



Council of the European Union
General Secretariat

**Interinstitutional files:
2016/0132 (COD)**

Brussels, 13 March 2023

WK 3523/2023 INIT

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818 - Suggestion from the Danish delegation

Delegations will find in Annex a suggestion by the Danish delegation on the above proposal, which was presented at the JHA Counsellors meeting on 13 March 2023.

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(Amended proposal - based on 9670/22, 15.06.2022)

Recital (4d) amended as follows (new text highlighted):

(4d) Council Directive 2001/55/EC provides an obligation for Member States to register persons enjoying temporary protection on their territory and to exchange information on these persons for the purpose of the effective implementation of the directive.

From a technical point of view, exchanging information on persons via Eurodac is the most appropriate as it limits data registrations to this database and as it minimises the number of both possible points of failure and exchanges between Member States compared to an alternative peer-to-peer system. In this regard, biometric data are an important element in establishing the exact identity of such persons, especially where they do not possess any identity documents and thus protecting a substantial public interest within the meaning of Article 9(2)(g) of Regulation (EU) 2016/679.

In accordance with Council Directive 2001/55, temporary protection can be provided in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, particularly in order to avoid the risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation. Persons enjoying the protection conferred by Council Directive 2001/55 or any equivalent national system of protection under national law may apply for asylum at any time. In such case the criteria and mechanisms for deciding which Member State is responsible for considering the asylum application apply. An efficient exchange of information, including information about any residence permits issued pursuant to Council Directive 2001/55 and any equivalent national system of protection under national law, will therefore facilitate the proper implementation of Regulation 604/2013.

Article 1

Purpose of "Eurodac"

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

(h) assist with the implementation of Directive 2001/55, **and any equivalent system of protection under national law.**

Article 14c

Beneficiaries of Temporary Protection

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 beneficiary of temporary protection in the territory of that Member State pursuant to Directive 2001/55/EC, **or any other equivalent system of protection under national law..**