and law-enforcement procedures, do not resort to ethnic profiling?

Tabled: 11.10.2010

Forwarded: 13.10.2010

Deadline for reply: 20.10.2010

¹ <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1207>.

² 'Non-Sedentary Ethnic Minorities', held by the Central Bureau for Prevention of Traveller Crime (OCLDI).

³ National Data Protection Commission.

⁴ High Authority for the Prevention of Discrimination and for Equality.

⁵ 'Tool for Repatriation Aid Statistics and Control' [Outil de Statistiques et de Contrôle de l'Aide au Retour], storing digital photographs and sets of 10 fingerprints. The existence of a further database (STIC-Canonge) collecting data on ethnicity and race was revealed in 2009 in a parliamentary report.

⁶ 'Exploitation documentaire et valorisation de l'information générale/ Exploitation documentaire et valorisation de l'information relative à la sécurité publique'.