**EUROPEAN UNION**

**THE EUROPEAN PARLIAMENT** **THE COUNCIL**

**Brussels, 14 May 2024**
**(OR. en)**

**2016/0132(COD)**
**LEX 2339**

**PE-CONS 15/1/24**
**REV 1**

**ASILE 26**
**EURODAC 4**
**ENFOPOL 58**
**IXIM 43**
**CODEC 393**

# REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ESTABLISHMENT OF 'EURODAC' FOR THE COMPARISON OF BIOMETRIC DATA IN ORDER TO EFFECTIVELY APPLY REGULATIONS (EU) …/… AND (EU) …/… OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND COUNCIL DIRECTIVE 2001/55/EC AND TO IDENTIFY ILLEGALLY STAYING THIRD-COUNTRY NATIONALS AND STATELESS PERSONS AND ON REQUESTS FOR THE COMPARISON WITH EURODAC DATA BY MEMBER STATES' LAW ENFORCEMENT AUTHORITIES AND EUROPOL FOR LAW ENFORCEMENT PURPOSES, AMENDING REGULATIONS (EU) 2018/1240 AND (EU) 2019/818 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND REPEALING REGULATION (EU) No 603/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**REGULATION (EU) 2024/…**
**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 14 May 2024**

**on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) …/…[+] and (EU) …/…[++] of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2), points (c), (d), (e) and (g), Article 79(2), point (c), Article 87(2), point (a), and Article 88(2), point (a), thereof,

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[+] OJ: Please insert in the title the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the title the number of the Regulation contained in document PE-CONS 18/24(2016/0225(COD)) [Resettlement Regulation].

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinions of the European Economic and Social Committee[1],

Having regard to the opinions of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure[3],

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[1] OJ C 34, 2.2.2017, p. 144 and OJ C 155, 30.4.2021, p. 64.

[2] OJ C 185, 9.6.2017, p. 91 and OJ C 175, 7.5.2021, p. 32.

[3] Position of the European Parliament of 10 April 2024 (not yet published in the Official Journal) and decision of the Council of 14 May 2024.

Whereas:

(1) A common policy on asylum, including a Common European Asylum System, is a constituent part of the 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.

(2) For the purpose of applying Regulation (EU) …/… of the European Parliament and of the Council[4+], it is necessary to establish the identity of applicants for international protection and of persons apprehended in connection with the irregular crossing of the external borders of the Member States. In order to apply that Regulation effectively, it is also desirable to allow each Member State to check whether a third-country national or stateless person found to be illegally staying on its territory has applied for international protection in another Member State.

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[4] Regulation …/… of the European Parliament and the Council of … on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013(OJ L, …, ELI: …).

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation] and insert the number, date and OJ reference of that Regulation in the footnote.

(3) Moreover, for the purpose of applying Regulation (EU) …/…[+] effectively, it is necessary to clearly record in Eurodac the fact that there has been a shift of responsibility between Member States, including in cases of relocation.

(4) In order to apply Regulation (EU) …/…[+] effectively and to detect any secondary movements within the Union, it is also necessary to allow each Member State to check whether a third-country national or a stateless person who is found to be illegally staying on its territory or who applies for international protection has been granted international protection or humanitarian status under national law by another Member State in accordance with Regulation (EU) …/… of the European Parliament and of the Council[5++] or in accordance with a national resettlement scheme. For that purpose, the biometric data of persons registered for the purpose of conducting an admission procedure should be stored in Eurodac as soon as the international protection or humanitarian status under national law is granted, and no later than 72 hours thereafter.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[5] Regulation …/… of the European Parliament and the Council of … establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147 (OJ L, …, ELI: …).

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation] and insert the number, date and OJ reference of that Regulation in the footnote.

(5) In order to apply Regulation (EU) …/…[+] efficiently, it is necessary to allow each Member State to check whether a third-country national or a stateless person has been granted international protection or humanitarian status under national law in accordance with that Regulation by another Member State or has been admitted to the territory of a Member State in accordance with a national resettlement scheme. In order to be able to apply the relevant grounds for refusal provided for in that Regulation within the context of a new admission procedure, Member States also need information on the conclusion of previous admission procedures and information on any decision on granting international protection or humanitarian status under national law. Furthermore, information on a decision on granting international protection or humanitarian status under national law is necessary to identify the Member State that concluded the procedure and thus enable other Member States to seek supplementary information from that Member State.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(6) Furthermore, in order to reflect accurately the obligations Member States have under international law to conduct search and rescue operations and to provide a more accurate picture of the composition of migratory flows in the Union, it is also necessary to record in Eurodac the fact that the third-country nationals or stateless persons were disembarked following search and rescue operations, including for statistical purposes. Without prejudice to the application of Regulation (EU) …/…[+], the recording of that fact should not result in any difference of treatment of persons registered in Eurodac upon apprehension in connection with the irregular crossing of an external border. That should be without prejudice to the rules under Union law applicable to third-country nationals or stateless persons disembarked following search and rescue operations.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(7) Furthermore, for the purpose of supporting the asylum system by applying Regulations (EU) …/…[+], (EU) …/…[6++] and (EU) …/… of the European Parliament and of the Council[7+++] and Directive (EU) …/…of the European Parliament and of the Council[8++++], it is necessary to record whether, following security checks referred to in this Regulation, it appears that a person could pose a threat to internal security. That recording should be carried out by the Member State of origin. The existence of such a record in Eurodac is without prejudice to the requirement of an individual examination under Regulations (EU) …/…[+++++] and (EU) …/…[++++++]. The record should be erased if the investigation shows that there are insufficient grounds for considering that the person concerned represents a threat to internal security.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[6] Regulation …/… of the European Parliament and the Council of … establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, …, ELI: …).

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation] and insert the number, date and OJ reference of that Regulation in the footnote.

[7] Regulation …/… of the European Parliament and the Council of … 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, …, ELI: …).

[+++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 70/23 (2016/0223(COD)) [Qualification Regulation] and insert the number, date and OJ reference of that Regulation in the footnote.

[8] Directive …/… of the European Parliament and the Council of … laying down standards for the reception of applicants for international protection (OJ L, …, ELI: …).

[++++] OJ: Please insert in the text the number of the Directive contained in document PE-CONS 69/23 (2016/0222(COD)) [Reception Conditions Directive] and insert the number, date and OJ reference of that Regulation in the footnote.

[+++++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 70/23 (2016/0223(COD)) [Qualification Regulation].

[++++++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation].

(8) Following the security checks referred to in this Regulation, the fact that a person could pose a threat to internal security ('security flag') should only be recorded in Eurodac if the person is violent or unlawfully armed or where there are clear indications that the person is involved in any of the offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council[9] or in any of the offences referred to in Council Framework Decision 2002/584/JHA[10]. When assessing whether a person is unlawfully armed, it is necessary that a Member State determine whether the person is carrying a firearm without a valid permit or authorisation or any other type of prohibited weapon as defined under national law. When assessing whether a person is violent, it is necessary that a Member State determine whether the person has displayed behaviour that results in physical harm to other persons that would amount to a criminal offence under national law.

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[9] Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

[10] 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).

(9) Council Directive 2001/55/EC[11] provides for a system of temporary protection which was activated for the first time by means of Council Implementing Decision (EU) 2022/382[12] in response to the war in Ukraine. Pursuant to that system of temporary protection, Member States are to register persons enjoying temporary protection on their territory. Member States are also required, inter alia, to reunite family members and to cooperate with each other with regard to the transferral of the residence of persons enjoying temporary protection from one Member State to another. It is appropriate to supplement the data collection provisions in Directive 2001/55/EC by including persons enjoying temporary protection in Eurodac. In that regard, biometric data are an important element in establishing such persons' identity or family relationships, and thus protecting a substantial public interest within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council[13]. Moreover, by including the biometric data of beneficiaries of temporary protection in Eurodac rather than in a peer-to-peer system between Member States, such persons will benefit from the safeguards and protections laid down in this Regulation, in particular with regard to data retention periods, which should be as short as possible.

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[11] Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

[12] Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (OJ L 71, 4.3.2022, p. 1).

[13] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

(10) However, in view of the fact that a platform has already been set up by the Commission, in cooperation with the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council[14], and the Member States, to deal with the information exchanges necessary pursuant to Directive 2001/55/EC, it is appropriate to exclude from Eurodac persons enjoying temporary protection pursuant to Implementing Decision (EU) 2022/382 and any other equivalent national protection pursuant thereto. Such exclusion should also apply in respect of any future amendments to Implementing Decision (EU) 2022/382 and any extensions of that temporary protection.

(11) It is appropriate to defer the collection and transmission of biometric data of third-country nationals or stateless persons registered as a beneficiary of temporary protection to three years after the entry into application of the other provisions of this Regulation, in order to ensure sufficient time for the Commission to assess the functioning and the operational efficiency of any IT system used to exchange the data of beneficiaries of temporary protection and the expected impact of such collection and transmission in the event that Directive 2001/55/EC is activated.

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[14] Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

(12) Biometrics constitute an important element in establishing the exact identity of the persons falling under the scope of this Regulation because they ensure a high level of accuracy of identification. Therefore, it is necessary to set up a system for the comparison of such persons' biometric data.

(13) It is also necessary to ensure that the system for the comparison of biometric data functions within the interoperability framework established by Regulations (EU) 2019/817[15] and (EU) 2019/818[16] of the European Parliament and of the Council in accordance with this Regulation and with Regulation (EU) 2016/679, in particular with the principles of necessity and proportionality and with the principle of purpose limitation set out in Regulation (EU) 2016/679.

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[15] Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).

[16] Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

(14) The reuse by Member States of the biometric data of third-country nationals or stateless persons that have already been taken pursuant to this Regulation for the purposes of transmission to Eurodac in accordance with the conditions set out in this Regulation should be encouraged.

(15) Furthermore, it is necessary to introduce provisions that frame the access of European Travel Information and Authorization System (ETIAS) national units and of competent visa authorities to Eurodac in accordance with Regulations (EU) 2018/1240[17] and (EC) No 767/2008[18] of the European Parliament and of the Council, respectively.

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[17] Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

[18] Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

(16) For the purpose of assisting in the control of irregular immigration and of providing statistics to support evidence-based policy making, eu-LISA should be able to produce cross-system statistics using data from Eurodac, the Visa Information System (VIS), ETIAS and the Entry/Exit System (EES), established by Regulation (EU) 2017/2226 of the European Parliament and of the Council[19]. In order to specify the content of those cross-system statistics, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[20].

(17) It is therefore necessary to set up a system known as 'Eurodac', consisting of a Central System and the Common Identity Repository (CIR) established by Regulation (EU) 2019/818, which will operate a computerised central database of biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document, as well as the electronic means of transmission between Eurodac and the Member States (the 'Communication Infrastructure').

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[19] Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

[20] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(18) In its communication of 13 May 2015 entitled ‘A European Agenda on Migration’, the Commission noted that Member States must also implement fully the rules on taking migrants’ fingerprints at the borders, and further proposed that it will also explore how more biometric identifiers, such as using facial recognition techniques through digital photos, can be used through Eurodac.

(19) For the purpose of obtaining a high level of accuracy of identification, fingerprints should always be preferred over facial images. To that end, Member States should exhaust all avenues for ensuring that fingerprints can be taken from the data subject before carrying out a comparison using exclusively a facial image. To assist Member States in overcoming challenges, where it is impossible to take the fingerprints of the third-country national or stateless person because his or her fingertips are damaged, whether intentionally or not, or amputated, this Regulation should allow Member States to carry out a comparison using a facial image without taking fingerprints.

(20) The return of third-country nationals or stateless persons who do not have a right to stay in the Union, in accordance with fundamental rights as a general principle of Union law, as well as international law, including refugee protection, the principle of non-refoulement and human rights obligations, and in compliance with Directive 2008/115/EC of the European Parliament and of the Council[21], is an important part of the comprehensive efforts to address migration in a fair and efficient way and, in particular, to reduce and deter irregular immigration. An increase in the effectiveness of the Union system to return illegally staying third-country nationals or stateless persons is necessary in order to maintain public trust in the Union migration and asylum system, and should go hand in hand with efforts to protect those in need of protection.

(21) For that purpose, it is also necessary to clearly record in Eurodac the fact that an application for international protection has been rejected where the third-country national or stateless person has no right to remain and has not been allowed to remain in accordance with Regulation (EU) …/…[+].

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[21] Directive 2008/115/EC 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).

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation].

(22) National authorities in the Member States experience difficulties in identifying illegally staying third-country nationals or stateless persons with a view to their return and readmission. It is therefore essential to ensure that data on third-country nationals or stateless persons who are staying illegally in the Union are collected and transmitted to Eurodac and are also compared with data collected and transmitted for the purpose of establishing the identity of applicants for international protection and of third-country nationals or stateless persons apprehended in connection with the irregular crossing of the external borders of the Member States, in order to facilitate their identification and re-documentation, to ensure their return and readmission, and to reduce identity fraud. That collection, transmission and comparison of data should also contribute to reducing the length of the administrative procedures necessary for ensuring the return and readmission of illegally staying third-country nationals or stateless persons, including the period during which they may be kept in administrative detention awaiting removal. It should also enable the identification of third countries of transit, where the illegally staying third-country national or stateless person may be readmitted.

(23) With a view to facilitating the procedures for the identification and the issuance of travel documents for return purposes of illegally staying third-country nationals or stateless persons, a scanned colour copy of an identity or travel document should be recorded in Eurodac, where available, along with an indication of its authenticity. If such an identity or travel document is not available, only one other available document identifying the third-country national or stateless person should be recorded in Eurodac along with an indication of its authenticity. In order to facilitate the procedures for the identification and the issuance of travel documents for return purposes of illegally staying third-country nationals or stateless persons, and in order not to populate the system with counterfeit documents, only documents validated as authentic or the authenticity of which cannot be established due to the absence of security features should be kept in the system.

(24) In its conclusions on the future of return policy of 8 October 2015, 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 purposes. Member States should have the necessary tools at their disposal to be able to control illegal migration to the Union and to detect secondary movements within the Union and illegally staying third-country nationals and stateless persons in the Union. Therefore, the data in Eurodac should be available, subject to the conditions set out in this Regulation, for comparison by the Member States' designated authorities.

(25) The European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council[22], supports Member States in their efforts to better manage the external borders and control illegal immigration. The European Union Agency for Asylum, established by Regulation (EU) 2021/2303 of the European Parliament and of the Council[23], provides operational and technical assistance to Member States. Consequently, authorised users of those agencies, as well as of other agencies acting in the field of Justice and Home Affairs, should be provided with access to the central repository if such access is relevant for the implementation of their tasks in line with relevant data protection safeguards.

(26) As members of the European Border and Coast Guard Teams and experts of the asylum support teams referred to in Regulations (EU) 2019/1896 and (EU) 2021/2303, respectively, may, upon request of the host Member State, take and transmit biometric data, adequate technological solutions should be developed to ensure that efficient and effective assistance is provided to the host Member State.

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22 Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

23 Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1).

(27) Moreover, in order for Eurodac to effectively assist in the control of irregular immigration to the Union and in the detection of secondary movements within the Union, it is necessary to allow the system to count applicants, as well as applications, by linking all datasets corresponding to one person, regardless of their category, in one sequence. Where a dataset registered in Eurodac is erased, any link to that dataset should be automatically erased.

(28) In the fight against terrorist offences and other serious criminal offences, it is essential for 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 Directive (EU) 2017/541 or of other serious criminal offences as referred to in Framework Decision 2002/584/JHA. Therefore, the data in Eurodac should be available, subject to the conditions set out in this Regulation, for comparison by Member States' designated authorities and the designated authority of the European Union Agency for Law Enforcement Cooperation (Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council[24].

[24] Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

(29) 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.

(30) 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, the Commission outlined 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 offence or other serious criminal offence has applied for international protection. In that communication, the Commission stated 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 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.

(31) 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 Regulation (EU) 2016/794.

(32) Requests for comparison of Eurodac data by Europol should be allowed only in specific cases, under specific circumstances and under strict conditions, in line with the principles of necessity and proportionality enshrined in Article 52(1) of the Charter of Fundamental Rights of the European Union (the 'Charter') and as interpreted by the Court of Justice of the European Union (the 'Court of Justice')[25].

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[25] Judgment of the Court of Justice of 8 April 2014, *Digital Rights Ireland Ltd* v *Minister for Communications, Marine and Natural Resources and Others and Kärntner Landesregierung and Others*, Joined cases C-293/12 and C-594/12, ECLI:EU:C:2014:238; Judgment of the Court of Justice of 21 December 2016, *Tele2 Sverige AB* v *Post- och telestyrelsen and Secretary of State for the Home Department* v *Tom Watson and Others*, Joined cases C-203/15 and C-698/15, ECLI:EU:C:2016:970.

(33) Since Eurodac was originally established to facilitate the application of the Dublin Convention[26], access to Eurodac for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes a further development to the original purpose of Eurodac. In line with Article 52(1) of the Charter, any limitation on the exercise of the fundamental right to respect for the private life of individuals whose personal data are processed in Eurodac must be provided for by law, which must be formulated with sufficient precision to allow individuals to adjust their conduct, and 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. Subject to the principle of proportionality, any such limitation must be necessary and genuinely meet objectives of general interest recognised by the Union.

[26] Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities – Dublin Convention (OJ C 254, 19.8.1997, p. 1).

(34) Although the original purpose of the establishment of Eurodac did not require the possibility 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 feature 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 might fall under one of the categories covered by this Regulation would provide the Member States' designated authorities 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.

(35) This Regulation also lays down the conditions under which requests for the comparison of biometric or alphanumeric data with Eurodac data for the purpose 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 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 biometric and alphanumeric data of persons who are not presumed to have committed a terrorist offence or other serious criminal offence. It is acknowledged that law enforcement authorities and Europol do not always have the biometric data of the suspect or victim whose case they are investigating, which might hamper their ability to check biometric matching databases such as Eurodac. It is important to equip law enforcement authorities and Europol with the necessary tools to prevent, detect and investigate terrorist offences or other serious criminal offences where it is necessary to do so. In order to contribute further to the investigations carried out by those authorities and Europol, searches based on alphanumeric data should be allowed in Eurodac, in particular in cases where no biometric evidence can be found but where those authorities and Europol possess evidence of the personal details or identity documents of the suspect or victim.

(36) The expansion of the scope of and simplification of the access to Eurodac for law enforcement purposes should help Member States deal with the increasingly complicated operational situations and cases involving cross-border crimes and terrorism with a direct impact on the security situation in the Union. The conditions for access to Eurodac for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences should also allow the law enforcement authorities of the Member States to tackle cases of suspects using multiple identities. For that purpose, obtaining a hit during a consultation of a relevant database prior to accessing Eurodac should not prevent such access. It can also be a useful tool to respond to the threat from radicalised persons or terrorists who might have been registered in Eurodac. A broader and simpler access to Eurodac for law enforcement authorities of the Member States should, while guaranteeing full respect for fundamental rights, enable Member States to use all existing tools to ensure an area of freedom, security and justice.

(37) 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 Regulations (EU) …/…[+], (EU) …/…[++] and (EU) …/…[+++], this Regulation includes in its scope applicants for subsidiary protection and persons eligible for subsidiary protection.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 70/23 (2016/0223(COD)) [Qualification Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

[+++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(38) It is also necessary that Member States promptly take and transmit the biometric data of every applicant for international protection, of every person for whom Member States intend to conduct an admission procedure in accordance with Regulation (EU) …/…[+], 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, and of every person disembarked following a search and rescue operation, provided that they are at least six years of age.

(39) The obligation to take the biometric data of illegally staying third-country nationals or stateless persons of at least six years of age does not affect Member States' right to extend a third-country national or stateless person's stay on their territory pursuant to Article 20(2) of the Convention implementing the Schengen Agreement[27].

(40) The fact that the application for international protection follows or is made simultaneously with the apprehension of the third-country national or stateless person in connection with the irregular crossing of the external borders does not exempt Member States from registering those persons as persons apprehended in connection with the irregular crossing of the external border.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

[27] Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

(41) The fact that the application for international protection follows or is made simultaneously with the apprehension of the third-country national or stateless person illegally staying on the territory of Member States, does not exempt Member States from registering those persons as persons found to be illegally staying on the territory of the Member States.

(42) The fact that the application for international protection follows or is made simultaneously with the disembarkation following a search and rescue operation of the third-country national or stateless person does not exempt Member States from registering those persons as persons disembarked following a search and rescue operation.

(43) The fact that an application for international protection follows or is made simultaneously with the registration of the beneficiary of temporary protection does not exempt Member States from registering those persons as beneficiaries of temporary protection.

(44) With a view to strengthening the protection of all children falling under the scope of this Regulation, including unaccompanied minors who have not applied for international protection and children who might become separated from their families, it is also necessary to take biometric data for storage in Eurodac to help establish the identity of children and to assist Member States in tracing any of their family members in, or links they might have with, another Member State, as well as in tracing missing children, including for law enforcement purposes, by complementing the existing instruments, in particular the Schengen Information System (SIS) established by Regulation (EU) 2018/1862 of the European Parliament and of the Council[28]. Effective identification procedures will assist Member States in guaranteeing the adequate protection of children. Establishing family links is a key element in restoring family unity and must be closely linked to the determination of the best interests of the child and, eventually, the determination of a sustainable solution in accordance with national practices following a needs assessment by the competent national child protection authorities.

(45) The official responsible for taking the biometric data of a minor should receive training so that sufficient care is taken to ensure an adequate quality of biometric data of the minor and to guarantee that the process is child friendly so that the minor, particularly a very young minor, feels safe and can readily cooperate in the process of having his or her biometric data taken.

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[28] Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

(46) Any minor from the age of six years old and above should be accompanied by, where present, an adult family member throughout the time when his or her biometric data are taken. The unaccompanied minor should be accompanied by a representative or, where a representative has not been designated, a person trained to safeguard the best interests of the child and his or her general wellbeing, throughout the time his or her biometric data are taken. Such a trained person should not be the official responsible for taking the biometric data, should act independently and should not receive orders either from the official or the service responsible for taking the biometric data. Such a trained person should be the person designated to provisionally act as a representative under Directive (EU) …/…[+] where that person has been designated.

(47) The best interests of the child 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, those data may only be used for law enforcement purposes, in particular those relating to the prevention, detection and investigation of child trafficking and other serious crimes against children, by the requesting Member State and in accordance with that Member State's laws applicable to minors and in accordance with the obligation to give primary consideration to the best interests of the child.

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[+] OJ: Please insert in the text the number of the Directive contained in document PE-CONS 69/23 (2016/0222(COD)) [Reception Conditions Directive].

(48) It is necessary to lay down precise rules for the transmission of such biometric data and of other relevant personal data in Eurodac, their storage, their comparison with other biometric data, the transmission of the results of such comparisons 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.

(49) Member States should ensure the transmission of biometric data of an appropriate quality for the purposes 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 eu-LISA of specific difficulties encountered with regard to the quality of data in order to resolve them.

(50) The fact that it is temporarily or permanently impossible to take or to transmit the biometric data of a person, due to, inter alia, insufficient quality of the data for appropriate comparison, technical problems, reasons linked to the protection of health or the data subject being unfit or unable to have his or her biometric data taken owing to circumstances beyond his or her control, should not adversely affect the examination of or the decision on that person's application for international protection.

(51) Member States should take into account the Commission Staff Working Document on Implementation of the Eurodac Regulation as regards the obligation to take fingerprints, which the Council, on 20 July 2015, invited Member States to follow. It sets out a best-practice approach to taking fingerprints. Where relevant, Member States should also take into account the Checklist to act in compliance with fundamental rights when obtaining fingerprints for Eurodac, published by the European Union Agency for Fundamental Rights, which aims to assist them with complying with fundamental rights obligations when taking fingerprints.

(52) Member States should inform all persons required by this Regulation to give biometric data of their obligation to do so. Member States should also explain to those persons that it is in their interests to fully and immediately cooperate with the procedure by providing their biometric data. Where a Member State's national law lays down administrative measures that provide for the possibility of taking biometric data by means of coercion as a last resort, those measures are to fully respect the Charter. Only in duly justified circumstances and as a last resort, having exhausted other possibilities, can a proportionate degree of coercion be used to ensure the compliance of third-country nationals or stateless persons who are deemed to be vulnerable persons, and minors, with the obligation to provide biometric data.

(53) Where detention is used in order to determine or verify a third-country national's or stateless person's identity, it should only be used by Member States as a means of last resort and in full respect of the European Convention for the Protection of Human Rights and Fundamental Freedoms and in compliance with relevant Union law, including the Charter.

(54) Where necessary, hits should be checked by a trained fingerprint expert in order to ensure the accurate determination of responsibility under Regulation (EU) …/…[+], 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. Checks by a trained expert should be considered necessary where there is doubt as to whether the result of the comparison of the fingerprint data relates to the same person, in particular where the data corresponding to a fingerprint hit belong to a person of a different sex or where the facial image data do not correspond to the facial feature of the person whose biometric data were taken. Hits obtained from Eurodac based on facial images should also be checked by an expert trained in accordance with national practice, where the comparison is made with facial image data only. Where a fingerprint and facial image data comparison is carried out simultaneously and hits are returned for both biometric datasets, Member States should be able to check the result of the comparison of the facial image data.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(55) Third-country nationals or stateless persons who have requested international protection in one Member State might try to request international protection in another Member State for many years to come. The maximum period during which the biometric data of third-country nationals or stateless persons who have requested international protection can be kept in Eurodac should be strictly limited to the extent necessary and should be proportionate, in line with the principle of proportionality enshrined in Article 52(1) of the Charter and as interpreted by the Court of Justice. 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 10 years should be considered a reasonable period for the storage of biometric and alphanumeric data.

(56) In its conclusions on Statelessness of 4 December 2015, the Council and the Representatives of the Governments of the Member States recalled the Union's pledge of September 2012 that all Member States were to accede to the Convention relating to the Status of Stateless Persons done at New York on 28 September 1954 and were to consider acceding to the Convention on the Reduction of Statelessness done at New York on 30 August 1961.

(57) For the purpose of applying the grounds for refusal under Regulation (EU) …/…[+], the biometric data of third-country nationals or stateless persons registered for the purpose of conducting an admission procedure under that Regulation should be taken, transmitted to Eurodac and compared against the data stored in Eurodac of beneficiaries of international protection, of persons who have been granted international protection or humanitarian status under national law in accordance with that Regulation, of persons who have been refused admission to a Member State on one of the grounds referred to in that Regulation, namely that there were reasonable grounds for considering that third-country national or stateless person as a danger to the community, public policy, security or public health of the Member State concerned or the ground that an alert has been issued in the SIS or in a national database of a Member State for the purpose of refusing entry, or in respect of whom that admission procedure has been discontinued because they have not given or have withdrawn their consent, and of persons who have been admitted under a national resettlement scheme. Therefore, those categories of data should be stored in Eurodac and made available for comparison.

(58) For the purpose of applying Regulations (EU) …/…[+] and (EU) …/…[++], the biometric data of third-country nationals or stateless persons granted international protection or humanitarian status under national law in accordance with Regulation (EU) …/…[+] should be stored in Eurodac for five years from the date on which they were taken. Such a period should be sufficient given the fact that the majority of such persons will have resided for several years in the Union and will have obtained a long-term resident status or even citizenship of a Member State.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(59) Where a third-country national or a stateless person has been refused admission to a Member State on one of the grounds set out in Regulation (EU) …/…[+], namely that there were reasonable grounds for considering that third-country national or stateless person as a danger to the community, public policy, security or public health of the Member State concerned or the ground that an alert has been issued in the SIS or in a national database of a Member State for the purpose of refusing entry, the related data should be stored for a period of three years from the date on which the negative conclusion on admission was reached. It is necessary to store such data for that length of time in order to allow other Member States conducting an admission procedure to receive information, including any information on the marking of data by other Member States, from Eurodac throughout the admission procedure, where necessary, by applying the grounds for refusal set out in Regulation (EU) …/…[+]. In addition, data on admission procedures that have previously been discontinued because the third-country nationals or stateless persons have not given or have withdrawn their consent should be stored for three years in Eurodac in order to allow the other Member States conducting an admission procedure to reach a negative conclusion, as permitted by that Regulation.

(60) The transmission of data of persons registered for the purpose of conducting an admission procedure in Eurodac should contribute to limiting the number of Member States that exchange those persons' personal data during a subsequent admission procedure, and should thus contribute to ensuring compliance with the principle of data minimisation.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(61) Where a hit is received by a Member State from Eurodac that can assist that Member State in carrying out its obligations necessary for the application of the grounds for refusing admission under Regulation (EU) …/…[+], the Member State of origin which had previously refused to admit a third-country national or a stateless person should promptly exchange supplementary information with the Member State that received the hit in accordance with the principle of sincere cooperation and subject to the principles of data protection. Such an exchange of data should allow the Member State that received the hit to reach a conclusion on the admission within the time limit set in that Regulation for concluding the admission procedure.

(62) The obligation to take and transmit the biometric data of persons registered for the purpose of conducting an admission procedure should not apply where the Member State in question discontinues the procedure before the biometric data were taken.

(63) With a view to successfully preventing and monitoring unauthorised movements of third-country nationals or stateless persons who do not have a right to stay in the Union and to taking the necessary measures for successfully enforcing effective return and readmission to third countries in accordance with Directive 2008/115/EC and in view of the right to protection of personal data, a period of five years should be considered necessary for the storage of biometric and alphanumeric data.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(64) In order to support Member States in their administrative cooperation during the implementation of Directive 2001/55/EC, data of beneficiaries of temporary protection should be kept in Eurodac for a period of one year from the date of entry into force of the relevant Council Implementing Decision. The retention period should be extended every year for the duration of the temporary protection.

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

(66) It is appropriate to store data relating to those data subjects whose biometric data were recorded in Eurodac upon making or registering their applications for international protection and who have been granted international protection in a Member State in order to make it possible for data recorded upon registering or making another application for international protection to be compared against the data previously recorded.

(67) 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 1 December 2012, the date on which eu-LISA took up its responsibilities. 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 to Eurodac for consultation by the Member States' designated authorities and the Europol designated authority 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.

(68) It is necessary to lay down clearly the responsibilities of the Commission and eu-LISA as regards Eurodac and the Communication Infrastructure and the responsibilities of the Member States as regards data processing, data security, access to, and rectification of, recorded data.

(69) 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.

(70) It is necessary to designate and keep a list of the operating units of Europol that are authorised to request comparisons with Eurodac data through the Europol Access Point. Such units, including units dealing with trafficking in human beings, sexual abuse and sexual exploitation, in particular where victims are minors, should be authorised to request comparisons with Eurodac data through the Europol Access Point in order 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.

(71) Requests for comparison with data stored in Eurodac 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 laid down 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 Eurodac following verification that all the conditions for access have been 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, it should be possible for the verifying authority to forward the request immediately and only carry out the verification afterwards.

(72) It should be possible for the designated authority and the verifying authority to 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.

(73) For the purpose of protecting 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 purpose 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, 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 Member States' designated authorities and the Europol designated authority 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.

(74) In addition, access should be allowed on condition that a prior search in the national biometric databases of the Member State and in the automated fingerprinting identification systems of all other Member States under Council Decision 2008/615/JHA[29] has been conducted, unless the consultation of CIR in accordance with Article 22(2) of Regulation (EU) 2019/818 indicates that the data of the person concerned are stored in Eurodac. 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 the 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 the requirements for meeting that condition have not been fulfilled. In addition to the prior check of the databases, designated authorities should also be able to conduct a simultaneous check in the VIS, provided that the conditions for a comparison with the data stored therein, as laid down in Council Decision 2008/633/JHA[30], have been met.

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[29] 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).

[30] 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).

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

(76) While the non-contractual liability of the Union in connection with the operation of Eurodac is 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 Eurodac.

(77) Regulation (EU) 2016/679 applies to the processing of personal data by Member States carried out in application of this Regulation unless such processing is carried out by the designated or verifying 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, including safeguarding against, and the prevention of, threats to public security.

(78) National rules adopted pursuant to Directive (EU) 2016/680 of the European Parliament and of the Council[31] 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.

(79) Regulation (EU) 2016/794 applies to the processing of personal data by Europol for the purposes of the prevention, investigation or detection of terrorist offences or of other serious criminal offences pursuant to this Regulation.

(80) The rules set out in Regulation (EU) 2016/679 regarding the protection of the rights and freedoms of individuals, in particular their right to the protection of personal data concerning them, should be specified in this Regulation with regard to the responsibility for the processing of the data, safeguarding the rights of data subjects and supervising data protection, in particular as far as certain sectors are concerned.

(81) A person's right to privacy and to data protection should be safeguarded in accordance with this Regulation at all times, both with regard to access by the Member States' authorities and by the Union's authorised agencies to Eurodac.

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[31] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

(82) Data subjects should have the right of access to, and rectification and erasure of, personal data concerning them and the right of restriction of the processing thereof. Taking into account the purposes for which the data are processed, data subjects should have the right to have incomplete personal data completed, including by means of providing a supplementary statement. Those rights should be exercised pursuant to Regulation (EU) 2016/679 and in accordance with the procedures set out in this Regulation, Directive (EU) 2016/680 and Regulation (EU) 2016/794 as regards the processing of personal data for law enforcement purposes pursuant to this Regulation. In relation to the processing of personal data in Eurodac by national authorities, each Member State, for reasons of legal certainty and transparency, should designate the authority which is to be considered as controller in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680 and which should have central responsibility for the processing of data by that Member State. Each Member State should communicate the details of that authority to the Commission.

(83) It is also important that factually incorrect data recorded in Eurodac be rectified in order to ensure that statistics produced in accordance with this Regulation are accurate.

(84) Transfers of personal data obtained by a Member State or Europol pursuant to this Regulation from Eurodac 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 persons whose data are processed under this Regulation from having their data disclosed to a third country. That implies that Member States should not transfer information obtained from Eurodac concerning: the name(s); date of birth; nationality; the Member State(s) of origin, Member State of relocation or Member State of resettlement; the details of the identity or travel document; the place and date of resettlement or of the application for international protection; the reference number used by the Member State of origin; the date on which the biometric data were taken and 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) …/…[+]. That prohibition should be without prejudice to the right of Member States to transfer such data to third countries to which Regulation (EU) …/…[+] applies, in accordance with Regulation (EU) 2016/679 and with the national rules adopted pursuant to Directive (EU) 2016/680, in order to ensure that Member States have the possibility of cooperating with such third countries for the purposes of this Regulation.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(85) By way of derogation from the rule that no personal data obtained by a Member State pursuant to this Regulation should be transferred or made available to any third country, it should be possible to transfer such personal data to a third country where such a transfer is subject to strict conditions and is necessary in individual cases in order to assist with the identification of a third-country national in relation to his or her return. The transfer of any personal data should be subject to strict conditions. Where such personal data are transferred, information relating to the fact that an application for international protection has been made by that third-country national should not be disclosed to a third-country. The transfer of any personal data to third countries should be carried out in accordance with Regulation (EU) 2016/679 and be conducted with the agreement of the Member State of origin. Third countries of return are often not subject to adequacy decisions adopted by the Commission under Regulation (EU) 2016/679. Furthermore, the extensive efforts of the Union in cooperating with the main countries of origin of illegally staying third-country nationals subject to an obligation to return have not ensured the systematic fulfilment by such third countries of the obligation established by international law to readmit their own nationals. Readmission agreements, concluded or being negotiated by the Union or the Member States and providing for appropriate safeguards for the transfer of data to third countries pursuant to Article 46 of Regulation (EU) 2016/679, cover a limited number of such third countries and the conclusion of new readmission agreements remains uncertain. In such situations, and as an exception to the requirement of an adequacy decision or appropriate safeguards, the transfer of personal data to third-country authorities pursuant to this Regulation should be allowed for the purpose of implementing the return policy of the Union, and it should be possible to use the derogation provided for in Regulation (EU) 2016/679, provided that the conditions laid down in that Regulation are met. The implementation of Regulation (EU) 2016/679, including with regard to transfers of personal data to third countries pursuant to this Regulation, is subject to monitoring by the national independent supervisory authority. Regulation (EU) 2016/679 applies with regard to the responsibility of the Member States' authorities as controllers within the meaning of that Regulation.

(86) Regulation (EU) 2018/1725 of the European Parliament and of the Council[32], and in particular Article 33 thereof concerning the confidentiality and security of processing, applies to the processing of personal data by Union institutions, bodies, offices and agencies carried out in the application of this Regulation, without prejudice to Regulation (EU) 2016/794, which should apply to the processing of personal data by Europol. 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 the lawfulness of consultations are essential to ensure the smooth and proper functioning of Eurodac and to facilitate the application of Regulations (EU) …/…[+] and (EU) …/…[++].

(87) 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 Regulations (EU) …/…[+] and (EU) …/…[++], and of the use to which law enforcement authorities may put his or her data.

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[32] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(88) It is appropriate that national supervisory authorities established in accordance with Regulation (EU) 2016/679 monitor the lawfulness of the processing of personal data by the Member States, while the European Data Protection Supervisor, established by Regulation (EU) 2018/1725, monitors the activities of the Union institutions, bodies, offices and agencies in relation to the processing of personal data carried out in the application of this Regulation. Those supervisory authorities and the European Data Protection Supervisor should cooperate with each other in the monitoring of the processing of personal data, including in the context of the Coordinated Supervision Committee established within the framework of the European Data Protection Board.

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

(90) It is appropriate to monitor and evaluate the performance of Eurodac at regular intervals, including in terms of whether the access for law enforcement purposes 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. eu-LISA should submit an annual report on the activities of Eurodac to the European Parliament and to the Council.

(91) Member States should provide for a system of effective, proportionate and dissuasive penalties to sanction the unlawful processing of data recorded in Eurodac contrary to its purpose.

(92) 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) …/…[+].

(93) This Regulation should be without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the Council[33].

(94) 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 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.

(95) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered opinions on 21 September 2016 and on 30 November 2020.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[33] Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

(96) Since the objective of this Regulation, namely the creation of a system for the comparison of biometric data to assist the implementation of Union asylum and migration policy, cannot, by its very nature, be sufficiently achieved by the Member States, but can rather 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.

(97) It is appropriate to restrict the territorial scope of this Regulation so as to align it to the territorial scope of Regulation (EU) …/…[+], with the exception of the provisions related to data collected to assist with the application of Regulation (EU) …/…[++] under the conditions set out in this Regulation,

(98) 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.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(99) In accordance with Articles 1 and 2 and Article 4a(1) 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 TEU and to the TFEU, 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,

HAVE ADOPTED THIS REGULATION:

# Chapter I
# General provisions

*Article 1*

*Purpose of 'Eurodac'*

1. A system known as 'Eurodac' is hereby established. Its purpose is to:

   (a) support the asylum system, including by assisting in determining which Member State is to be responsible pursuant to Regulation (EU) …/…[+] for examining an application for international protection registered in a Member State by a third-country national or a stateless person and by facilitating the application of that Regulation under the conditions set out in this Regulation;

   (b) assist with the application of Regulation (EU) …/…[++] under the conditions set out in this Regulation;

   (c) assist with the control of irregular immigration to the Union, with the detection of secondary movements within the Union and with the identification of illegally staying third-country nationals and stateless persons for the purpose of determining the appropriate measures to be taken by Member States;

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(d) assist with the protection of children, including in the context of law enforcement;

(e) lay down the conditions under which Member States' designated authorities and the Europol designated authority may request the comparison of biometric or alphanumeric data with those stored in Eurodac for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences;

(f) assist in the correct identification of persons registered in Eurodac in accordance with Article 20 of Regulation (EU) 2019/818 by storing identity data, travel document data and biometric data in the common identity repository (CIR);

(g) support the objectives of the European Travel Information and Authorisation System (ETIAS) established by Regulation (EU) 2018/1240;

(h) support the objectives of the Visa Information System (VIS) referred to in Regulation (EC) No 767/2008;

(i) support evidence-based policy making through the production of statistics;

(j) assist with the implementation of Directive 2001/55/EC.

2. Without prejudice to the processing of data intended for Eurodac by the Member State of origin in databases set up under that Member State's national law, biometric data and other personal data may be processed in Eurodac only for the purposes set out in this Regulation, in Regulations (EC) No 767/2008, (EU) 2018/1240, (EU) 2019/818, (EU) …/…[+] and (EU) …/…[++] and in Directive 2001/55/EC.

This Regulation fully respects human dignity and fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union (the 'Charter'), including the right to respect for private life, the right to the protection of personal data, the right to asylum and the prohibition of torture and inhuman or degrading treatment. In that respect, the processing of personal data in accordance with this Regulation shall not result in any discrimination against persons covered by this Regulation based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

A person's right to privacy and to data protection shall be safeguarded in accordance with this Regulation, both with regard to access by the Member States' authorities and by the Union's authorised agencies to Eurodac.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

*Article 2*

*Definitions*

1. For the purposes of this Regulation:

(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 3, point (7), of Regulation (EU) …/…[+] in respect of which a final decision has not yet been taken;

(b) 'person registered for the purpose of conducting an admission procedure' means a person who has been registered for the purpose of conducting a resettlement or humanitarian admission procedure in accordance with Article 9(3) of Regulation (EU) …/…[++];

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[+] OJ: please insert in the text the number of the Regulation contained in document PE-CONS 70/23 (2016/0223(COD)) [Qualification Regulation].

[++] OJ: please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(c) ‘person admitted in accordance with a national resettlement scheme’ means a person resettled by a Member State outside the framework of Regulation (EU) …/…[+], where that person is granted international protection as defined in Article 3, point (3), of Regulation (EU) …/…[++] or humanitarian status under national law within the meaning of Article 2(3), point (c), of Regulation (EU) …/…[+] in accordance with the rules governing the national resettlement scheme;

(d) ‘humanitarian status under national law’ means a humanitarian status under national law that provides for rights and obligations equivalent to the rights and obligations set out in Articles 20 to 26 and 28 to 35 of Regulation (EU) …/…[++];

(e) ’Member State of origin’ means:

(i) in relation to a person covered by Article 15(1), the Member State which transmits the personal data to Eurodac and receives the results of the comparison;

(ii) in relation to a person covered by Article 18(1), the Member State which transmits the personal data to Eurodac and receives the results of the comparison;

(iii) in relation to a person covered by Article 18(2), the Member State which transmits the personal data to Eurodac;

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 70/23 (2016/0223(COD)) [Qualification Regulation].

(iv) in relation to a person covered by Article 20(1), the Member State which transmits the personal data to Eurodac;

(v) in relation to a person covered by Article 22(1), the Member State which transmits the personal data to Eurodac and receives the results of the comparison;

(vi) in relation to a person covered by Article 23(1), the Member State which transmits the personal data to Eurodac and receives the results of the comparison;

(vii) in relation to a person covered by Article 24(1), the Member State which transmits the personal data to Eurodac and receives the results of the comparison;

(viii) in relation to a person covered by Article 26(1), the Member State which transmits the personal data to Eurodac and receives the results of the comparison;

(f) 'third-country national' means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU and who is not a national of a state which participates in the application of this Regulation by virtue of an agreement with the Union;

(g) ‘illegal stay’ means the presence on the territory of a Member State of a third-country national or a stateless person who does not fulfil or no longer fulfils the conditions of entry set out in Article 6 of Regulation (EU) 2016/399 of the European Parliament and of the Council[34] or other conditions for entry, stay or residence in that Member State;

(h) ‘beneficiary of international protection’ means a person who has been granted refugee status as defined in Article 3, point (1), of Regulation (EU) …/…[+] or subsidiary protection status as defined in Article 3, point (2), of that Regulation;

(i) ‘beneficiary of temporary protection’ means a person who enjoys temporary protection as defined in Article 2, point (a), of Directive 2001/55/EC and in a Council Implementing Decision introducing temporary protection or any other equivalent national protection introduced in response to the same event as that Council Implementing Decision;

(j) ‘hit’ means the existence of a match or matches established by Eurodac by means of a comparison between biometric 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 immediately check the results of the comparison pursuant to Article 38(4);

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[34] Regulation (EU) 2016/399 of the European Parliament and the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077, 23.3.2016, p. 1).

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 70/23 (2016/0223(COD)) [Qualification Regulation].

(k) ‘National Access Point’ means the designated national system which communicates with Eurodac;

(l) ‘Europol Access Point’ means the designated Europol system which communicates with Eurodac;

(m) ‘Eurodac data’ means all data stored in Eurodac in accordance with Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2);

(n) ‘law enforcement’ means the prevention, detection or investigation of terrorist offences or of other serious criminal offences;

(o) ‘terrorist offence’ means an offence under national law which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541;

(p) ‘serious criminal offence’ means an offence which corresponds or is equivalent to those referred to in Article 2(2) of Framework Decision 2002/584/JHA, if it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;

(q) ‘fingerprint data’ means the data relating to plain and rolled impressions of the fingerprints of all ten fingers, where present, or a latent fingerprint;

(r) ‘facial image data’ means digital images of the face with sufficient image resolution and quality to be used in automatic biometric matching;

(s) ‘biometric data’ means fingerprint data or facial image data;

(t) ‘alphanumeric data’ means data represented by letters, digits, special characters, space or punctuation marks;

(u) ‘residence document’ means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the Member State responsible as established in Regulation (EU) …/…[+] or during the examination of an application for international protection or an application for a residence permit;

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(v) ‘interface control document’ means a technical document that specifies the necessary requirements with which the National Access Points or the Europol Access Point are to comply in order to be able to communicate electronically with Eurodac, in particular by detailing the format and possible content of the information to be exchanged between Eurodac and the National Access Points or the Europol Access Point;

(w) ‘CIR’ means the common identity repository as established by Article 17(1) and (2) of Regulation (EU) 2019/818;

(x) ‘identity data’ means the data referred to in Article 17(1), points (c) to (f) and (h), Article 19(1), points (c) to (f) and (h), Article 21(1), points (c) to (f) and (h), Article 22(2), points (c) to (f) and (h), Article 23(2), points (c) to (f) and (h), Article 24(2), points (c) to (f) and (h), and Article 26(2), points (c) to (f) and (h);

(y) ‘dataset’ means the set of information recorded in Eurodac on the basis of Article 17, 19, 21, 22, 23, 24 or 26, corresponding to one set of fingerprints of a data subject and composed of biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document;

(z) ‘child’ or ‘minor’ means a third-country national or a stateless person below the age of 18 years.

2. The definitions set out in Article 4 of Regulation (EU) 2016/679 shall apply to 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), points (a), (b), (c) and (j) of this Regulation.

3. Unless stated otherwise, the definitions set out in Article 2 of Regulation (EU) …/…[+] shall apply to this Regulation.

4. The definitions set out in Article 3 of Directive (EU) 2016/680 shall apply to this Regulation in so far as personal data are processed by the competent authorities of the Member States for law enforcement purposes.

*Article 3*

*System architecture and basic principles*

1. Eurodac shall consist of:

(a) a Central System composed of:

(i) a Central Unit,

(ii) a business continuity plan and system;

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

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

(c) the CIR;

(d) a secure communication infrastructure between the Central System and the central infrastructures of the European search portal and between the Central System and the CIR.

2. The CIR shall contain the data referred to in Article 17(1), points (a) to (f), (h) and (i), Article 19(1), points (a) to (f), (h) and (i), Article 21(1), points (a) to (f), (h) and (i), Article 22(2), points (a) to (f), (h) and (i), Article 23(2), points (a) to (f), (h) and (i), Article 24, paragraph (2), points (a) to (f) and (h), and paragraph (3), point (a), and Article 26(2), points (a) to (f), (h) and (i). The remaining Eurodac data shall be stored in the Central System.

3. The Communication Infrastructure shall use the existing 'Secure Trans European Services for Telematics between Administrations' (TESTA) network. In order to ensure confidentiality, personal data transmitted to or from Eurodac shall be encrypted.

4. Each Member State shall have a single National Access Point. Europol shall have a single access point (the Europol Access Point).

5. Data relating to persons covered by Article 15(1), Article 18(2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) and Article 26(1) which are processed in Eurodac 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.

6. All datasets registered in Eurodac corresponding to the same third-country national or stateless person shall be linked in a sequence. Where an automatic comparison is carried out in accordance with Articles 27 and 28 and a hit is obtained against at least one other set of fingerprints or, where those fingerprints are of a quality which does not ensure appropriate comparison or are not available, facial image data in another dataset corresponding to that same third-country national or stateless person, Eurodac shall automatically link those datasets on the basis of the comparison. Where necessary, an expert shall check, in accordance with Article 38(4) and (5), the result of an automatic comparison carried out in accordance with Articles 27 and 28. When the receiving Member State confirms the hit, it shall send a notification confirming the linking of those datasets to eu-LISA.

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

*Article 4*

*Operational management*

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

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 to query Eurodac. eu-LISA shall develop a business continuity plan and system, taking into account maintenance needs and unforeseen downtime of Eurodac, including the impact of business continuity measures on data protection and security.

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

2. eu-LISA may use real personal data from the Eurodac production system for testing purposes, in accordance with Regulation (EU) 2016/679, in the following cases:

(a) for diagnostics and repair when faults are discovered in Eurodac; or

(b) for testing new technologies and techniques relevant to enhancing the performance of Eurodac or the transmission of data to it.

In the cases referred to in points (a) and (b) of the first subparagraph, the security measures, access control and logging activities at the testing environment shall be equal to the ones for the Eurodac production system. Processing of real personal data adapted for testing shall be subject to stringent conditions and rendered anonymous in such a way that the data subject is no longer identifiable. Once the purpose for which the testing was carried out has been achieved or the tests have been completed, the real personal data shall be immediately and permanently erased from the testing environment.

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

(a) supervision;

(b) security;

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

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

(a) implementation of the budget;

(b) acquisition and renewal;

(c) contractual matters.

5. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68 of the Council[35], 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 paragraph shall also apply after such staff leave office or employment or after the termination of their duties.

*Article 5*

*Member States' designated authorities for law enforcement purposes*

1. For law enforcement purposes, 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.

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

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

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[35] Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

*Article 6*

*Member States' verifying authorities for law enforcement purposes*

1. For law enforcement purposes, 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 5(3) and shall not receive instructions from them as regards the outcome of the verification.

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

2. The verifying authority shall ensure that the conditions for requesting comparisons of biometric or alphanumeric data with Eurodac data are fulfilled.

   Only duly empowered staff of the verifying authority shall be authorised to receive and forward requests for access to Eurodac in accordance with Article 32.

Only the verifying authority shall be authorised to forward requests for comparison of biometric or alphanumeric data to the National Access Point.

*Article 7*

*Europol designated authority and Europol verifying authority for law enforcement purposes*

1. For law enforcement purposes, Europol shall designate one or more of its operating units as the 'Europol designated authority'. The Europol designated authority shall be authorised to request comparisons with Eurodac data through the Europol Access Point in order 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.

2. For law enforcement purposes, Europol shall designate a single specialised unit with duly empowered Europol officials to act as its verifying authority. The Europol verifying authority shall be authorised to forward requests by the Europol designated authority for comparisons with Eurodac data through the Europol Access Point. The Europol verifying authority shall be fully independent of the Europol designated authority when performing its tasks under this Regulation. The Europol verifying authority shall be separate from the Europol designated authority and shall not receive instructions from it as regards the outcome of the verification. The Europol verifying authority shall ensure that the conditions for requesting comparisons of biometric or alphanumeric data with Eurodac data are fulfilled.

*Article 8*

*Interoperability with ETIAS*

1. From … [the date of application of this Regulation], Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/818 in order to enable the application of Articles 11 and 20 of Regulation (EU) 2018/1240.

2. The automated processing referred to in Article 20 of Regulation (EU) 2018/1240 shall enable the verifications provided for in that Article and the subsequent verifications provided for in Articles 22 and 26 of that Regulation.

   For the purpose of carrying out the verifications referred to in Article 20(2), point (k), of Regulation (EU) 2018/1240, the ETIAS Central System shall use the European search portal to compare the data in ETIAS with the data in Eurodac collected on the basis of Articles 17, 19, 21, 22, 23, 24 and 26 of this Regulation in a read-only format using the data categories listed in the table of correspondences set out in Annex I of this Regulation corresponding to persons having left or having been removed from the territory of the Member States in compliance with a return decision or removal order. Those verifications shall be without prejudice to the specific rules provided for in Article 24(3) of Regulation (EU) 2018/1240.

*Article 9*

*Conditions for access to Eurodac*

*for the manual processing by ETIAS National Units*

1. ETIAS National Units shall consult Eurodac by means of the same alphanumerical data as those used for the automated processing referred to in Article 8.

2. For the purposes of Article 1(1), point (g), of this Regulation, the ETIAS National Units shall have access to Eurodac, in accordance with Regulation (EU) 2018/1240, to consult data in a read-only format in order to examine applications for travel authorisation. In particular, the ETIAS National Units may consult the data referred to in Articles 17, 19, 21, 22, 23, 24 and 26 of this Regulation.

3. Following consultation and access pursuant to paragraphs 1 and 2, the result of the assessment shall be recorded only in the ETIAS application files.

*Article 10*

*Access to Eurodac by the competent visa authorities*

For the purpose of manually verifying hits triggered by the automated queries carried out by VIS in accordance with Articles 9a and 9c of Regulation (EC) No 767/2008 and of examining and deciding on visa applications in accordance with Article 21 of Regulation (EC) No 810/2009 of the European Parliament and of the Council[36], the competent visa authorities shall, in accordance with those Regulations, have access to Eurodac to consult data in a read-only format.

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[36] Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

*Article 11*

*Interoperability with VIS*

As provided for in Article 3(1), point (d), of this Regulation, Eurodac shall be connected to the European search portal referred to in Article 6 of Regulation (EU) 2019/817 in order to enable the automated processing referred to in Article 9a of Regulation (EC) No 767/2008 and, therefore, to query Eurodac and compare the relevant data in the VIS with the relevant data in Eurodac. The verifications shall be without prejudice to the specific rules provided for in Article 9b of Regulation (EC) No 767/2008.

*Article 12*

*Statistics*

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

   (a) the number of applicants and the number of first-time applicants resulting from the linking process referred to in Article 3(6);

   (b) the number of rejected applicants resulting from the linking process referred to in Article 3(6) and pursuant to Article 17(2), point (j);

   (c) the number of persons who have been disembarked following search and rescue operations;

(d) the number of persons who have been registered as beneficiaries of temporary protection;

(e) the number of applicants who have been granted international protection in a Member State;

(f) the number of persons who have been registered as minors;

(g) the number of persons referred to in Article 18(2), point (a), of this Regulation who have been admitted under Regulation (EU) …/…[+];

(h) the number of persons referred to in Article 20(1) who have been admitted under a national resettlement scheme;

(i) the number of datasets transmitted on persons as referred to in Article 15(1), Article 18(2), points (b) and (c), Article 22(1), Article 23(1), Article 24(1) and Article 26(1);

(j) the number of transmissions of data relating to persons as referred to in Articles 18(1);

(k) the number of hits for persons as referred to in Article 15(1) of this Regulation:

(i) for whom an application for international protection has been registered in a Member State;

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(ii) who have been apprehended in connection with the irregular crossing of an external border;

(iii) who have been illegally staying in a Member State;

(iv) who have been disembarked following a search and rescue operation;

(v) who have been granted international protection in a Member State;

(vi) who have been registered as a beneficiary of temporary protection in a Member State;

(vii) who have been registered for the purpose of conducting an admission procedure in accordance with Regulation (EU) …/…[+] and:

– have been granted international protection or humanitarian status under national law,

– have been refused admission on one of the grounds referred to in Article 6(1), point (f), of that Regulation, or

– for whom the admission procedure has been discontinued due to the fact that that person did not give or withdrew his or her consent in accordance with Article 7 of that Regulation;

(viii) who have been admitted in accordance with a national resettlement scheme;

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(l) the number of hits for persons as referred to in Article 18(1) of this Regulation:

(i) who have previously been granted international protection in a Member State;

(ii) who have been registered for the purpose of conducting an admission procedure in accordance with Regulation (EU) …/…[+] and:

– have been granted international protection or humanitarian status under national law,

– have been refused admission on one of the grounds referred to in Article 6(1), point (f), of that Regulation, or

– for whom the admission procedure was discontinued due to the fact that that person did not give or withdrew his or her consent in accordance with Article 7 of that Regulation;

(iii) who have been admitted in accordance with a national resettlement scheme;

(m) the number of hits for persons as referred to in Article 22(1) of this Regulation:

(i) for whom an application for international protection has been registered in a Member State;

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(ii) who have been apprehended in connection with the irregular crossing of an external border;

(iii) who have been illegally staying in a Member State;

(iv) who have been disembarked following a search and rescue operation;

(v) who have been granted international protection in a Member State;

(vi) who have been registered for the purpose of conducting an admission procedure in accordance with Regulation (EU) …/…[+] and:

– have been granted international protection or humanitarian status under national law,

– have been refused admission on one of the grounds referred to in Article 6(1), point (f), of that Regulation; or

– for whom the admission procedure has been discontinued due to the fact that that person did not give or withdrew his or her consent in accordance with Article 7 of that Regulation;

(vii) who have been admitted in accordance with a national resettlement scheme;

(viii) who have been registered as a beneficiary of temporary protection in a Member State;

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(n) the number of hits for persons as referred to in Article 23(1) of this Regulation:

(i) for whom an application for international protection has been registered in a Member State;

(ii) who have been apprehended in connection with the irregular crossing of an external border;

(iii) who have been illegally staying in a Member State;

(iv) who have been disembarked following a search and rescue operation;

(v) who have been granted international protection in a Member State;

(vi) who have been registered for the purpose of conducting an admission procedure in accordance with Regulation (EU) …/…[+] and:

– have been granted international protection or humanitarian status under national law,

– have been refused admission on one of the grounds referred to in Article 6(1), point (f), of that Regulation, or

– for whom the admission procedure has been discontinued due to the fact that that person did not give or withdrew his or her consent in accordance with Article 7 of that Regulation,

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(vii) who have been admitted in accordance with a national resettlement scheme;

(viii) who have been registered as a beneficiary of temporary protection in a Member State;

(o) the number of hits for persons as referred to in Article 24(1) of this Regulation:

(i) for whom an application for international protection has been registered in a Member State;

(ii) who have been apprehended in connection with the irregular crossing of an external border;

(iii) who have been illegally staying in a Member State;

(iv) who have been disembarked following a search and rescue operation;

(v) who have been granted international protection in a Member State;

(vi) who have been registered for the purpose of conducting an admission procedure in accordance with Regulation (EU) …/…[+] and:

– have been granted international protection or humanitarian status under national law,

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

– have been refused admission on one of the grounds referred to in Article 6(1), point (f), of that Regulation, or

– for whom the admission procedure has been discontinued due to the fact that that person did not give or withdrew his or her consent in accordance with Article 7 of that Regulation,

(vii) who have been admitted in accordance with a national resettlement scheme;

(viii) who have been registered as a beneficiary of temporary protection in a Member State;

(p) the number of hits for persons as referred to in Article 26(1) of this Regulation:

(i) for whom an application for international protection has been registered in a Member State;

(ii) who have been apprehended in connection with the irregular crossing of an external border;

(iii) who have been illegally staying in a Member State;

(iv) who have been disembarked following a search and rescue operation;

(v) who have been granted international protection in a Member State;

(vi) who have been registered for the purpose of conducting an admission procedure in accordance with Regulation (EU) …/…[+] and:

– have been granted international protection or humanitarian status under national law,

– have been refused admission on one of the grounds referred to in Article 6(1), point (f), of that Regulation, or

– for whom the admission procedure has been discontinued due to the fact that that person did not give or withdrew his or her consent in accordance with Article 7 of that Regulation;

(vii) who have been admitted in accordance with a national resettlement scheme;

(viii) who have been registered as beneficiary of temporary protection in a Member State;

(q) the number of biometric data which Eurodac had to request more than once from the Member States of origin because the biometric data originally transmitted did not lend themselves to comparison using the computerised fingerprint and facial image recognition systems;

(r) the number of datasets marked and unmarked in accordance with Article 31(1), (2), (3) and (4);

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(s) the number of hits for persons as referred to in Article 31(1) and (4) for whom hits have been recorded under paragraph 1, points (k) to (p), of this Article;

(t) the number of requests and hits as referred to in Article 33(1);

(u) the number of requests and hits as referred to in Article 34(1);

(v) the number of requests made in accordance with Article 43;

(w) the number of hits received from Eurodac as referred to in Article 38(6).

2. The monthly statistical data for persons as referred to in paragraph 1, shall be published each month. At the end of each year, eu-LISA shall publish the yearly statistical data for persons referred to in paragraph 1. The statistical data shall be broken down by Member State. The statistical data for persons as referred to in paragraph 1, point (i), shall, where possible, be broken down by year of birth and sex.

Nothing in this paragraph shall affect the anonymised nature of the statistical data.

3. For the purpose of supporting the objectives referred to in Article 1, points (c) and (i), eu-LISA shall produce monthly cross-system statistics. Those statistics shall not allow for the identification of individuals and shall use data from Eurodac, the VIS, ETIAS and the EES.

The statistics referred to in the first subparagraph shall be made available to the Member States, to the European Parliament, to the Commission, to the European Union Agency for Asylum, to the European Border and Coast Guard Agency and to Europol.

The Commission shall, by means of implementing acts, specify the content of the monthly cross-system statistics referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

Cross-system statistics alone shall not be used to deny access to the territory of the Union.

4. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the application of this Regulation and the statistics referred to in paragraph 1 and shall, upon request, make them available to the Member States, to the European Parliament, to the European Union Agency for Asylum, to the European Border and Coast Guard Agency and to Europol.

5. eu-LISA shall store the data referred to in paragraphs 1 to 4 of this Article for research and analysis purposes, thus enabling the authorities referred to in paragraph 3 of this Article to obtain customisable reports and statistics in the central repository for reporting and statistics referred to in Article 39 of Regulation (EU) 2019/818. Those data shall not allow for the identification of individuals.

6. Access to the central repository for reporting and statistics as referred to in Article 39 of Regulation (EU) 2019/818 shall be granted to eu-LISA, to the Commission, to the authorities designated by each Member State in accordance with Article 40(2) of this Regulation and to the authorised users of the European Union Agency for Asylum, of the European Border and Coast Guard Agency and of Europol, where such access is relevant for the implementation of their tasks.

*Article 13*

*Obligation to take biometric data*

1. Member States shall take the biometric data of persons referred to in Article 15(1), Article 18(1) and (2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) and Article 26(1) for the purposes of Article 1(1), points (a), (b), (c) and (j), and shall require those persons to provide their biometric data and inform them in accordance with Article 42.

2. Member States shall respect the dignity and physical integrity of the person during the fingerprinting procedure and when capturing his or her facial image.

3. Administrative measures for the purpose of ensuring compliance with the obligation to provide biometric data set out in paragraph 1 shall be laid down in national law. Those measures shall be effective, proportionate and dissuasive and may include the possibility to use means of coercion as a last resort.

4. Where all of the measures laid down in national law as referred to in paragraph 3 fail to ensure compliance by an applicant with the obligation to provide biometric data, the relevant provisions of Union law on asylum concerning non-compliance with that obligation shall apply.

5. Without prejudice to paragraphs 3 and 4, where it is impossible to take the biometric data of a third-country national or stateless person who is deemed to be a vulnerable person due to the condition of that person's fingertips or face, and where that person did not intentionally bring about the condition, the authorities of the Member State concerned shall not employ administrative measures for ensuring compliance with the obligation to provide biometric data.

6. The procedure for taking biometric data 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 and in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

*Article 14*

*Special provisions relating to minors*

1. The biometric data of minors from the age of six shall be taken by officials trained specifically to take a minor's biometric data in a child-friendly and child-sensitive manner and in full respect of the best interests of the child and the safeguards laid down in the United Nations Convention on the Rights of the Child.

The best interests of the child shall be a primary consideration in the application of this Regulation. In the event that there is uncertainty as to whether or not a child is under the age of six and there is no supporting proof of that child's age, the competent authorities of the Member States shall consider that child to be under the age of six for the purposes of this Regulation.

The minor shall be accompanied by, where present, an adult family member throughout the time when his or her biometric data are taken. The unaccompanied minor shall be accompanied by a representative or, where a representative has not been designated, a person trained to safeguard the best interests of the child and his or her general wellbeing, throughout the time when his or her biometric data are taken. Such a trained person shall not be the official responsible for taking the biometric data, shall act independently and shall not receive orders either from the official or the service responsible for taking the biometric data. Such a trained person shall be the person designated to provisionally act as a representative under Directive (EU) …/…[+], where that person has been designated.

No form of force shall be used against minors to ensure their compliance with the obligation to provide biometric data. However, where permitted by relevant Union or national law, and as a last resort, a proportionate degree of coercion may be used against minors to ensure their compliance with that obligation. When applying such a proportionate degree of coercion, Member States shall respect the dignity and physical integrity of the minor.

Where a minor, in particular an unaccompanied or separated minor, refuses to give their biometric data and there are reasonable grounds for believing that there are risks relating to safeguarding or protecting the minor, as assessed by an official trained specifically to take a minor's biometric data, the minor shall be referred to the competent national child protection authorities, the national referral mechanisms or both.

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[+] OJ: Please insert in the text the number of the Directive contained in document PE-CONS 69/23 (2016/0222(COD)) [Reception Conditions Directive].

2. Where it is not possible to take the fingerprints or capture the facial image of a minor due to the conditions of the fingertips or face, Article 13(5) shall apply. Where the fingerprints or facial image of a minor are retaken, paragraph 1 of this Article shall apply.

3. Eurodac data that pertain to a child under the age of 14 shall only be used for law enforcement purposes against such a child where there are grounds in addition to those referred to in Article 33(1), point (d), to consider that those data are necessary for the purpose of the prevention, detection or investigation of a terrorist offence or other serious criminal offence which that child is suspected of having committed.

4. This Regulation shall be without prejudice to the application of the conditions set out in Article 13 of Directive (EU) …/…[+].

[+] OJ: Please insert in the text the number of the Directive contained in document PE-CONS 69/23 (2016/0222(COD)) [Reception Conditions Directive].

# Chapter II
# Applicants for international protection

*Article 15*

*Collection and transmission of biometric data*

1. Each Member State shall take, in accordance with Article 13(2), the biometric data of every applicant for international protection of at least six years of age:

   (a) upon the registration of the application for international protection referred to in Article 27 of Regulation (EU) …/…[+] and transmit them, as soon as possible and no later than 72 hours from that registration, together with the other data referred to in Article 17(1) of this Regulation, to Eurodac in accordance with Article 3(2) of this Regulation; or

   (b) upon the making of the application for international protection, where the application is made at external border crossing points or in transit zones by a person who does not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399, and transmit them, as soon as possible and no later than 72 hours after the biometric data have been taken, together with the data referred to in Article 17(1) of this Regulation, to Eurodac in accordance with Article 3(2) of this Regulation.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation].

Non-compliance with the 72-hour time limit referred to in the first subparagraph, points (a) and (b), of this paragraph shall not relieve Member States of the obligation to take the biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 38, the Member State of origin shall retake the fingerprints of the applicant and retransmit 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 biometric data 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 transmit such biometric data 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 limits referred to in paragraph 1, the first subparagraph, points (a) and (b), by a maximum of a further 48 hours in order to carry out their national continuity plans.

3. Where requested by the Member State concerned, the biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams specifically trained for that purpose, when exercising powers and performing their tasks in accordance with Regulations (EU) 2019/1896 and (EU) 2021/2303.

4. Each dataset collected and transmitted in accordance with this Article shall be linked with other datasets corresponding to the same third-country national or stateless person in a sequence as set out in Article 3(6).

*Article 16*

*Information on the status of the data subject*

1. As soon as the Member State responsible has been determined in accordance with Regulation (EU) …/…[+], the Member State that conducts the procedures for determining the Member State responsible shall update its dataset recorded in accordance with Article 17 of this Regulation regarding the person concerned by adding the Member State responsible.

   Where a Member State becomes responsible because there are reasonable grounds to consider that the applicant poses a threat to internal security in accordance with Article 16(4) of Regulation (EU) …/…[+], it shall update its dataset recorded in accordance with Article 17 of this Regulation regarding the person concerned by adding the Member State responsible.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

2. The following information shall be sent to Eurodac in order to be stored in accordance with Article 29(1) for the purposes of transmission under Articles 27 and 28:

(a) 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 as referred to in Article 40 of Regulation (EU) …/…[+], the Member State responsible shall send a dataset recorded in accordance with Article 17 of this Regulation relating to the person concerned and shall include his or her date of arrival;

(b) when an applicant for international protection or another person as referred to in Article 36(1), point (b) or (c), of Regulation (EU) …/…[+] arrives in the Member State responsible following a transfer pursuant to a take back notification as referred to in Article 41 of that Regulation, the Member State responsible shall update its dataset recorded in accordance with Article 17 of this Regulation relating to the person concerned by adding his or her date of arrival;

(c) as soon as the Member State of origin establishes that the person concerned whose data were recorded in Eurodac in accordance with Article 17 of this Regulation has left the territory of the Member States, it shall update its dataset recorded in accordance with Article 17 of this Regulation relating to the person concerned by adding the date when that person left the territory, in order to facilitate the application of Article 37(4) of Regulation (EU) …/…[+];

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(d) as soon as the Member State of origin ensures that the person concerned whose data were recorded in Eurodac in accordance with Article 17 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 as provided for in Article 37(5) of Regulation (EU) …/…[+], it shall update its dataset recorded in accordance with Article 17 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.

3. Where responsibility shifts to another Member State, pursuant to Articles 37(1) and Article 68(3) of Regulation (EU) …/…[+], the Member State that establishes that responsibility has shifted, or the Member State of relocation, shall indicate the Member State responsible.

4. Where paragraph 1 or 3 of this Article or Article 31(6) apply, Eurodac shall, as soon as possible and no later than 72 hours after receiving the data concerned, inform all Member States of origin of the transmission of such data by another Member State of origin having produced a hit with data which they transmitted relating to persons as referred to in Article 15(1), Article 18(2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) or Article 26(1). Those Member States of origin shall also update the Member State responsible in the datasets corresponding to persons as referred to in Article 15(1).

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

*Article 17*

*Recording of data*

1. Only the following data shall be recorded in Eurodac in accordance with Article 3(2):

(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) date of birth;

(f) place of birth;

(g) Member State of origin, place and date of the application for international protection; in the cases referred to in Article 16(2), point (a), the date of application shall be the date entered by the Member State who transferred the applicant;

(h) sex;

(i) where available, the type and number of identity or travel document, the three letter code of the issuing country and the expiry date of that document;

(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

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

(l) the date on which the biometric data were taken;

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

(n) operator user ID.

2. Additionally, where applicable and available, the following data shall be promptly recorded in Eurodac in accordance with Article 3(2):

(a) the Member State responsible in the cases referred to in Article 16(1), (2) or (3);

(b) the Member State of relocation in accordance with Article 25(1);

(c) in the cases referred to in Article 16(2), point (a), the date of the arrival of the person concerned after a successful transfer;

(d) in the cases referred to in Article 16(2), point (b), the date of the arrival of the person concerned after a successful transfer;

(e) in the cases referred to in Article 16(2), point (c), the date when the person concerned left the territory of the Member States;

(f) in the cases referred to in Article 16(2), point (d), the date when the person concerned was removed from or left the territory of the Member States;

(g) in the cases referred to in Article 25(2), the date of arrival of the person concerned after a successful transfer;

(h) the fact that a visa was issued to the applicant, the Member State which issued or extended the visa or on behalf of which the visa was issued and the visa application number;

(i) the fact that the person could pose a threat to internal security following the security check referred to in Regulation (EU) …/… of the European Parliament and of the Council[37+] or following an examination pursuant to Article 16(4) of Regulation (EU) …/…[++] or to Article 9(5) of Regulation (EU) …/…[+++], if any of the following circumstances apply:

(i) the person concerned is armed;

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37 Regulation (EU) …/… of the European Parliament and of the Council of … introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L, …, ELI: …).

+ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 20/24 (2020/0278(COD)) [Screening Regulation] and insert the number, date and OJ reference of that Regulation in the footnote.

++ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

+++ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation].

(ii) the person concerned is violent;

(iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541;

(iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of the Framework Decision 2002/584/JHA;

(j) the fact that the application for international protection has been rejected where the applicant has no right to remain and has not been allowed to remain in a Member State pursuant to Regulation (EU) …/…[+];

(k) the fact that, following an examination of an application in the border procedure pursuant to Regulation (EU) …/…[+], a decision rejecting an application for international protection as inadmissible, unfounded or manifestly unfounded or a decision declaring an application as implicitly or explicitly withdrawn has become final;

(l) the fact that assistance for voluntary return and reintegration (AVRR) has been granted.

3. Where all the data referred to in paragraph 1, points (a) to (f) and (h), of this Article relating to a person as referred to in Article 15 are recorded in Eurodac, they shall be considered to be a dataset transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 2019/818.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation].

4. The Member State of origin which has concluded that the threat to internal security identified following the screening referred to in Regulation (EU) …/…[+] or following an examination pursuant to Article 16(4) of Regulation (EU) …/…[++] or to Article 9(5) of Regulation (EU) …/…[+++] no longer applies shall delete the record of the security flag from the dataset, after having consulted any other Member States having registered a dataset of the same person. Eurodac shall, as soon as possible and no later than 72 hours after the deletion of the security flag by another Member State of origin having produced a hit with data which other Member States of origin transmitted relating to persons as referred to in Article 15(1), Article 22(1), Article 23(1) or Article 24(1) of this Regulation, inform those Member States of origin of that deletion. Those Member States of origin shall also delete the security flag in the corresponding dataset.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 20/24 (2020/0278(COD)) [Screening Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[+++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation].

# Chapter III
# Persons registered for the purpose of conducting an admission procedure and persons admitted in accordance with a national resettlement scheme

## SECTION 1
## PERSONS REGISTERED FOR THE PURPOSE OF CONDUCTING AN ADMISSION PROCEDURE UNDER THE UNION RESETTLEMENT AND HUMANITARIAN ADMISSION FRAMEWORK

*Article 18*

*Collection and transmission of biometric data*

1. Each Member State shall take and transmit to Eurodac the biometric data of every person of at least six years of age registered for the purpose of conducting an admission procedure under the Union Resettlement and Humanitarian Admission Framework as soon as possible following the registration referred to in Article 9(3) of Regulation (EU) …/…[+], and at the latest before reaching the conclusion on admission referred to in Article 9(9) of that Regulation. That obligation shall not apply if a Member State can reach that conclusion without a comparison of biometric data, where such a conclusion is negative.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

2. Each Member State shall take the biometric data of every person of at least six years of age registered for the purpose of conducting an admission procedure under the Union Resettlement and Humanitarian Admission Framework and:

(a) to whom that Member State grants international protection or humanitarian status under national law in accordance with Regulation (EU) …/…[+];

(b) who that Member State refuses to admit on one of the grounds referred to in Article 6(1), point (f) of that Regulation; or

(c) for whom that Member State discontinues the admission procedure due to the fact that that person does not give or withdraws his or her consent in accordance with Article 7 of that Regulation.

Member States shall transmit the biometric data of those persons referred to in the first subparagraph together with the data referred to in Article 19(1), points (c) to (q), of this Regulation to Eurodac as soon as possible and no later than 72 hours after the decision to grant international protection or humanitarian status under national law, to refuse admission or to discontinue the admission procedure.

3. Non-compliance with the time limits set out in paragraphs 1 and 2 of this Article shall not relieve Member States of the obligation to take biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 38, the Member State of origin shall retake the fingerprints and retransmit them as soon as possible after they have been successfully retaken.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

Where it is not possible to take biometric data on account of measures taken to ensure the person's health or the protection of public health, Member States shall take and transmit such biometric data as soon as possible after those health grounds no longer prevail.

4. Where requested by the Member State concerned, the biometric data may, for the purposes of Regulation (EU) …/…[+], be taken and transmitted to the requesting Member State by another Member State, the European Union Agency for Asylum or a relevant international organisation.

5. The European Union Agency for Asylum and international organisations as referred to in paragraph 4 shall not have access to Eurodac for the purposes of this Article.

*Article 19*

*Recording of data*

1. Only the following data shall be recorded in Eurodac in accordance with Article 3(2) of this Regulation:

(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;

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(d) nationality(ies);

(e) date of birth;

(f) place of birth;

(g) Member State of origin, place and date of the registration in accordance with Article 9(3) of Regulation (EU) …/…[+];

(h) sex;

(i) where available, the type and number of identity or travel document, the three letter code of the issuing country and the expiry date of that document;

(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity, and where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

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

(l) the date on which the biometric data were taken;

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

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(n) operator user ID;

(o) where applicable, the date of the decision to grant international protection or humanitarian status under national law in accordance with Article 9(14) of Regulation (EU) …/…[+];

(p) where applicable, the date of the refusal of admission in accordance with Regulation (EU) …/…[+] and the grounds on which admission was refused;

(q) where applicable, the date of the discontinuation of the admission procedure as referred to in Regulation (EU) …/…[+].

2. Where all the data referred to in paragraph 1, points (a) to (f) and (h), of this Article relating to a person as referred to in Article 18(2) are recorded in Eurodac, they shall be considered to be a dataset transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 2019/818.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

## SECTION 2

## PERSONS ADMITTED

## IN ACCORDANCE WITH A NATIONAL RESETTLEMENT SCHEME

*Article 20*

*Collection and transmission of biometric data*

1. Each Member State shall take the biometric data of every person of at least six years of age who has been admitted in accordance with a national resettlement scheme and transmit such data to Eurodac, together with the data referred to in Article 21(1), points (c) to (o), as soon as it grants that person international protection or humanitarian status under national law and no later than 72 hours thereafter.

2. Non-compliance with the time limit set out in paragraph 1 shall not relieve Member States of the obligation to take the biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of the fingerprints of a quality ensuring appropriate comparison under Article 38, the Member State of origin shall retake the fingerprints and retransmit them as soon as possible after they have been successfully retaken.

3. By way of derogation from the paragraph 2, where it is not possible to take biometric data of a person admitted in accordance with a national resettlement scheme on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and transmit such biometric data as soon as possible and no later than 48 hours after those health grounds no longer prevail.

*Article 21*

*Recording of data*

1. Only the following data shall be recorded in Eurodac in accordance with Article 3(2):

(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) date of birth;

(f) place of birth;

(g) Member State of origin, place and date of the registration;

(h) sex;

(i) where available, the type and number of identity or travel document, the three letter code of the issuing country and the expiry date of that document;

(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity, and where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

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

(l) the date on which the biometric data were taken;

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

(n) operator user ID;

(o) the date on which international protection or humanitarian status under national law was granted.

2. Where all the data referred to in paragraph 1, points (a) to (f), and (h), of this Article relating to a person referred to in Article 20(1) of this Regulation are recorded in Eurodac, they shall be considered to be a dataset transmitted to Eurodac for the purposes of Article 27(1), point (aa) of Regulation (EU) 2019/818.

# Chapter IV
# Third-country nationals or stateless persons apprehended in connection with the irregular crossing of an external border

*Article 22*

*Collection and transmission of biometric data*

1. Each Member State shall promptly take, in accordance with Article 13(2), the biometric data 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, who comes from a third country, 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.

2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to Eurodac in accordance with Article 3(2) the following data in relation to any third-country national or stateless person 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) date of birth;

(f) place of birth;

(g) Member State of origin, place and date of the apprehension;

(h) sex;

(i) where available, the type and number of identity or travel document, the three letter code of the issuing country and the expiry date of that document;

(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

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

(l) the date on which the biometric data were taken;

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

(n) operator user ID.

3. Additionally, where applicable and available, the following data shall be promptly transmitted to Eurodac in accordance with Article 3(2):

(a) in accordance with paragraph 7 of this Article, the date when the person concerned left or was removed from the territory of the Member States;

(b) the Member State of relocation in accordance with Article 25(1);

(c) the fact that AVRR has been granted,

(d) the fact that the person could pose a threat to internal security, following the screening referred to in Regulation (EU) …/…[+], if any of the following circumstances apply:

(i) the person concerned is armed;

(ii) the person concerned is violent;

(iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541;

(iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA.

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 20/24 (2020/0278(COD) [Screening Regulation].

4. By way of derogation from paragraph 2, the data referred to in paragraph 2 relating to persons apprehended, as referred to 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.

5. 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 the biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 38, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article and retransmit them as soon as possible and no later than 48 hours after they have been successfully retaken.

6. By way of derogation from paragraph 1, where it is not possible to take the biometric data 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 transmit such biometric data 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 referred to in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

7. As soon as the Member State of origin ensures that the person concerned whose data were 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 dataset recorded relating to the person concerned by adding the date of his or her removal or when he or she left the territory.

8. Where requested by the Member State concerned, the biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams specifically trained for that purpose, when exercising powers and performing their tasks in accordance with Regulations (EU) 2019/1896 and (EU) 2021/2303.

9. Each dataset collected and transmitted in accordance with this Article shall be linked with other datasets corresponding to the same third-country national or stateless person in a sequence as set out in Article 3(6).

10. Where all the data referred to in paragraph 2, points (a) to (f) and (h), of this Article relating to a person as referred to in paragraph 1 of this Article are recorded in Eurodac, they shall be considered to be a dataset transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 2019/818.

# Chapter V
# Third-country nationals or stateless persons illegally staying in a Member State

*Article 23*

*Collection and transmission of biometric data*

1. Each Member State shall promptly take, in accordance with Article 13(2), the biometric data of every third-country national or stateless person of at least six years of age who is illegally staying within its territory.

2. The Member State concerned shall, as soon as possible and no later than 72 hours after the third-country national or the stateless person has been found to be illegally staying, transmit to Eurodac in accordance with Article 3(2) the following data in relation to any third-country national or stateless person referred to in paragraph 1:

   (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) date of birth;

(f) place of birth;

(g) Member State of origin, place and date of the apprehension;

(h) sex;

(i) where available, the type and number of identity or travel document, the three letter code of the issuing country and the expiry date of that document;

(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

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

(l) the date on which the biometric data were taken;

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

(n) operator user ID.

3. Additionally, where applicable and available, the following data shall be promptly transmitted to Eurodac in accordance with Article 3(2):

(a) in accordance with paragraph 6 of this Article, the date when the person concerned left or was removed from the territory of the Member States;

(b) the Member State of relocation in accordance with Article 25(1);

(c) where applicable, in the cases referred to in Article 25(2), the date of arrival of the person concerned after a successful transfer;

(d) the fact that AVRR has been granted;

(e) the fact that the person could pose a threat to internal security, following the screening referred to in Regulation (EU) …/…[+] or following a security check carried out at the moment of taking the biometric data as provided for in paragraph 1 of this Article, if any of the following circumstances apply:

(i) the person concerned is armed;

(ii) the person concerned is violent;

(iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541;

(iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 20/24 (2020/0278(COD) [Screening Regulation].

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 the biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 38, the Member State of origin shall retake the fingerprints of persons apprehended as described in paragraph 1 of this Article and retransmit them as soon as possible and no later than 48 hours after they have been successfully retaken.

5. By way of derogation from paragraph 1, where it is not possible to take the biometric data 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 transmit such biometric data 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 referred to in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

6. As soon as the Member State of origin ensures that the person concerned whose data were 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 dataset recorded relating to the person concerned by adding the date of his or her removal or when he or she left the territory.

7. Each dataset collected and transmitted in accordance with this Article shall be linked with other datasets corresponding to the same third-country national or stateless person in a sequence as set out in Article 3(6).

8. Where all the data referred to in paragraph 2, points (a) to (f) and (h), of this Article relating to a person as referred to in paragraph 1 of this Article are recorded in Eurodac, they shall be considered to be a dataset transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 2019/818.

# Chapter VI
# Third-country nationals or stateless persons disembarked following a search and rescue operation

*Article 24*

*Collection and transmission of biometric data*

1. Each Member State shall promptly take the biometric data of every third-country national or stateless person of at least six years of age who is disembarked following a search and rescue operation as defined in Regulation (EU) …/…[+].

2. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of disembarkation, transmit to Eurodac in accordance with Article 3(2) the following data in relation to any third-country national or stateless person referred to in paragraph 1:

   (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) date of birth;

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

(f) place of birth;

(g) Member State of origin, place and date of disembarkation;

(h) sex;

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

(j) the date on which the biometric data were taken;

(k) the date on which the data were transmitted to Eurodac;

(l) operator user ID.

3. Additionally, where applicable and available, the following data shall be transmitted to Eurodac in accordance with Article 3(2) as soon as available:

(a) the type and number of identity or travel document, the three letter code of the issuing country and the expiry date of that document;

(b) a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document which facilitates the identification of the third-country national or stateless person along with an indication of its authenticity;

(c) in accordance with paragraph 8 of this Article, the date when the person concerned left or was removed from the territory of the Member States;

(d) the Member State of relocation in accordance with Article 25(1);

(e) the fact that AVRR has been granted;

(f) the fact that the person could pose a threat to internal security following the screening referred to in Regulation (EU) …/…[+], if any of the following circumstances apply:

(i) the person concerned is armed;

(ii) the person concerned is violent;

(iii) there are indications that the person concerned is involved in any of the offences referred to in Directive (EU) 2017/541;

(iv) there are indications that the person concerned is involved in any of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA.

4. Non-compliance with the time limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take the biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 38, the Member State of origin shall retake the fingerprints of persons disembarked as described in paragraph 1 of this Article and retransmit them as soon as possible and no later than 48 hours after they have been successfully retaken.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 20/24 (2020/0278(COD) [Screening Regulation].

5. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the disembarked 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 transmit such biometric data 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 referred to in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

6. In the event of a sudden influx, Member States may extend the 72-hour time limit referred to in paragraph 2 by a maximum of a further 48 hours. That derogation shall enter into force on the date it is notified to the Commission and to the other Member States and for the duration stated in the notification. The duration stated in the notification shall not exceed one month.

7. As soon as the Member State of origin ensures that the person concerned whose data were 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 dataset recorded relating to the person concerned by adding the date of his or her removal or when he or she left the territory.

8. Where requested by the Member State concerned, the biometric data, alphanumeric data and, where available, a scanned colour copy of an identity or travel document may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams specifically trained for that purpose, when exercising powers and performing their tasks in accordance with Regulations (EU) 2019/1896 and (EU) 2021/2303.

9. Each dataset collected and transmitted in accordance with this Article shall be linked with other datasets corresponding to the same third-country national or stateless person in a sequence as set out in Article 3(6).

10. Without prejudice to the application of Regulation (EU) …/…[+], the fact that the data of a person are transmitted to Eurodac in accordance with this Article shall not result in any discrimination against or difference of treatment of a person covered by Article 22(1) of this Regulation.

11. Where all the data referred to in paragraph 2, points (a) to (f) and (h), of this Article relating to a person as referred to in paragraph 1 of this Article are recorded in Eurodac, they shall be considered to be a dataset transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 2019/818.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

# Chapter VII
# Information on Relocation

*Article 25*

*Information on the status of relocation of the data subject*

1. As soon as the Member State of relocation is obliged to relocate the person concerned pursuant to Article 67(9) of Regulation (EU) …/…[+], the benefitting Member State shall update its dataset recorded in accordance with Article 17, 22, 23 or 24 of this Regulation relating to the person concerned by adding the Member State of relocation.

2. When a person arrives in the Member State of relocation following the confirmation by the Member State of relocation to relocate the person concerned pursuant to Article 67(9) of Regulation (EU) …/…[+], that Member State shall send a dataset recorded in accordance with Article 17 or 23 of this Regulation relating to the person concerned and shall include his or her date of arrival. The dataset shall be stored in accordance with Article 29(1) for the purpose of transmission under Articles 27 and 28.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

# Chapter VIII
# Beneficiaries of temporary protection

*Article 26*

*Collection and transmission of biometric data*

1. Each Member State shall promptly take the biometric data of every third-country national or stateless person of at least six years of age registered as a beneficiary of temporary protection in the territory of that Member State pursuant to Directive 2001/55/EC.

2. The Member State concerned shall, as soon as possible and no later than 10 days after the registration as a beneficiary of temporary protection, transmit to Eurodac in accordance with Article 3(2) the following data in relation to any third-country national or stateless person referred to in paragraph 1:

   (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) date of birth;

(f) place of birth;

(g) Member State of origin, place and date of registration as beneficiary of temporary protection;

(h) sex;

(i) where available, the type and number of identity or travel document, the three letter code of the issuing country and the expiry date of that document;

(j) where available, a scanned colour copy of an identity or travel document along with an indication of its authenticity or, where unavailable, another document;

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

(l) the date on which the biometric data were taken;

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

(n) operator user ID;

(o) where relevant, the fact that the person previously registered as a beneficiary of temporary protection falls under one of the exclusion grounds set out in Article 28 of Directive 2001/55/EC;

(p) the reference of the relevant Council Implementing Decision.

3. Non-compliance with the 10-day time limit referred to in paragraph 2 of this Article shall not relieve Member States of the obligation to take the biometric data and transmit them to Eurodac. Where the condition of the fingertips does not allow the taking of fingerprints of a quality ensuring appropriate comparison under Article 38, the Member State of origin shall retake the fingerprints of the beneficiary of temporary protection as described in paragraph 1 of this Article and retransmit them as soon as possible and no later than 48 hours after they have been successfully retaken.

4. By way of derogation from paragraph 1, where it is not possible to take the biometric data of the beneficiary of temporary protection on account of measures taken to ensure his or her health or the protection of public health, the Member State concerned shall take and transmit such biometric data 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 10-day time limit referred to in paragraph 2 by a maximum of a further 48 hours in order to carry out their national continuity plans.

5. Where requested by the Member State concerned, the biometric data may also be taken and transmitted on behalf of that Member State by members of the European Border and Coast Guard Teams or experts of the asylum support teams specifically trained for that purpose, when exercising powers and performing their tasks in accordance with Regulations (EU) 2019/1896 and (EU) 2021/2303.

6. Each dataset collected and transmitted in accordance with this Article shall be linked with other datasets corresponding to the same third-country national or stateless person in a sequence as set out in Article 3(6).

7. Where all the data referred to in paragraph 2, points (a) to (f) and (h), of this Article relating to a person as referred to in paragraph 1 of this Article are recorded in Eurodac, they shall be considered to be a dataset transmitted to Eurodac for the purposes of Article 27(1), point (aa), of Regulation (EU) 2019/818.

# Chapter IX

# Procedure for comparison of data for applicants for international protection, third-country nationals and stateless persons apprehended crossing the border irregularly or illegally staying in the territory of a Member State, third-country nationals and stateless persons registered for the purpose of conducting an admission procedure and admitted in accordance with a national resettlement scheme, third-country nationals and stateless persons disembarked following a search and rescue operation and beneficiaries of temporary protection

*Article 27*

*Comparison of biometric data*

1. Biometric data transmitted by any Member State, with the exception of those transmitted in accordance with Article 16(2), points (a) and (c), and Articles 18 and 20, shall be compared automatically with the biometric data transmitted by other Member States and already stored in Eurodac in accordance with Article 15, Article 18(2), and Articles 20, 22, 23, 24 and 26.

2. Biometric data transmitted by any Member State in accordance with Article 18(1) shall be compared automatically with the biometric data transmitted by other Member States and already stored in Eurodac in accordance with Article 15 and marked in accordance with Article 31, and with Article 18(2) and Article 20.

3. Eurodac shall ensure, at the request of a Member State, that the comparison referred to in paragraph 1 covers the biometric data previously transmitted by that Member State, in addition to the biometric data from other Member States.

4. Eurodac shall automatically transmit the hit or the negative result of the comparison to the Member State of origin following the procedures set out in Article 38(4). Where there is a hit, it shall transmit, for all datasets corresponding to the hit, the data referred to in Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2) along with, where appropriate, the mark referred to in Article 31(1) and (4). Where a negative result is received, the data referred to in Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2) shall not be transmitted.

5. Where a hit is received by a Member State from Eurodac that can assist that Member State in carrying out its obligations under Article 1(1), point (a), that hit shall take precedence over any other hit received.

*Article 28*

*Comparison of facial image data*

1. Where the condition of the fingertips does not allow for the taking of fingerprints of a quality ensuring appropriate comparison under Article 38 or where no fingerprints are available for comparison, a Member State shall carry out a comparison of facial image data.

2. Facial image data and data relating to the sex of the data subject may be compared automatically with the facial image data and the data relating to the sex of the data subject transmitted by other Member States and already stored in Eurodac in accordance with Article 15, Article 18(2) and Articles 20, 22, 23, 24 and 26, with the exception of those transmitted in accordance with Article 16(2), points (a) and (c), and Articles 18 and 20.

   Eurodac shall ensure, at the request of a Member State, that the comparison referred to in paragraph 1 covers the facial image data previously transmitted by that Member State, in addition to the facial image data from other Member States.

3. Facial image data and data relating to the sex of the data subject transmitted by any Member State in accordance with Article 18(1) may be compared automatically with the facial image data and the data relating to the sex of the data subject transmitted by other Member States and already stored in Eurodac in accordance with Article 15 and marked in accordance with Article 31, and with Article 18(2) and Article 20.

4. Eurodac shall automatically transmit the hit or the negative result of the comparison to the Member State of origin following the procedures set out in Article 38(5). Where there is a hit, it shall transmit, for all datasets corresponding to the hit, the data referred to in Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2) along with, where appropriate, the mark referred to in Article 31(1) and (4). Where a negative result is received, the data referred to in Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2) shall not be transmitted.

5. Where a hit is received by a Member State from Eurodac that can assist that Member State in carrying out its obligations under Article 1(1), point (a), that hit shall take precedence over any other hit received.

# Chapter X

# Data storage, advanced data erasure and marking of data

*Article 29*

*Data storage*

1. For the purposes of Article 15(1), each dataset relating to an applicant for international protection recorded in accordance with Article 17, shall be stored in Eurodac for ten years from the date on which the biometric data were transmitted.

2. The biometric data referred to in Article 18(1) shall not be recorded in Eurodac.

3. For the purposes of Article 18(2), each dataset recorded in accordance with Article 19 relating to a third-country national or stateless person as referred to in Article 18(2), point (a), shall be stored in Eurodac for five years from the date on which the biometric data were transmitted.

4. For the purposes of Article 18(2), each dataset recorded in accordance with Article 19 relating to a third-country national or stateless person as referred to in Article 18(2), point (b) or (c), shall be stored in Eurodac for three years from the date on which the biometric data were transmitted.

5. For the purposes of Article 20, each dataset relating to a third-country national or stateless person recorded in accordance with Article 21 shall be stored in Eurodac for five years from the date on which the biometric data were transmitted.

6. For the purposes of Article 22(1), each dataset relating to a third-country national or stateless person recorded in accordance with Article 22 shall be stored in Eurodac for five years from the date on which the biometric data were transmitted.

7. For the purposes of Article 23(1), each dataset relating to a third-country national or stateless person recorded in accordance with Article 23 shall be stored in Eurodac for five years from the date on which the biometric data were transmitted.

8. For the purposes of Article 24(1), each dataset relating to a third-country national or stateless person recorded in accordance with Article 24 shall be stored in Eurodac for five years from the date on which the biometric data were transmitted.

9. For the purposes of Article 26(1), each dataset relating to a third-country national or stateless person recorded in accordance with Article 26 shall be stored in Eurodac for one year from the date of entry into force of the relevant Council Implementing Decision. The retention period shall be extended every year for the duration of the temporary protection.

10. Upon expiry of the data storage periods referred to in paragraphs 1 to 9 of this Article, the data of the data subjects shall be automatically erased from Eurodac.

*Article 30*

*Advanced data erasure*

1. Data relating to a person who has acquired the citizenship of a Member State of origin before the expiry of the period referred to in Article 29(1), (3), (5), (6), (7), (8) or (9) shall be erased from Eurodac without delay by that Member State in accordance with Article 40(3).

   Data relating to a person who has acquired the citizenship of another Member State before the expiry of the period referred to in Article 29(1), (3), (5), (6), (7), (8) or (9) shall be erased from Eurodac by the Member State of origin, in accordance with Article 40(3), as soon as it becomes aware of the fact that the person concerned has acquired such citizenship.

2. Eurodac shall, as soon as possible and no later than 72 hours after the erasure, inform all Member States of origin of the erasure of data in accordance with paragraph 1 of this Article by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 15(1), Article 18(2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) or Article 26(1).

*Article 31*

*Marking of data*

1. For the purposes laid down in Article 1(1), point (a), the Member State of origin which granted international protection to a person whose data were previously recorded in Eurodac pursuant to Article 17 shall mark the relevant data in accordance with the requirements for electronic communication with Eurodac established by eu-LISA. That mark shall be stored in Eurodac in accordance with Article 29(1) for the purposes of transmission under Articles 27 and 28. Eurodac shall, as soon as possible and no later than 72 hours after the marking of the data, inform all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 15(1), Article 18(2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) or Article 26(1). Those Member States of origin shall also mark the corresponding datasets.

2. The data of beneficiaries of international protection stored in Eurodac in accordance with Article 3(2) and marked pursuant to paragraph 1 of this Article shall be made available for comparison for law enforcement purposes until such data are automatically erased from Eurodac in accordance with Article 29(10).

3. The Member State of origin shall unmark data concerning a third-country national or stateless person whose data were previously marked in accordance with paragraph 1 of this Article if his or her status is withdrawn under Article 14 or 19 of Regulation (EU) …/…[+].

[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 70/23 (2016/0223(COD)) [Qualification Regulation].

4. For the purposes laid down in Article 1(1), points (a) and (c), the Member State of origin which issued a residence document to an illegally staying third-country national or stateless person whose data were previously recorded in Eurodac, as appropriate, pursuant to Article 22(2) or Article 23(2), or to a third-country national or stateless person disembarked following a search and rescue operation whose data were previously recorded in Eurodac pursuant to Article 24(2), shall mark the relevant data in accordance with the requirements for electronic communication with Eurodac established by eu-LISA. That mark shall be stored in Eurodac in accordance with Article 29(6), (7), (8) and (9) for the purposes of transmission under Articles 27 and 28. Eurodac shall, as soon as possible and no later than 72 hours after the marking of data, inform all Member States of origin of the marking of data by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 15(1), Article 18(2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) or Article 26(1). Those Member States of origin shall also mark the corresponding datasets.

5. The data of illegally staying third-country nationals or stateless persons stored in Eurodac and marked pursuant to paragraph 4 of this Article shall be made available for comparison for law enforcement purposes until such data are automatically erased from Eurodac in accordance with Article 29(10).

6. For the purposes of Article 68(4) of Regulation (EU) …/…[+], the Member State of relocation shall, following the registration of the data pursuant to Article 25(2) of this Regulation, register itself as the Member State responsible and mark those data with the marking introduced by the Member State that granted protection.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

# Chapter XI
# Procedure for comparison and data transmission for law enforcement purposes

*Article 32*

*Procedure for comparison of biometric or alphanumeric data with Eurodac data*

1. For law enforcement purposes, the Member States' designated authorities and the Europol designated authority may submit a reasoned electronic request as provided for in Article 33(1) and in Article 34(1), together with the reference number used by them, to the verifying authority to be forwarded for a comparison of biometric data or alphanumeric data to Eurodac via the National Access Point or Europol Access Point. Upon receipt of such a request, the verifying authority shall verify whether all the conditions for requesting a comparison as referred to in Article 33 or 34, as applicable, are fulfilled.

2. Where all the conditions for requesting a comparison as referred to in Article 33 or 34 are fulfilled, the verifying authority shall forward the request for comparison to the National Access Point or Europol Access Point, which shall forward it to Eurodac in accordance with Articles 27 and 28 for the purposes of comparison with the biometric or alphanumeric data transmitted to Eurodac pursuant to Article 15, Article 18(2) and Articles 20, 22, 23, 24 and 26.

3. A comparison of a facial image with other facial image data in Eurodac for law enforcement purposes may be carried out as provided for in Article 28(1), if such data are available at the time the reasoned electronic request is made by the Member States' designated authorities or the Europol designated authority.

4. In exceptional cases of urgency where there is a need to prevent an imminent danger associated with a terrorist offence or other serious criminal offence, the verifying authority may transmit the biometric or alphanumeric data to the National Access Point or Europol Access Point for comparison immediately upon receipt of a request by a designated authority and only verify *ex post* whether all the conditions for requesting a comparison as referred to in Article 33 or 34 are fulfilled, including whether an exceptional case of urgency actually existed. The *ex post* verification shall take place without undue delay after the processing of the request.

5. Where an *ex post* verification determines that the access to Eurodac data was not justified, all the authorities that have accessed such data shall erase the information communicated from Eurodac and shall inform the verifying authority of such erasure.

*Article 33*

*Conditions for access to Eurodac by designated authorities*

1. For law enforcement purposes, designated authorities may submit a reasoned electronic request for the comparison of biometric or alphanumeric data with the data stored in Eurodac within the scope of their powers only where all of the following conditions have been met:

   (a) a prior check has been conducted in:

      (i) national databases; and

      (ii) the automated fingerprinting identification systems of all other Member States under Decision 2008/615/JHA where comparisons are technically available, unless there are reasonable grounds to believe that a comparison with such systems would not lead to the establishment of the identity of the data subject; such reasonable grounds shall be included in the reasoned electronic request for comparison with Eurodac data sent by the designated authority to the verifying authority;

   (b) the comparison is necessary for the purpose of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, which means that there is an overriding public security concern which makes the searching of the database proportionate to the objective pursued;

   (c) the comparison is necessary in a specific case including specific persons; and

(d) there are reasonable grounds to consider that the comparison will substantially contribute to the prevention, detection or investigation of any of the terrorist offences or other serious criminal offences in question; such reasonable grounds exist in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls within a category covered by this Regulation.

In addition to the prior check of the databases referred to in the first subparagraph, designated authorities may also conduct a check in the VIS, provided that the conditions for a comparison with the data stored therein, as laid down in Decision 2008/633/JHA, are met. Designated authorities may submit the reasoned electronic request referred to in the first subparagraph simultaneously with a request for comparison with the data stored in the VIS.

2. Where the designated authorities have consulted the CIR in accordance with Article 22(1) of Regulation (EU) 2019/818 and the CIR, in accordance with paragraph 2 of that Article, has indicated that the data relating to the person concerned are stored in Eurodac, the designated authorities may access Eurodac for consultation without a prior check in national databases or in the automated fingerprinting identification systems of all other Member States.

3. Requests for comparison with Eurodac data for law enforcement purposes, shall be carried out with biometric or alphanumeric data.

*Article 34*

*Conditions for access to Eurodac by Europol*

1. For law enforcement purposes, the Europol designated authority may submit a reasoned electronic request for the comparison of biometric or alphanumeric data with the data stored in Eurodac within the limits of Europol's mandate and where necessary for the performance of Europol's tasks only where all of the following conditions have been met:

   (a) comparisons with biometric or alphanumeric data stored in any information processing systems that are technically and legally accessible by Europol did not lead to the establishment of the identity of the data subject;

   (b) the comparison is necessary to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling under Europol's mandate, which means that there is an overriding public security concern which makes the searching of the database proportionate to the objective pursued;

   (c) the comparison is necessary in a specific case including specific persons; and

(d) there are reasonable grounds to consider that the comparison will substantially contribute to the prevention, detection or investigation of any of the terrorist offences or other serious criminal offences in question; such reasonable grounds exist in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls within a category covered by this Regulation.

2. Where Europol has consulted the CIR in accordance with Article 22(1) of Regulation (EU) 2019/818 and the CIR, in accordance with paragraph 2 of that Article, has indicated that the data relating to the person concerned are stored in Eurodac, Europol may access Eurodac for consultation under the conditions provided for in this Article.

3. Requests for comparison with Eurodac data for law enforcement purposes, shall be carried out with biometric or alphanumeric data.

4. Processing of information obtained by Europol from comparison with Eurodac data shall be subject to the authorisation of the Member State of origin. Such authorisation shall be obtained via the Europol national unit of that Member State.

*Article 35*

*Communication between the designated authorities, the verifying authorities, the National Access Points and the Europol Access Point*

1. Without prejudice to Article 39, all communication between the designated authorities, the verifying authorities, the National Access Points and the Europol Access Point shall be secure and take place electronically.

2. For law enforcement purposes, searches with biometric or alphanumeric data shall be digitally processed by the Member States and Europol and transmitted in the data format as set out in the agreed Interface Control Document, in order to ensure that the comparison can be carried out with other data stored in Eurodac.

# Chapter XII

# Data processing, data protection and liability

*Article 36*

*Responsibility for data processing*

1. The Member State of origin shall be responsible for ensuring that:

   (a) biometric data and the other data referred to in Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2) are taken lawfully and are lawfully transmitted to Eurodac;

   (b) data are accurate and up to date when they are transmitted to Eurodac;

   (c) without prejudice to the responsibilities of eu-LISA, data in Eurodac are lawfully recorded, stored, rectified and erased;

   (d) the results of biometric data comparisons transmitted by Eurodac are lawfully processed.

2. The Member State of origin shall ensure the security of the data referred to in paragraph 1 of this Article before and during transmission to Eurodac, as provided for in Article 48, and the security of the data it receives from Eurodac.

3. The Member State of origin shall be responsible for the final identification of the data pursuant to Article 38(4).

4. eu-LISA shall ensure that Eurodac is operated, including for testing purposes, in accordance with this Regulation and relevant Union data protection rules. In particular, eu-LISA shall:

(a) adopt measures ensuring that all persons, including contractors, working with Eurodac process the data recorded therein only in accordance with the purposes of Eurodac laid down in Article 1;

(b) take the necessary measures to ensure the security of Eurodac in accordance with Article 48;

(c) ensure that only persons authorised to work with Eurodac have access thereto, without prejudice to the competences of the European Data Protection Supervisor.

eu-LISA shall inform the European Parliament, the Council and the European Data Protection Supervisor of the measures it takes pursuant to the first subparagraph of this paragraph.

*Article 37*

*Transmission*

1. Biometric data and other personal data shall be digitally processed and transmitted in the data format as set out in the agreed Interface Control Document. As far as necessary for the efficient operation of Eurodac, eu-LISA shall establish the technical requirements concerning the data format to be used for the transmission of data by Member States to Eurodac and vice versa. eu-LISA shall ensure that the biometric data transmitted by the Member States can be compared by the computerised fingerprint and facial recognition system.

2. Member States shall transmit the data referred to in Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2) electronically. The data referred to in Article 17(1) and (2), Article 19(1), Article 21(1), Article 22(2) and (3), Article 23(2) and (3), Article 24(2) and (3) and Article 26(2) shall be automatically recorded in Eurodac. As far as necessary for the efficient operation of Eurodac, eu-LISA shall establish the technical requirements to ensure that data can be properly electronically transmitted from the Member States to Eurodac and vice versa.

3. Member States shall ensure that the reference number referred to in Article 17(1), point (k), Article 19(1), point (k), Article 21(1), point (k), Article 22(2), point (k), Article 23(2), point (k), Article 24(2), point (k), Article 26(2), point (k), and Article 32(1) makes it possible to relate data unambiguously to a particular person and to the Member State which is transmitting the data and also makes it possible to indicate whether such data relate to a person as referred to in Article 15(1), Article 18(2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) or Article 26(1).

4. The reference number referred to in paragraph 3 of this Article shall begin with the identification letter or letters by which the Member State transmitting the data is identified. The identification letter or letters shall be followed by the identification of the category of person or request. ‘1’ refers to persons as referred to in Article 15(1), ‘2’ to persons as referred to in Article 22(1), ‘3’ to persons as referred to in Article 23(1), ‘4’ to requests as referred to in Article 33, ‘5’ to requests as referred to in Article 34, ‘6’ to requests as referred to in Article 43, ‘7’ to requests as referred to in Article 18, ‘8’ to persons as referred to in Article 20, ‘9’ to persons as referred to in Article 24(1) and ‘0’ to persons as referred to in Article 26(1).

5. eu-LISA shall establish the technical procedures necessary for Member States to ensure receipt of unambiguous data by Eurodac.

6. Eurodac shall confirm receipt of the transmitted data as soon as possible. To that end, eu-LISA shall establish the necessary technical requirements to ensure that Member States receive the confirmation receipt if requested.

*Article 38*

*Carrying out comparisons and transmitting results*

1. Member States shall ensure the transmission of biometric data of an appropriate quality for the purposes of comparison by means of the computerised fingerprint and facial recognition system. As far as is necessary to ensure that the results of the comparison by Eurodac reach a very high level of accuracy, eu-LISA shall establish the appropriate quality of transmitted biometric data. Eurodac shall, as soon as possible, check the quality of the biometric data transmitted. If the biometric data do not lend themselves to comparison using the computerised fingerprint and facial recognition system, Eurodac shall inform the Member State concerned. That Member State shall then transmit biometric data of the appropriate quality using the same reference number as the previous set of biometric data.

2. Eurodac shall carry out comparisons in the order of arrival of requests. Each request shall be handled within 24 hours of its arrival. A Member State may, for reasons connected with national law, require particularly urgent comparisons to be carried out within one hour. Where such time limits cannot be respected due to circumstances which are outside the eu-LISA's responsibility, Eurodac shall process the request as a matter of priority as soon as those circumstances no longer prevail. In such cases, as far as is necessary for the efficient operation of Eurodac, eu-LISA shall establish criteria to ensure the priority handling of requests.

3. As far as is necessary for the efficient operation of Eurodac, eu-LISA shall establish the operational procedures for the processing of the data received and for transmitting the result of the comparison.

4. Where necessary, a fingerprint expert in the receiving Member State, as defined in accordance with its national rules and specifically trained in the types of fingerprint comparisons provided for in this Regulation, shall immediately check the result of the comparison of fingerprint data carried out pursuant to Article 27.

Where, following a comparison of both fingerprint and facial image data with data recorded in the computerised central database, Eurodac returns a fingerprint hit and a facial image hit, Member States may check the result of the comparison of the facial image data.

For the purposes laid down in Article 1(1), points (a), (b), (c) and (j), of this Regulation, final identification shall be made by the Member State of origin in cooperation with the other Member States concerned.

5. The result of the comparison of facial image data carried out pursuant to Article 27, where a hit based only on a facial image is received, and Article 28 shall be immediately checked and verified in the receiving Member State by an expert trained in accordance with national practice.

For the purposes laid down in Article 1(1), points (a), (b), (c) and (j), of this Regulation, final identification shall be made by the Member State of origin in cooperation with the other Member States concerned.

Information received from Eurodac relating to other data found to be unreliable shall be erased as soon as the unreliability of the data is established.

6. Where final identification in accordance with paragraphs 4 and 5 reveals that the result of the comparison received from Eurodac does not correspond to the biometric data sent for comparison, Member States shall immediately erase the result of the comparison and communicate that fact as soon as possible, and no later than three working days after the receipt of the result, to eu-LISA and inform it of the reference number of the Member State of origin and the reference number of the Member State that received the result.

*Article 39*

*Communication between Member States and Eurodac*

Data transmitted from the Member States to Eurodac and vice versa shall use the Communication Infrastructure. As far as is necessary for the efficient operation of Eurodac, eu-LISA shall establish the technical procedures necessary for the use of the Communication Infrastructure.

*Article 40*

*Access to, and rectification or erasure of, data recorded in Eurodac*

1. The Member State of origin shall have access to data which it has transmitted and which are recorded in Eurodac in accordance with this Regulation.

Member States shall not conduct searches of the data transmitted by another Member State or receive such data with the exception of data resulting from the comparison referred to in Articles 27 and 28.

2. The authorities of Member States which, pursuant to paragraph 1 of this Article, have access to data recorded in Eurodac shall be those designated by each Member State for the purposes laid down in Article 1(1), points (a), (b), (c) and (j). That designation shall specify the exact unit responsible for carrying out tasks related to the application of this Regulation. Each Member State shall without delay communicate to the Commission and eu-LISA a list of those units and any amendments thereto. eu-LISA shall publish the consolidated list in the *Official Journal of the European Union*. Where there are amendments to that list, eu-LISA shall publish once a year an updated consolidated list online.

3. Only the Member State of origin shall have the right to amend the data which it has transmitted to Eurodac by rectifying or supplementing such data, or to erase them, without prejudice to erasure carried out pursuant to Article 29.

4. Access for the purpose of consulting the Eurodac data stored in the CIR shall be granted to the duly authorised staff of the national authorities of each Member State and to the duly authorised staff of the Union bodies competent for the purposes laid down in Articles 20 and 21 of Regulation (EU) 2019/818. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies and for the achievement of those purposes and shall be proportionate to the objectives pursued.

5. If a Member State or eu-LISA has evidence to suggest that data recorded in Eurodac are factually inaccurate, it shall, without prejudice to the notification of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, inform the Member State of origin thereof as soon as possible.

If a Member State has evidence to suggest that data were recorded in Eurodac in breach of this Regulation, it shall inform eu-LISA, the Commission and the Member State of origin thereof as soon as possible. The Member State of origin shall check the data concerned and, if necessary, amend or erase them without delay.

6. eu-LISA shall not transfer or make available data recorded in Eurodac to the authorities of any third country. That prohibition shall not apply to transfers of such data to third countries to which Regulation (EU) …/…[+] applies.

*Article 41*

*Keeping of records*

1. eu-LISA shall keep records of all data processing operations within Eurodac. Those records shall show the purpose, date and time of access, the data transmitted, the data used for querying and the name of both the unit entering or retrieving the data and the persons responsible.

2. For the purposes of Article 8 of this Regulation, eu-LISA shall keep records of each data processing operation carried out within Eurodac. Records of such type of operations shall include the elements provided for in paragraph 1 of this Article and the hits triggered while carrying out the automated processing laid down in Article 20 of Regulation (EU) 2018/1240.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

3. For the purposes of Article 10 of this Regulation, Member States and eu-LISA shall keep records of each data processing operation carried out within Eurodac and the VIS in accordance with this Article and Article 34 of Regulation (EC) No 767/2008.

4. The records referred to in paragraph 1 of this Article may be used only for the data protection monitoring of the admissibility of data processing and to ensure data security pursuant to Article 46. Those records shall be protected by appropriate measures against unauthorised access and erased after a period of one year after the storage period referred to in Article 29 has expired, unless they are required for monitoring procedures which have already begun.

5. For the purposes laid down in Article 1(1), points (a), (b), (c), (g), (h) and (j), each Member State shall take the necessary measures in order to achieve the objectives set out in paragraphs 1 to 4 of this Article in relation to its national system. In addition, each Member State shall keep a record of the staff duly authorised to enter or retrieve the data.

*Article 42*

*Rights of information*

1. The Member State of origin shall inform a person covered by Article 15(1), Article 18(1) and (2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) or Article 26(1) of this Regulation, in writing, and where necessary, orally, in a language that he or she understands or is reasonably supposed to understand, in a concise, transparent, intelligible and easily accessible form, using clear and plain language, of the following:

   (a) the identity and contact details of the controller within the meaning of Article 4, point (7), of Regulation (EU) 2016/679 and of his or her representative, if any, and the contact details of the data protection officer;

   (b) the data to be processed in Eurodac and the legal basis for processing, including a description of the aims of Regulation (EU) …/…[+], in accordance with Article 19 of that Regulation and, where applicable, of the aims of Regulation (EU) …/…[++], and an explanation in an intelligible form of the fact that Eurodac may be accessed by the Member States and Europol for law enforcement purposes;

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

(c) in relation to a person covered by Article 15(1), Article 22(1), Article 23(1) or Article 24(1), the fact that, if a security check as referred to in Articles 17(2), point (i), 22(3), point (d), Article 23(3), point (e), and Article 24(3), point (f), shows that he or she could pose a threat to internal security, the Member State of origin is obliged to register that fact in Eurodac;

(d) the recipients or categories of recipients of the data, if any;

(e) in relation to a person covered by Article 15(1), Article 18(1) and (2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) or Article 26(1), the obligation to have his or her biometric data taken and the relevant procedure, including the possible implications of non-compliance with such an obligation;

(f) the period for which the data will be stored pursuant to Article 29;

(g) the existence of the right to request from the controller access to data relating to him or her, and the right to request the rectification of inaccurate personal data, the completion of incomplete personal data or the erasure or restriction of the processing of unlawfully processed personal data concerning the data subject, as well as the right to receive information on the procedures for exercising those rights including the contact details of the controller and the supervisory authorities referred to in Article 44(1);

(h) the right to lodge a complaint with the supervisory authority.

2. In relation to a person covered by Article 15(1), Article 18(1) and (2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) and Article 26(1), the information referred to in paragraph 1 of this Article shall be provided at the time when his or her biometric data are taken.

Where a person covered by Article 15(1), Article 18(1) and (2), Article 20(1), Article 22(1), Article 23(1), Article 24(1) and Article 26(1), is a minor, the information shall be provided by Member States in an age-appropriate manner.

The procedure to capture biometric data shall be explained to minors by using leaflets, infographics or demonstrations, or a combination of any of the three, as appropriate, specifically designed in such a way as to ensure that minors understand it.

3. A common leaflet, containing at least the information referred to in paragraph 1 of this Article and the information referred to in Article 19(1) of Regulation (EU) …/…[+], shall be drawn up in accordance with the procedure referred to in Article 77(2) of that Regulation.

The leaflet shall be clear and simple, drafted in a concise, transparent, intelligible and easily accessible form and in a language that the person concerned understands or is reasonably supposed to understand.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

The leaflet shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information. That Member State-specific information shall include at least the administrative measures for ensuring compliance with the obligation to provide biometric data, the rights of the data subject, the possibility of information and assistance by the national supervisory authorities, the contact details of the office of the controller and of the data protection officer, and the contact details of the national supervisory authorities.

*Article 43*

*Right of access to, rectification, completion, erasure and restriction of the processing of personal data*

1. For the purposes laid down in Article 1(1), points (a), (b), (c) and (j), of this Regulation, the data subject's rights of access to, rectification, completion, erasure and restriction of the processing of personal data shall be exercised in accordance with Chapter III of Regulation (EU) 2016/679 and applied as set out in this Article.

2. The right of access of the data subject in each Member State shall include the right to have communicated to him or her the personal data relating to him or her recorded in Eurodac, including any record indicating that the person could pose a threat to internal security, and the Member State which transmitted them to Eurodac under the conditions set out in Regulation (EU) 2016/679 and in national law adopted pursuant thereto. Such access to personal data may be granted only by a Member State.

When the rights of rectification and erasure of personal data are exercised in a Member State other than that, or those, which transmitted the data, the authorities of that Member State shall contact the authorities of the Member State or Member States which transmitted the data so that they can check the accuracy of the data and the lawfulness of their transmission to and recording in Eurodac.

3. With regard to a record indicating that the person could pose a threat to internal security, Member States may restrict the data subject's rights referred to in this Article in accordance with Article 23 of Regulation (EU) 2016/679.

4. If it emerges that data recorded in Eurodac are factually inaccurate or have been recorded unlawfully, the Member State which transmitted them shall rectify or erase the data in accordance with Article 40(3). That Member State shall confirm in writing to the data subject that it has taken action to rectify, complete, erase or restrict the processing of personal data relating to that data subject.

5. If the Member State which has transmitted the data does not agree that the data recorded in Eurodac are factually inaccurate or have been recorded unlawfully, it shall explain in writing to the data subject why it does not intend to rectify or erase the data.

That Member State shall also provide the data subject with information explaining the steps which can be taken if he or she does not accept the explanation provided. That shall include information on how to bring an action or, if appropriate, a complaint before the competent authorities or courts of that Member State and on any financial or other assistance that is available in accordance with the laws, regulations and procedures of that Member State.

6. Any request under paragraphs 1 and 2 for access to, rectification, completion, erasure or restriction of the processing of personal data shall contain all the necessary particulars to identify the data subject, including biometric data. Such data shall be used exclusively to permit the exercise of the data subject's rights as referred to in paragraphs 1 and 2 and shall be erased immediately afterwards.

7. The competent authorities of the Member States shall cooperate actively to enforce promptly the data subject's rights to access, rectification, completion, erasure and restriction of the processing of personal data.

8. Whenever a person requests access to data relating to him or her, the competent authority shall keep a record in the form of a written document that such a request was made and how it was addressed, and shall make that document available to the national supervisory authorities without delay.

9. The national supervisory authority of the Member State which has transmitted the data and the national supervisory authority of the Member State in which the data subject is present shall, where requested, provide information to the data subject concerning the exercise of his or her right to request from the data controller access to, rectification, completion, erasure or the restriction of the processing of personal data concerning him or her. The supervisory authorities shall cooperate in accordance with Chapter VII of Regulation (EU) 2016/679.

*Article 44*

*Supervision by the national supervisory authorities*

1. Each Member State shall provide that its supervisory authority or authorities, as referred to in Article 51(1) of Regulation (EU) 2016/679, are to monitor the lawfulness of the processing of personal data by the Member State in question for the purposes laid down in Article 1(1), points (a), (b), (c) and (j), of this Regulation, including their transmission to Eurodac.

2. Each Member State shall ensure that its supervisory authority has access to advice from persons with sufficient knowledge of biometric data.

*Article 45*

*Supervision by the European Data Protection Supervisor*

1. The European Data Protection Supervisor shall ensure that all the personal data processing activities concerning Eurodac, in particular by eu-LISA, are carried out in accordance with Regulations (EU) 2018/1725 and with this Regulation.

2. The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with international auditing standards at least every three years. A report of such audits shall be sent to the European Parliament, to the Council, to the Commission, to eu-LISA, and to the national supervisory authorities. eu-LISA shall be given an opportunity to make comments before the report is adopted.

*Article 46*

*Cooperation between national supervisory authorities and the European Data Protection Supervisor*

1. In accordance with Article 62 of Regulation (EU) 2018/1725, the national supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, cooperate actively in the framework of their responsibilities and ensure the coordinated supervision of Eurodac.

2. Member States shall ensure that every year an audit of the processing of personal data for law enforcement purposes is carried out by an independent body, in accordance with Article 47(1), including an analysis of a sample of reasoned electronic requests.

The audit shall be attached to the annual report by the Member States referred to in Article 57(8).

3. The national supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties in the interpretation or application of this Regulation, study problems with regard to the exercise of independent supervision or in the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

4. For the purposes of paragraph 3, the national supervisory authorities and the European Data Protection Supervisor shall meet at least twice a year within the framework of the European Data Protection Board. The costs and servicing of the meetings shall be covered by the European Data Protection Board. The rules of procedure for the meetings shall be adopted at the first such meeting. Further working methods shall be developed jointly as necessary. The European Data Protection Board shall send a joint report of activities to the European Parliament, to the Council and to the Commission every two years. That report shall include a chapter with regard to each Member State prepared by the national supervisory authority of that Member State.

*Article 47*

*Protection of personal data for law enforcement purposes*

1. The supervisory authority or authorities of each Member State, as referred to in Article 41(1) of Directive (EU) 2016/680, shall monitor the lawfulness of the processing of personal data under this Regulation by the Member States for law enforcement purposes, including their transmission to and from Eurodac.

2. The processing of personal data by Europol pursuant to this Regulation shall be in accordance with Regulation (EU) 2016/794 and shall be supervised by the European Data Protection Supervisor.

3. Personal data obtained pursuant to this Regulation from Eurodac for law enforcement purposes shall only be processed for the purposes of the prevention, detection or investigation of the specific case for which the data have been requested by a Member State or by Europol.

4. Without prejudice to Article 24 of Directive (EU) 2016/680, Eurodac, the designated and verifying authorities and Europol shall keep records of searches for the purpose of permitting the national supervisory authorities and the European Data Protection Supervisor to monitor the compliance of data processing with Union data protection rules, including for the purpose of maintaining records in order to prepare the annual reports referred to in Article 57(8) of this Regulation. Other than for such purposes, personal data, as well as the records of the searches, shall be erased in all national and Europol files after a period of one month, unless the data are required for the purposes of the specific ongoing criminal investigation for which they were requested by a Member State or by Europol.

*Article 48*

*Data security*

1. The Member State of origin shall ensure the security of data before and during transmission to Eurodac.

2. Each Member State shall, in relation to all data processed by its competent authorities pursuant to this Regulation, adopt the necessary measures, including a data security plan, in order to:

   (a) physically protect the data, including by making contingency plans for the protection of critical infrastructure;

(b) deny unauthorised persons access to data-processing equipment and national installations in which the Member State carries out operations in accordance with the purposes of Eurodac (equipment, access control and checks at entrance to the installation);

(c) prevent the unauthorised reading, copying, modification or removal of data media (data media control);

(d) prevent the unauthorised input of data and the unauthorised inspection, modification or erasure of stored personal data (storage control);

(e) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment (user control);

(f) prevent the unauthorised processing of data in Eurodac and any unauthorised modification or erasure of data processed in Eurodac (control of data entry);

(g) ensure that persons authorised to access Eurodac have access only to the data covered by their access authorisation, by means of individual and unique user IDs and confidential access modes only (data access control);

(h) ensure that all authorities with a right of access to Eurodac create profiles describing the functions and responsibilities of persons who are authorised to access, enter, update, erase and search the data, and make those profiles and any other relevant information which those authorities might require for supervisory purposes available to the supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 and in Article 41 of Directive (EU) 2016/680, without delay, at their request (personnel profiles);

(i) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control);

(j) ensure that it is possible to verify and establish what data have been processed in Eurodac, when, by whom and for what purpose (control of data recording);

(k) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from Eurodac or during the transport of data media, in particular by means of appropriate encryption techniques (transport control);

(l) ensure that installed systems may, in the event of interruption, be restored (recovery);

(m) ensure that Eurodac performs its functions, that the appearance of faults in the functions is reported (reliability) and that stored personal data cannot be corrupted by means of the system malfunctioning (integrity); and

(n) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring in order to ensure compliance with this Regulation (self-auditing) and to automatically detect within 24 hours any relevant events arising from the application of measures listed in points (b) to (k) that might indicate the occurrence of a security incident.

3. Member States and Europol shall inform eu-LISA of security incidents related to Eurodac detected on their systems without prejudice to the notification and communication of a personal data breach, pursuant to Articles 33 and 34 of Regulation (EU) 2016/679 and Articles 30 and 31 of Directive (EU) 2016/680, as well as Articles 34 and 35 of Regulation (EU) 2016/794, respectively. eu-LISA shall inform the Member States, Europol and the European Data Protection Supervisor, without undue delay, of security incidents related to Eurodac detected on their systems without prejudice to Articles 34 and 35 of Regulation (EU) 2018/1725. The Member States concerned, eu-LISA and Europol shall collaborate during a security incident.

4. eu-LISA shall take the necessary measures in order to achieve the objectives set out in paragraph 2 of this Article as regards the operation of Eurodac, including the adoption of a data security plan.

Prior to the start of the operational use of Eurodac, the security framework for Eurodac's business and technical environment shall be updated, in accordance with Article 33 of Regulation (EU) 2018/1725.

5. The European Union Agency for Asylum shall take necessary measures in order to implement Article 18(4), including the adoption of a data security plan as referred to in paragraph 2 of this Article.

*Article 49*

*Prohibition of transfers of data to third countries, international organisations or private entities*

1. Personal data obtained by a Member State or by Europol from Eurodac pursuant to this Regulation shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. That prohibition shall also apply if those data are further processed within the meaning of Article 4, point (2), of Regulation (EU) 2016/679 and Article 3, point (2), of Directive (EU) 2016/680, at national level or between Member States.

2. Personal data which originate in a Member State and are exchanged between Member States following a hit obtained for law enforcement purposes shall not be transferred to third countries if there is a real risk that, as a result of such a transfer, the data subject might be subjected to torture, inhuman and degrading treatment or punishment or any other violation of his or her fundamental rights.

3. Personal data which originate in a Member State and are exchanged between a Member State and Europol following a hit obtained for law enforcement purposes shall not be transferred to third countries if there is a real risk that, as a result of such a transfer, the data subject might be subjected to torture, inhuman and degrading treatment or punishment or any other violation of his or her fundamental rights. In addition, any transfers shall only be carried out when they are necessary and proportionate in cases falling within Europol's mandate, in accordance with Chapter V of Regulation (EU) 2016/794 and subject to the consent of the Member State of origin.

4. No information regarding the fact that an application for international protection has been made or that a person has been subject to an admission procedure in a Member State shall be disclosed to any third country with regard to persons as referred to in Article 15(1), Article 18(1) and (2) or Article 20(1).

5. The prohibitions set out in paragraphs 1 and 2 of this Article shall be without prejudice to the right of Member States to transfer such data in accordance with Chapter V of Regulation (EU) 2016/679 or with the national rules adopted pursuant to Chapter V of Directive (EU) 2016/680, as appropriate, to third countries to which Regulation (EU) …/…[+] applies.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

*Article 50*

*Transfer of data to third countries for the purpose of return*

1. By way of derogation from Article 49, the personal data relating to persons as referred to in Article 15(1), Article 18(2)(a), Article 20(1), Article 22(2), Article 23(1), Article 24(1) and Article 26(1) obtained by a Member State following a hit for the purposes laid down in Article 1(1), point (a), (b), (c) or (j), may be transferred or made available to a third country with the agreement of the Member State of origin.

2. Transfers of data to a third country pursuant to paragraph 1 of this Article shall be carried out in accordance with the relevant provisions of Union law, in particular provisions on data protection, including Chapter V of Regulation (EU) 2016/679, and, where applicable, readmission agreements, and the national law of the Member State transferring the data.

3. Transfers of data to a third country pursuant to paragraph 1 shall take place only where the following conditions have been met:

   (a) the data are transferred or made available solely for the purpose of identifying, and issuing an identification or travel document to, an illegally staying third-country national for the purposes of return; and

   (b) the third-country national concerned has been informed that his or her personal data may be shared with the authorities of a third country.

4. The implementation of Regulation (EU) 2016/679, including with regard to the transfer of personal data to third countries pursuant to this Article, and, in particular, the use, proportionality and necessity of transfers based on Article 49(1), point (d), of that Regulation, shall be subject to monitoring by the independent supervisory authority set up pursuant to Chapter VI of Regulation (EU) 2016/679.

5. Transfers of personal data to third countries pursuant to this Article shall not prejudice the rights of persons as referred to in Article 15(1), Article 18(2)(a), Article 20(1), Article 22(2), Article 23(1), Article 24(1) and Article 26(1) of this Regulation, in particular as regards non-refoulement, or the prohibition to disclose or obtain information in accordance with Article 7 of Regulation (EU) …/…[+].

6. A third country shall not have direct access to Eurodac to compare or transmit biometric data or any other personal data of a third-country national or stateless person and shall not be granted access to Eurodac via a Member State's National Access Point.

*Article 51*

*Logging and documentation*

1. Member States and Europol shall ensure that all data processing operations resulting from requests for comparison with Eurodac data for law enforcement purposes are logged or documented for the purpose of checking the admissibility of the request and monitoring the lawfulness of the data processing and data integrity and security and for the purposes of self-monitoring.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 16/24 (2016/0224A(COD)) [Asylum Procedure Regulation].

2. The log or documentation shall show in all cases:

(a) the exact purpose of the request for comparison, including the type of terrorist offence or other serious criminal offence concerned and, for Europol, the exact purpose of the request for comparison;

(b) the reasonable grounds given in accordance with Article 33(1), point (a), of this Regulation for not conducting comparisons with other Member States under Decision 2008/615/JHA;

(c) the national file number;

(d) the date and exact time of the request for comparison by the National Access Point to Eurodac;

(e) the name of the authority that requested access for comparison and the person responsible who made the request and processed the data;

(f) where applicable, the use of the urgent procedure referred to in Article 32(4) and the decision taken with regard to the *ex post* verification;

(g) the data used for comparison;

(h) in accordance with national rules or with Regulation (EU) 2016/794, the identifying mark of the official who carried out the search and of the official who ordered the search or supply;

(i) where applicable, a reference to the use of the European search portal to query Eurodac as referred to in Article 7(2) of Regulation (EU) 2019/818.

3. Logs and documentation shall be used only for monitoring the lawfulness of data processing and for ensuring data integrity and security. Logs which contain personal data shall not be used for the monitoring and evaluation referred to in Article 57.

The national supervisory authorities responsible for checking the admissibility of the request and monitoring the lawfulness of the data processing and data integrity and security shall have access to those logs at their request for the purpose of fulfilling their tasks.

*Article 52*

*Liability*

1. Any person who, or Member State which, has suffered material or non-material damage as a result of an unlawful processing operation or any other act incompatible with this Regulation shall be entitled to receive compensation from the Member State responsible for the damage suffered, or from eu-LISA if it is responsible for the damage suffered and in so far as it has not complied with obligations on it pursuant to this Regulation specifically directed to it or where it has acted outside or contrary to lawful instructions of that Member State. The Member State responsible or eu-LISA shall be exempt from its liability, in whole or in part, if it proves that it is not in any way responsible for the event giving rise to the damage.

2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to Eurodac, that Member State shall be held liable for such damage, unless and in so far as eu-LISA or another Member State failed to take reasonable steps to prevent the damage from occurring or to minimise its impact..

3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 of this Article shall be governed by the provisions of national law of the defendant Member State in accordance with Articles 79 and 80 of Regulation (EU) 2016/679 and Articles 54 and 55 of Directive (EU) 2016/680. Claims for compensation against eu-LISA for the damage referred to in paragraphs 1 and 2 of this Article shall be subject to the conditions provided for in the Treaties.

# Chapter XIII

# Amendments to Regulations (EU) 2018/1240 and (EU) 2019/818

*Article 53*

*Amendments to Regulation (EU) 2018/1240*

(1) in Article 11, the following paragraph is inserted:

‘6a. For the purpose of proceeding with the verifications referred to in Article 20(2), second subparagraph, point (k), the automated verifications pursuant to paragraph 1 of this Article shall enable the ETIAS Central System to query Eurodac established by Regulation (EU) …/… of the European Parliament and of the Council[*+], with the following data provided by applicants under Article 17(2), points (a) to (d) of this Regulation:

(a) surname (family name), first name(s) (given name(s)), surname at birth, date of birth, place of birth, sex, current nationality;

(b) other names (alias(es), artistic name(s), usual name(s)), if any;

(c) other nationalities, if any;

(d) type, number, the country of issue of the travel document.

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[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)) and insert the number, date and OJ reference of that Regulation in the footnote.

* Regulation (EU) …/… of the European Parliament and of the Council of … on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) …/…[+] and (EU) …/…[++] of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, …, ELI: …).';

(2) in Article 25a(1), the following point is inserted:

'(f) the data referred to in Articles 17, 19, 21, 22, 23, 24 and 26 of Regulation (EU) …/…[+++].';

(3) in Article 88, paragraph 6 is replaced by the following:

'6. ETIAS shall start operations irrespective of whether interoperability with Eurodac or ECRIS-TCN is put in place.'.

[+] OJ: Please insert in the title the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the title the number of the Regulation contained in document PE-CONS 18/24(2016/0225(COD)) [Resettlement Regulation].

[+++] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

*Article 54*

*Amendments to Regulation (EU) 2019/818*

Regulation (EU) 2019/818 is amended as follows:

(1) in Article 4, point (20) is replaced by the following:

'(20) "designated authorities" means the Member States' designated authorities within the meaning of Article 5 of Regulation (EU) …/… of the European Parliament and of the Council[*+], Article 3(1), point (26), of Regulation (EU) 2017/2226 of the European Parliament and the Council[**], Article 4, point (3a), of Regulation (EC) No 767/2008, and Article 3(1), point (21), of Regulation (EU) 2018/1240 of the European Parliament and of the Council[***];

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[*] Regulation (EU) …/… of the European Parliament and of the Council of … on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) …/…[++] and (EU) …/…[+++] of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, …, ELI: …).';

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[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)) and insert the number, date and OJ reference of that Regulation in the footnote.

[++] OJ: Please insert in the title the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[+++] OJ: Please insert in the title the number of the Regulation contained in document PE-CONS 18/24(2016/0225(COD)) [Resettlement Regulation].

** Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20).

*** Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).';

(2) in Article 10(1), the introductory wording is replaced by the following:

'Without prejudice to Article 51 of Regulation (EU) …/…[+], Articles 12 and 18 of Regulation (EU) 2018/1862, Article 31 of Regulation (EU) 2019/816 and Article 40 of Regulation (EU) 2016/794, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, in particular, the following:';

(3) in Article 13(1), the first subparagraph is amended as follows:

(a) point (b) is replaced by the following:

'(b) the data referred to in Article 5(1), point (b), and Article 5(3) of Regulation (EU) 2019/816;';

[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

(b) the following point is added:

‘(c) the data referred to in Article 17(1), points (a) and (b), Article 19(1), points (a) and (b), Article 21 (1) points (a) and (b), Article 22(2), points (a) and (b), Article 23(2), points (a) and (b), Article 24(2), points (a) and (b) and Article 26(2), points (a) and (b) of Regulation (EU) …/…[+].’;

(4) Article 14 is replaced by the following:

‘*Article 14*
*Searching biometric data with the shared biometric matching service*

In order to search the biometric data stored within the CIR and SIS, the CIR and SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1860, (EU) 2018/1861, (EU) 2018/1862, (EU) 2019/816 and (EU) …/…[+].’;

(5) in Article 16(1), the first sentence is replaced by the following:

‘Without prejudice to Article 51 of Regulation (EU) …/…[+], Articles 12 and 18 of Regulation (EU) 2018/1862 and Article 31 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations within the shared BMS.’;

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[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

(6) in Article 18, paragraph 1 is replaced by the following:

‘1. The CIR shall store the following data, logically separated according to the information system from which the data have originated:

(a) the data referred to in Article 17(1), points (a) to (f), (h) and (i), Article 19(1) points (a) to (f), (h) and (i), Article 21(1) points (a) to (f), (h) and (i), Article 22(2), points (a) to (f), (h) and (i), Article 23(2), points (a) to (f), (h) and (i), Article 24(2), points (a) to (f) and (h), Article 24(3), point (a), and Article 26(2), points (a) to (f), (h) and (i), of Regulation (EU) …/…[+];

(b) the data referred to in Article 5(1), point (b), and Article 5(3) of Regulation (EU) 2019/816 and the following data listed in Article 5(1), point (a) of that Regulation: surname (family name), first names (given names), date of birth, place of birth (town and country), nationality or nationalities, gender, previous names, if applicable, where available pseudonyms or aliases, as well as, where available, information on travel documents.’;

(7) in Article 23, paragraph 1 is replaced by the following:

‘1. The data referred to in Article 18(1), (2) and 4) shall be deleted from the CIR in an automated manner in accordance with the data retention provisions of Regulation (EU) …/…[+] and of Regulation (EU) 2019/816.’;

[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

(8) in Article 24, paragraph 1 is replaced by the following:

‘1. Without prejudice to Article 51 of Regulation (EU) …/…[+] and Article 29 of Regulation (EU) 2019/816, eu-LISA shall keep logs of all data processing operations within the CIR in accordance with paragraphs 2, 3 and 4 of this Article.’;

(9) in Article 26(1), the following points are added:

‘(c) the authorities competent to collect the data provided for in Chapter II of Regulation (EU) …/…[+] when transmitting data to Eurodac;

(d) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) …/…[+] when transmitting data to Eurodac for matches that occurred when transmitting such data;

(e) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) …/…[+] when transmitting data to Eurodac;

(f) the authorities competent to collect the data provided for in Chapter V of Regulation (EU) …/…[+] when transmitting data to Eurodac;

(g) the authorities competent to collect the data provided for in Chapter VI of Regulation (EU) …/…[+] when transmitting data to Eurodac;

(h) the authorities competent to collect the data provided for in Chapter VIII of Regulation (EU) …/…[+] when transmitting data to Eurodac;’;

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[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

(10) Article 27 is amended as follows:

(a) in paragraph 1, the following point is added:

‘(c) a dataset is transmitted to Eurodac in accordance with Articles 17, 19, 21, 22, 23, 24 or 26 of Regulation (EU) …/…[+];’;

(b) in paragraph 3, the following point is added:

‘(c) surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Articles 17, 19, 21, 22, 23, 24 and 26 of Regulation (EU) …/…[+];’;

(11) in Article 29(1), the following points are added:

‘(c) the authorities competent to collect the data provided for in Chapter II of Regulation (EU) …/…[+] when transmitting data to Eurodac for matches that occurred when transmitting such data;

(d) the authorities competent to collect the data provided for in Chapter III of Regulation (EU) …/…[+] when transmitting data to Eurodac for matches that occurred when transmitting such data;

(e) the authorities competent to collect the data provided for in Chapter IV of Regulation (EU) …/…[+] for matches that occurred when transmitting such data;

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[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

(f) the authorities competent to collect the data provided for in Chapter V of Regulation (EU) …/…[+] for matches that occurred when transmitting such data;

(g) the authorities competent to collect the data provided for in Chapter VI of Regulation (EU) …/…[+] when transmitting data to Eurodac for matches that occurred when transmitting such data;

(h) the authorities competent to collect the data provided for in Chapter VIII of Regulation (EU) …/…[+] when transmitting data to Eurodac for matches that occurred when transmitting such data.';

(12) in Article 39, paragraph 2 is replaced by the following:

'2. eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 12 of Regulation (EU) …/…[+], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. Access to the CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 12 of Regulation (EU) …/…[+], Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816.';

[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

(13) in Article 47(3), the following subparagraph is added:

‘Persons whose data are recorded in Eurodac shall be informed about the processing of personal data for the purposes of this Regulation in accordance with paragraph 1 when a new dataset is transmitted to Eurodac in accordance with Articles 15, 18, 20, 22, 23, 24 and 26 of Regulation (EU) …/…[+].’;

(14) Article 50 is replaced by the following:

‘*Article 50*
*Communication of personal data to third countries, international organisations and private parties*

Without prejudice to Article 31 of Regulation (EC) No 767/2008, Articles 25 and 26 of Regulation (EU) 2016/794, Article 41 of Regulation (EU) 2017/2226, Article 65 of Regulation (EU) 2018/1240, Articles 49 and 50 of Regulation (EU) …/…[+] and the querying of Interpol databases through the ESP in accordance with Article 9(5) of this Regulation which comply with the provisions of Chapter V of Regulation (EU) 2018/1725 and Chapter V of Regulation (EU) 2016/679, personal data stored in, processed or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.’.

[+] OJ: Please insert in the text the number of Regulation contained in doc PE-CONS 15/24 (2016/0132(COD)).

# Chapter XIV
# Final provisions

*Article 55*

*Costs*

1. The costs incurred in connection with the establishment and operation of Eurodac and the Communication Infrastructure shall be borne by the general budget of the Union.

2. The costs incurred by National Access Points and the Europol Access Point and their costs for connection to Eurodac shall be borne by each Member State and Europol respectively.

3. Each Member State and Europol shall set up and maintain at their expense the technical infrastructure necessary to implement this Regulation, and shall be responsible for bearing its costs resulting from requests for comparison with Eurodac data for law enforcement purposes.

*Article 56*

*Committee procedure*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

*Article 57*

*Reports, monitoring and evaluation*

1. eu-LISA shall submit to the European Parliament, to the Council, to the Commission and to the European Data Protection Supervisor an annual report on the activities of Eurodac, including on its technical functioning and security. The annual report shall include information on the management and performance of Eurodac against pre-defined quantitative indicators for the objectives relating to output, cost-effectiveness and quality of service.

2. eu-LISA shall ensure that procedures are in place to monitor the functioning of Eurodac against the objectives referred to in paragraph 1.

3. For the purposes of technical maintenance, reporting and statistics, eu-LISA shall have access to the necessary information relating to the processing operations performed in Eurodac.

4. By … [three years from the date of entry into force of this Regulation], eu-LISA shall conduct a study on the technical feasibility of adding facial recognition software to Eurodac for the purpose of comparing facial images, including of minors. The study shall evaluate the reliability and accuracy of the results produced from facial recognition software for the purposes of Eurodac and shall make any necessary recommendations prior to the introduction of the facial recognition technology to Eurodac.

5. By … [five years from the date of entry into force of this Regulation] and every four years thereafter, the Commission shall produce an overall evaluation of Eurodac, examining the results achieved against objectives and the impact on fundamental rights, in particular data protection and privacy rights including whether the access for law enforcement purposes has led to indirect discrimination against persons covered by this Regulation, and assessing the continuing validity of the underlying rationale including the use of facial recognition software, and any implications for future operations, and shall make any necessary recommendations. That evaluation shall also include an assessment of the synergies between this Regulation and Regulation (EU) 2018/1862. The Commission shall transmit the evaluation to the European Parliament and to the Council.

6. Member States shall provide eu-LISA and the Commission with the information necessary to draft the annual report referred to in paragraph 1.

7. eu-LISA, Member States and Europol shall provide the Commission with the information necessary to draft the overall evaluation provided for in paragraph 5. That information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.

8. While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare reports every two years on the effectiveness of the comparison of biometric data with Eurodac data for law enforcement purposes, containing information and statistics on:

(a) the exact purpose of the comparison, including the type of terrorist offence or other serious criminal offence;

(b) grounds given for substantiated suspicion;

(c) the reasonable grounds given in accordance with Article 33(1), point (a), of this Regulation for not conducting comparisons with other Member States under Decision 2008/615/JHA;

(d) the number of requests for comparison;

(e) the number and type of cases which have ended in successful identifications; and

(f) the need and use made of the exceptional case of urgency, including those cases where that urgency was not accepted by the *ex post* verification carried out by the verifying authority.

The reports by Member States and Europol referred to in the first subparagraph shall be transmitted to the Commission by 30 June of the subsequent year.

9. On the basis of the reports by Member States and Europol referred to in paragraph 8, and in addition to the overall evaluation provided for in paragraph 5, the Commission shall compile a report every two years on the access to Eurodac for law enforcement purposes and shall transmit it to the European Parliament, to the Council and to the European Data Protection Supervisor.

*Article 58*

*Assessment*

1. By … [48 months from the date of entry into force of this Regulation], the Commission shall assess the functioning and the operational efficiency of any IT system used to exchange the data of beneficiaries of temporary protection for the purposes of the administrative cooperation referred to in Article 27 of Directive 2001/55/EC.

2. The Commission shall also assess the expected impact of applying Article 26 of this Regulation in the event that Directive 2001/55/EC is activated, taking into consideration:

(a) the nature of data subject to processing;

(b) the expected impact of providing access to the data listed in Article 26(2) to the designated authorities referred to in Articles 5(1) and 9(1); and

(c) the safeguards provided for in this Regulation.

3. Depending on the outcome of the assessments referred to in paragraphs 1 and 2 of this Article, the Commission shall make a legislative proposal amending or repealing Article 26, if appropriate.

*Article 59*

*Penalties*

Member States shall take the necessary measures to ensure that any processing of data recorded in Eurodac contrary to the purposes of Eurodac as laid down in Article 1 is punishable by penalties, including administrative or criminal penalties, or both, in accordance with national law, that are effective, proportionate and dissuasive.

*Article 60*

*Territorial scope*

The provisions of this Regulation shall not be applicable to any territory to which Regulation (EU) …/…[+] does not apply, with the exception of the provisions related to data collected to assist with the application of Regulation (EU) …/…[++] under the conditions set out in this Regulation.

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[+] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 21/24 (2020/0279(COD)) [Asylum and Migration Management Regulation].

[++] OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 18/24 (2016/0225(COD)) [Resettlement Regulation].

*Article 61*

*Notification of designated authorities and verifying authorities*

1. By … [three months from the date of entry into force of this Regulation], each Member State shall notify the Commission of its designated authorities, of the operating units referred to in Article 5(3) and of its verifying authority and shall notify it without delay of any amendment thereto.

2. By … [three months from the date of entry into force of this Regulation], Europol shall notify the Commission of its designated authority and of its verifying authority and shall notify it without delay of any amendment thereto.

3. The Commission shall publish the information referred to in paragraphs 1 and 2 in the *Official Journal of the European Union* on an annual basis and via an electronic publication that shall be available online and updated without delay.

*Article 62*

*Repeal*

Regulation (EU) No 603/2013 of the European Parliament and of the Council[38] is repealed with effect from … [24 months from the date of entry into force of this Regulation].

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

*Article 63*

*Entry into force and applicability*

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

2. This Regulation shall apply from … [24 months from the date of entry into force of this Regulation].

   However, Article 26 shall apply from … [five years from the date of entry into force of this Regulation].

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38 Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending 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 180, 29.6.2013, p. 1).

3. This Regulation shall not apply to persons enjoying temporary protection pursuant to Implementing Decision (EU) 2022/382 and any other equivalent national protection pursuant thereto, any future amendments to Implementing Decision (EU) 2022/382, and any extensions to that temporary protection.

4. The Interface Control Document shall be agreed between Member States and eu-LISA no later than … [six months from the date of entry into force of this Regulation].

5. Comparisons of facial images with the use of facial recognition software as set out in Articles 15 and 16 of this Regulation shall apply from the date upon which the facial recognition technology has been introduced into Eurodac. Facial recognition software shall be introduced into Eurodac within one year of the conclusion of the study on the introduction of facial recognition software referred to in Article 57(4). Until that date, facial image shall be stored in Eurodac as part of the data subject's datasets and transmitted to a Member State following the comparison of fingerprints where there is a hit result.

6. Member States shall notify the Commission and eu-LISA as soon as they have made the technical arrangements to transmit data to Eurodac, no later than … [24 months from the date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

| | |
|---|---|
| *For the European Parliament* | *For the Council* |
| *The President* | *The President* |

**ANNEX**

Table of correspondences referred to in Article 8

| Data provided pursuant to Article 17(2) of Regulation (EU) 2018/1240 of the European Parliament and of the Council recorded and stored by ETIAS Central System | The corresponding data in Eurodac pursuant to Articles 17, 19, 21, 22, 23, 24 and 26 of this Regulation against which the ETIAS data should be checked |
|---|---|
| surname (family name) | surname(s) |
| surname at birth | name(s) at birth |
| first name(s) (given name(s)) | forename(s) |
| other names (alias(es), artistic name(s), usual name(s)) | previously used names and any aliases |
| date of birth | date of birth |
| place of birth | place of birth |
| sex | sex |
| current nationality | nationality(ies) |
| other nationalities (if any) | nationality(ies) |
| type of the travel document | type of travel document |
| number of the travel document | number of travel document |
| country of issue of the travel document | three letter code of the issuing country |

**ANNEX II**

Correlation table

| Regulation (EU) No 603/2013 | This Regulation |
|---|---|
| Article 1(1) | Article 1(1), points (a) and (c) |
| – | Article 1(1), points (b) and (d) |
| Article 1(2) | Article 1(1), point (e) |
| – | Article 1(1), points (f) to (j) |
| Article 1(3) | Article 1(2) |
| Article 2(1), introductory wording | Article 2(1), introductory wording |
| Article 2(1), points (a) and (b) | Article 2(1), points (a) and (e) |
| – | Article 2(1), points (b), (c) and (d) |
| – | Article 2(1), points (f) and (g) |
| Article 2(1), point (c) | Article 2(1), point (h) |
| – | Article 2(1), point (i) |
| Article 2(1), point (d) | Article 2(1), point (j) |
| Article 2(1), point (e) | Article 2(1), point (k) |
| – | Article 2(1), point (l) |
| Article 2(1), point (f) | – |
| Article 2(1), point (g) | – |
| Article 2(1), point (h) | Article 2(1), point (m) |
| Article 2(1), point (i) | Article 2(1), point (n) |
| Article 2(1), point (j) | Article 2(1), point (o) |
| Article 2(1), point (k) | Article 2(1), point (p) |
| Article 2(1), point (l) | Article 2(1), point (q) |
| – | Article 2(1), points (r) to (z) |
| Article 2(2), (3) and (4) | Article 2(2), (3) and (4) |

| Regulation (EU) No 603/2013 | This Regulation |
|---|---|
| Article 3(1), introductory wording and points (a) and (b) | Article 3(1), introductory wording and points (a) and (b) |
| – | Article 3(1), point (c) and (d) |
| – | Article 3(2) |
| – | Article 3(3) |
| Article 3(2) | Article 3(4) |
| Article 3(3) | Article 3(5) |
| – | Article 3(6) |
| Article 3(4) | Article 3(7) |
| Article 3(5) | Article 13(6) |
| Article 4(1) | Article 4(1) |
| Article 4(2) | Article 4(3) |
| Article 4(3) | Article 4(4) |
| – | Article 4(2) |
| Article 4(4) | Article 4(5) |
| Article 5 | Article 5 |
| Article 6 | Article 6 |
| Article 7 | Article 7 |
| – | Article 8 |
| – | Article 9 |
| – | Article 10 |
| – | Article 11 |
| Article 8(1) introductory wording | Article 12(1) introductory wording |
| – | Article 12(1), points (a) to (h) |
| Article 8(1), point (a) | Article 12(1), point (i) |
| – | Article 12(1), point (j) |

| Regulation (EU) No 603/2013 | This Regulation |
|---|---|
| Article 8(1), point (b) | Article 12(1), point (k), subpoint (i) |
| – | Article 12(1), point (l) |
| Article 8(1), point (c) | Article 12(1), point (m), subpoint (i) |
| Article 8(1), point (d) | Article 12(1), point (n), subpoint (i) |
| – | Article 12(1), points (o) and (p) |
| Article 8(1), point (e) | Article 12(1), point (q) |
| Article 8(1), point (f) | Article 12(1), point (r) |
| Article 8(1), point (g) | Article 12(1), point (s) |
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| – | Article 12(1), point (u) |
| – | Article 12(1), points (v) and (w) |
| Article 8(2) | Article 12(2) |
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| – | Article 13 |
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| – | Article 15(3) |
| – | Article 16(1) |
| Article 10, introductory wording and points (a) to (d) | Article 16(2), introductory wording and points (a) to (d) |
| Article 10, point (e) | Article 16(3) |
| – | Article 16(2) and (4) |

| Regulation (EU) No 603/2013 | This Regulation |
|---|---|
| Article 11, introductory wording | Article 17(1), introductory wording, and Article 17(2), introductory wording |
| Article 11, point (a) | Article 17(1), point (a) |
| Article 11, point (b) | Article 17(1), point (g) |
| Article 11, point (c) | Article 17(1), point (h) |
| Article 11, point (d) | Article 17(1), point (k) |
| Article 11, point (e) | Article 17(1), point (l) |
| Article 11, point (f) | Article 17(1), point (m) |
| Article 11, point (g) | Article 17(1), point (n) |
| – | Article 17(1), points (b) to (f), (i) and (j) |
| Article 11, point (h) | Article 17(2), points (c) and (d) |
| Article 11, point (i) | Article 17(2), point (e) |
| Article 11, point (j) | Article 17(2), point (f) |
| Article 11, point (k) | Article 17(2), point (a) |
| – | Article 17(2), points (b) and (g) to (l) |
| – | Article 17(3) and (4) |
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| – | Article 18 |
| – | Article 19 |
| – | Article 20 |
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| Regulation (EU) No 603/2013 | This Regulation |
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| Article 14(1) | Article 22(1) |
| Article 14(2), introductory wording | Article 22(2), introductory wording |
| Article 14(2), point (a) | Article 22(2), point (a) |
| Article 14(2), point (b) | Article 22(2), point (g) |
| Article 14(2), point (c) | Article 22(2), point (h) |
| Article 14(2), point (d) | Article 22(2), point (k) |
| Article 14(2), point (e) | Article 22(2), point (l) |
| Article 14(2), point (f) | Article 22(2), point (m) |
| Article 14(2), point (g) | Article 22(2), point (n) |
| – | Article 22(2), points (b) to (f), (i) and (j) |
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| – | Article 23 |
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| Article 19(1) | Article 32(1) |
| Article 19(2) | Article 32(2) |
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| Article 19(3) | Article 32(4) |
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| Article 20(1), points (a), (b) and (c) | Article 33(1), first subparagraph, points (a), (b) and (c) |
| – | Article 33(2) |
| Article 20(2) | Article 33(3) |
| Article 21(1), introductory wording | Article 34(1), introductory wording and point (a) |
| Article 21(1), points (a), (b) and (c) | Article 34(1), points (b), (c) and (d) |
| – | Article 34(2) |
| Article 21(2) | Article 34(3) |
| Article 21(3) | Article 34(4) |
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| Article 22(2) | Article 35(2) |
| Article 23(1), introductory wording | Article 36(1), introductory wording |
| Article 23(1), points (a) and (b) | Article 36(1), point (a) |
| Article 23(1), points (c), (d) and (e) | Article 36(1), points (b), (c) and (d) |
| Article 23(2) | Article 36(2) |
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| – | Article 38(5) |
| Article 26 | Article 39 |
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| – | Article 40(4) |
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