

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

(2000/C 337 E/05)

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(Submitted by the Commission on 26 May 1999)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(1)(a) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Member States have concluded the Dublin Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities; signed in Dublin on 15 June 1990 (hereinafter referred to as 'the Dublin Convention')⁽¹⁾.
- (2) For the purposes of applying the Dublin Convention, it is necessary to establish the identity of applicants for asylum and of persons apprehended in connection with the unlawful crossing of the external borders of the Community. It is also desirable in order to effectively apply the Dublin Convention, and in particular points (c) and (e) of Article 10(1) thereof, to allow each Member State to check whether an alien found illegally present on its territory has applied for asylum in another Member State.
- (3) Fingerprints constitute an important element in establishing the exact identity of such persons; whereas it is necessary to set up a system for the comparison of their fingerprints.
- (4) To this end, it is necessary to set up a system known as 'Eurodac', consisting of a Central Unit, to be established within the Commission and which will operate a computerised central database of fingerprints, as well as of the electronic means of transmission between the Member States and the central database.
- (5) It is also necessary to require the Member States promptly to take fingerprints of every applicant for asylum and of every alien who is apprehended in connection with the irregular crossing of an external Community border, if they are at least 14 years of age.
- (6) It is necessary to lay down precise rules on the transmission of such fingerprint data to the Central Unit, the recording of such fingerprint data and other relevant data in the central database, their storage, their comparison with other fingerprint data, the transmission of the

results of such comparison and the blocking and erasure of the recorded data; such rules may be different for, and should be specifically adapted to, the situation of different categories of aliens.

- (7) Aliens who have requested asylum in one Member State may have the option of requesting asylum in another Member State for many years to come; whereas, therefore, the maximum period during which fingerprint data should be kept by the Central Unit should be of considerable length; whereas, given that most aliens who have stayed in the Community for several years will have obtained a settled status or even citizenship of the Union after that period, a period of 10 years should be considered a reasonable period for the conservation of fingerprint data.
- (8) The conservation period should be shorter in certain special situations where there is no need to keep fingerprint data for that length of time: fingerprint data should be erased immediately once aliens obtain Union citizenship.
- (9) It is necessary to lay down clearly the respective responsibilities of the Commission, in respect of the Central Unit, and of the Member States, as regards data use, data security, access to and correction of recorded data.
- (10) While the non-contractual liability of the Community in connection with the operation of the Eurodac system will be governed by the relevant provisions of the Treaty, it is necessary to lay down specific rules for the non-contractual liability of the Member States in connection with the operation of the system.
- (11) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽²⁾ applies to the processing of personal data by the Member States within the framework of the Eurodac system.
- (12) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objective of the proposed measures, namely the creation within the Commission of a system for the comparison of fingerprints to assist the implementation of the Community's asylum policy, cannot, by its very nature, be sufficiently achieved by the Member States and can therefore be better achieved by the Community: this Regulation confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.

⁽¹⁾ OJ C 254, 19.8.1997, p. 1.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

- (13) By virtue of Article 286 of the Treaty, Directive 95/46/EC also applies to the Community institutions and bodies; whereas, the Central Unit being established within the Commission, that Directive applies to the processing of personal data by that Unit.
- (14) The principles set out in Directive 95/46/EC regarding the protection of the rights and freedoms of individuals, notably their right to privacy, with regard to the processing of personal data should be supplemented or clarified, in particular as far as certain sectors are concerned.
- (15) It is appropriate to monitor and evaluate the performance of Eurodac.
- (16) Member States should provide for a system of sanctions for infringements of this Regulation.
- (17) It is appropriate to restrict the territorial scope of this Regulation so as to align it on the territorial scope of the Dublin Convention.
- (18) This Regulation should enter into force on the day of its publication in the *Official Journal of the European Communities* in order to serve as legal basis for the implementing rules which, with a view to its rapid application, are required for the establishment of the necessary technical arrangements by the Member States and the Commission; the Commission should therefore be charged with verifying that those conditions are fulfilled,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose of 'Eurodac'

1. A system known as 'Eurodac' is hereby established, the purpose of which shall be to assist in determining which Member State is to be responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State, and otherwise to facilitate the application of the Dublin Convention under the conditions set out in this Regulation.
2. Eurodac shall consist of:
 - (a) the Central Unit referred to in Article 3;
 - (b) a computerized central database in which the data referred to in Article 5(1), Article 8(2) and Article 11(2) are

processed for the purpose of comparing the fingerprints of applicants for asylum and certain other aliens;

- (c) means of data transmission between the Member States and the central database.

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

3. Without prejudice to the use of data intended for Eurodac by the Member State of origin in databases set up under the latter's national law, fingerprints and other personal data may be processed in Eurodac only for the purposes set out in Article 15(1) of the Dublin Convention.

Article 2

Definitions

1. For the purposes of this Regulation:
 - (a) 'The Dublin Convention' means the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities; signed at Dublin on 15 June 1990.
 - (b) An 'applicant for asylum' means an alien who has made an application for asylum or on whose behalf such an application has been made.
 - (c) 'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.
 - (d) 'Processing of personal data' ('processing') means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation; use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.
 - (e) 'Transmission of data' means:
 - (i) communication of personal data from Member States to the Central Unit for recording in the central database and communication to Member States of the results of the comparison made by the Central Unit; and
 - (ii) recording of personal data directly by Member States in the central database and direct communication of the results of the comparison to such Member States.

- (f) 'Member State of origin' means:
- (i) in relation to an applicant for asylum or a person covered by Article 11, the Member State which transmits the personal data to the Central Unit and receives the results of the comparison;
 - (ii) in relation to a person covered by Article 8, the Member State which communicates such data to the Central Unit.
- (g) 'Refugee' means a person who has been recognised as a refugee in accordance with the Geneva Convention on Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.

2. Unless stated otherwise, the terms defined in Article 1 of the Dublin Convention shall have the same meaning in this Regulation.

Article 3

Central Unit

1. A Central Unit shall be established within the Commission which shall be responsible for operating the central database of fingerprints on behalf of the Member States. The Central Unit shall be equipped with a computerised fingerprint recognition system.

2. Data on applicants for asylum, persons covered by Article 8 and persons covered by Article 11 which are processed at the Central Unit shall be processed on behalf of the Member State of origin.

3. Pursuant to the procedure laid down in Article 22, the Central Unit may be charged with carrying out certain statistical tasks on the basis of the data processed at the Unit.

CHAPTER II

APPLICANTS FOR ASYLUM

Article 4

Collection, transmission and comparison of fingerprints

1. Each Member State shall promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in points (a) to (f) of Article 5(1) to the Central Unit. The procedure for taking fingerprints shall be determined in accordance with the national practice of the Member State concerned.

2. The data referred to in Article 5(1) shall be immediately recorded in the central database by the Central Unit, or, provided that the technical conditions for such purposes are met, directly by the Member State of origin.

3. Fingerprint data within the meaning of point (b) of Article 5(1), transmitted by any Member State, shall be compared by the Central Unit with the fingerprint data transmitted by other Member States and already stored in the central database.

4. The Central Unit shall ensure, on the request of a Member State, that the comparison referred to in paragraph 3 covers the fingerprint data previously transmitted by that Member State, in addition to the data from other Member States.

5. The Central Unit shall forthwith communicate the results of the comparison to the Member State of origin, together with the data referred to in Article 5(1) relating to those fingerprints which, in the opinion of the Central Unit, are so similar as to be regarded as matching the fingerprints which were transmitted by that Member State.

Direct transmission to the Member State of origin of the results of the comparison shall be permissible where the technical conditions for such purpose are met.

6. The results of the comparison shall be immediately checked in the Member State of origin. Final identification shall be made by the Member State of origin in cooperation with the Member States concerned, pursuant to Article 15 of the Dublin Convention.

Information, received from the Central Unit relating to any data mismatch or other data found to be unreliable shall be erased by the Member State of origin as soon as the mismatch or unreliability of the data is established.

7. The implementing rules setting out the procedures necessary for the application of paragraphs 1 to 6 shall be adopted in accordance with the procedure laid down in Article 22.

Article 5

Recording of data

1. Only the following data shall be recorded in the central database:

- (a) Member State of origin; place and date of the application for asylum;
- (b) fingerprints;
- (c) sex;
- (d) reference number used by the Member State of origin;
- (e) date on which the fingerprints were taken;
- (f) date on which the data were transmitted to the Central Unit;
- (g) date on which the data were entered in the central database;
- (h) details in respect of the recipient(s) of the data transmitted and the date(s) of transmission(s).

2. After recording the data in the central database, the Central Unit shall destroy the media used for transmitting the data, unless the Member State of origin has requested their return.

*Article 6***Data storage**

Each set of data, as referred to in Article 5(1), shall be stored in the central database for ten years from the date on which the fingerprints were taken.

Upon expiry of this period, the Central Unit shall automatically erase the data from the central database.

*Article 7***Advance data erasure**

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

CHAPTER III

ALIENS APPREHENDED IN CONNECTION WITH THE IRREGULAR CROSSING OF AN EXTERNAL BORDER*Article 8***Collection and communication of fingerprint data**

1. Each Member State shall promptly take the fingerprints of every alien of at least 14 years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back.

2. The Member State concerned shall promptly communicate to the Central Unit the following data in relation to any alien as referred to in paragraph 1:

- (a) Member State of origin;
- (b) fingerprints;
- (c) sex;
- (d) reference number used by the Member State of origin;
- (e) date on which the fingerprints were taken;
- (f) date on which the data were communicated to the Central Unit.

*Article 9***Recording of data**

1. The data referred to in point (g) of Article 5(1) and in Article 8(2) shall be recorded in the central database.

Without prejudice to Article 3(3), data communicated to the Central Unit pursuant to Article 8(2) shall be recorded for the sole purpose of comparison with data on applicants for asylum transmitted subsequently to the Central Unit.

The Central Unit shall not compare data communicated to it pursuant to Article 8(2) with any data previously recorded in the central database, nor with data subsequently communicated to the Central Unit pursuant to Article 8(2).

2. The procedures provided for in Article 4(1) to (6) and Article 5(2) as well as the provisions laid down pursuant to Article 4(7) are applicable.

*Article 10***Storage of data**

1. Each set of data relating to an alien as referred to in Article 8(1) shall be stored in the central database for two years from the date on which the fingerprints of the alien were taken. Upon expiry of this period, the Central Unit shall automatically erase the data from the central database.

2. The data relating to an alien as referred to in Article 8(1) shall be erased from the central database in accordance with Article 15(3) immediately, if the Member State of origin becomes aware of one of the following circumstances before the two-year period mentioned in paragraph 1 has expired:

- (a) the alien has been issued with a residence permit;
- (b) the alien has left the territory of the Member States;
- (c) the alien has acquired citizenship of the Union.

CHAPTER IV

ALIENS FOUND ILLEGALLY PRESENT IN A MEMBER STATE*Article 11***Comparison of fingerprints**

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

As a general rule there are grounds for checking whether the alien has previously lodged an application for asylum in another Member State where:

- (a) the alien declares that he/she has lodged an application for asylum but without indicating the Member State in which he/she made the application;

(b) the alien does not request asylum but objects to being returned to his/her country of origin by claiming that he/she would be in danger, or

(c) the alien otherwise seeks to prevent his/her removal by refusing to cooperate in establishing his/her identity, in particular by showing no, or false, identity papers.

2. The fingerprints of an alien as referred to in paragraph 1 shall be communicated to the Central Unit solely for the purpose of comparison with the fingerprints of applicants for asylum transmitted by other Member States and already recorded in the central database.

The fingerprints of such an alien shall not be stored in the central database, nor shall they be compared with the data communicated to the Central Unit pursuant to Article 8(2).

3. The procedures provided for Article 4(1) to (6) as well as the provisions laid down pursuant to Article 4(7) are applicable.

4. The Central Unit shall destroy the fingerprints communicated to it under paragraph 1 forthwith, once the results of the comparison have been communicated to the Member State of origin.

CHAPTER V

RECOGNISED REFUGEES

Article 12

Blocking of data

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

2. Five years after Eurodac starts operations, and on the basis of reliable statistics compiled by the Central Unit on persons who have lodged an application for asylum in a Member State after having been recognised and admitted as refugees in another Member State, a decision shall be taken in accordance with the procedure referred to in Article 67 of the Treaty, as to whether the data relating to persons who have been recognised and admitted as refugees in a Member State should:

- (a) be stored in accordance with Article 6 for the purpose of the comparison provided for in Article 4(3); or
- (b) be erased in advance once a person has been recognised and admitted as a refugee.

In the case of point (a) of the first subparagraph, the data blocked pursuant to paragraph 1 shall be unblocked and the procedure referred to in that paragraph shall no longer apply.

In the case of point (b) of the first subparagraph:

- (a) data which have been blocked in accordance with paragraph 1 shall be erased immediately by the Central Unit; and
- (b) data relating to persons who are subsequently recognised and admitted as refugees shall be erased in accordance with Article 15(3), as soon as the Member State of origin becomes aware that the person has been recognised and admitted as a refugee in a Member State.

3. The implementing rules concerning the compilation of the statistics referred to in paragraph 2 shall be adopted in accordance with the procedure laid down in Article 22.

CHAPTER VI

DATA USE, DATA PROTECTION, SECURITY AND LIABILITY

Article 13

Responsibility for data use

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

- (a) fingerprints are taken lawfully;
- (b) fingerprints and the other data referred to in Article 5(1), Article 8(2) and Article 11(2) are lawfully transmitted to the Central Unit;
- (c) data are accurate and up-to-date when they are transmitted to the Central Unit;
- (d) without prejudice to the responsibilities of the Commission, data in the central database are lawfully recorded, stored, corrected and erased;
- (e) the results of fingerprint comparisons transmitted by the Central Unit are lawfully used.

2. In accordance with Article 14, the Member State of origin shall ensure the security of these data before and during transmission to the Central Unit as well as the security of the data it receives from the Central Unit.

3. The Member State of origin shall be responsible for the final identification of the data pursuant to Article 4(6).

4. The Commission shall ensure that the Central Unit is operated in accordance with the provisions of this Regulation and its implementing rules. In particular, the Commission shall:

- (a) adopt measures ensuring that persons working in the Central Unit use the data recorded in the central database only in accordance with the purpose of Eurodac as laid down in Article 1(1);

- (b) ensure that persons working in the Central Unit comply with all requests from Member States made pursuant to this Regulation in relation to recording, comparison, correction and erasure of data for which they are responsible;
- (c) take the necessary measures to ensure the security of the Central Unit in accordance with Article 14;
- (d) ensure that only persons authorised to work in the Central Unit shall have access to data recorded in the central database, without prejudice to Article 20 and the powers of the independent supervisory body which will be established under Article 286 (2) of the Treaty.

The Commission shall inform the European Parliament and the Council of the measures it takes pursuant to the first subparagraph.

Article 14

Security

1. The Member State of origin shall take the necessary measures to:
 - (a) prevent any unauthorised person from having access to national installations in which the Member State carries out operations in accordance with the aim of Eurodac;
 - (b) prevent data and data media in Eurodac from being read, copied, modified or erased by unauthorised persons;
 - (c) guarantee that it is possible to check and establish *a posteriori* what data have been recorded in Eurodac, when and by whom;
 - (d) prevent the unauthorised recording of data in Eurodac and any unauthorised modification or erasure of data recorded in Eurodac;
 - (e) guarantee that, in using Eurodac, authorised persons have access only to data which are within their competence;
 - (f) guarantee that it is possible to check and establish to which authorities data recorded in Eurodac may be transmitted by data transmission equipment;
 - (g) prevent the unauthorised reading, copying, modification or erasure of data during both the direct transmission of data to or from the central database and the transport of data media to or from the Central Unit.

2. As regards the operation of the Central Unit, the Commission shall be responsible for applying the measures mentioned under paragraph 1.

Article 15

Access to and correction or erasure of data recorded in Eurodac

1. The Member State of origin shall have access to data which it has transmitted or communicated and which are recorded in the central database in accordance with the provisions of this Regulation.

No Member State may conduct searches in the data transmitted by another Member State, nor may it receive such data apart from data resulting from the comparison referred to in Article 4(5).

2. The authorities of Member States which, pursuant to paragraph 1, have access to data recorded in the central database shall be those designated by each Member State. Each Member State shall communicate to the Commission a list of those authorities.

3. Only the Member State of origin shall have the right to amend the data which it has transmitted to the Central Unit by correcting or supplementing such data, or to erase them, without prejudice to erasure carried out in pursuance of Article 6, Article 10(1) or point (a) of the third subparagraph of Article 12(2)(b).

Where the Member State of origin records data directly in the central database, it may amend or erase the data directly.

Where the Member State of origin does not record data directly in the central database, the Central Unit shall alter or erase the data at the request of that Member State.

4. If a Member State or the Central Unit has evidence to suggest that data recorded in the central database are factually inaccurate, it shall advise the Member State of origin as soon as possible.

If a Member State has evidence to suggest that data were recorded in the central database contrary to this Regulation, it shall similarly advise the Member State of origin as soon as possible. The latter shall check the data concerned and, if necessary, amend or erase them without delay.

Article 16

Keeping of records by the Central Unit

1. The Central Unit shall keep records of all data processing operations within the Central Unit. These records shall show the purpose of access, the date and time, the data transmitted, the data used for interrogation and the name of both the unit putting in or retrieving the data and the persons responsible.

2. Such records may be used only for the data-protection monitoring of the admissibility of data processing as well as to ensure data security pursuant to Article 14. The records must be protected by appropriate measures against unauthorised access and erased after a period of one year, if they are not required for monitoring procedures which have already begun.

Article 17

Liability

1. Any person who, or Member State which, has suffered damage, whether physical or moral, as a result of an unlawful processing operation or any act incompatible with the provisions laid down in this Regulation shall be entitled to receive compensation from the Member State responsible for the damage suffered. That State may be exempted from its liability, in whole or in part, if it proves that it is not responsible for the event giving rise to the damage.

2. If failure of a Member State to comply with its obligations under this Regulation causes damage to the central database, that Member State shall be held liable for such damage, unless and insofar as the Commission 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 shall be governed by the provisions of national law of the defendant Member State.

Article 18

Rights of the data subject

1. A person covered by this Regulation shall be informed by the Member State of origin of the following when his/her fingerprints are taken:

- (a) the purpose of taking his/her fingerprints;
- (b) the transmission or communication to the Central Unit of data referred to in Article 5(1), Article 8(2) or Article 11(2);
- (c) the obligation to have his/her fingerprints taken, where applicable;
- (d) the existence of the right of access to data concerning him/her and the right to rectify such data.

2. In each Member State any data subject may, in accordance with the laws, regulations and procedures of that State, exercise the rights provided for in Article 12 of Directive 95/46/EC.

Without prejudice to the obligation to provide other information in accordance with point (a) of Article 12 of

Directive 95/46/EC, the person shall obtain communication of the data relating to him/her recorded in the central database and of the Member State which transmitted them to the Central Unit. Such access to data may be granted only by a Member State.

3. In each Member State, any person may request that data which are factually inaccurate be corrected or that data recorded unlawfully be erased. The correction and erasure shall be carried out by the Member State which transmitted the data, in accordance with its laws, regulations and procedures.

4. If the rights of correction and erasure are exercised in a Member State, or States, other than that, or those, which transmitted the data, the authorities of that Member State shall contact the authorities of the Member State, or States, in question so that the latter may check the accuracy of the data and the lawfulness of their transmission and recording in the central database.

5. If it emerges that data recorded in the central database are factually inaccurate or have been recorded unlawfully, the Member State which transmitted them shall correct or erase the data in accordance with Article 15(3). That Member State shall confirm in writing to the data subject without excessive delay that it has taken action to correct or erase data relating to him/her.

6. If the Member State which transmitted the data does not agree that data recorded in the central database are factually inaccurate or have been recorded unlawfully, it shall explain in writing to the data subject without excessive delay why it is not prepared to correct or erase the data.

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

7. Any request under paragraphs 2 and 3 shall contain all the necessary particulars to identify the data subject, including fingerprints. Such data shall be used exclusively to permit the exercise of the rights referred to in paragraphs 2 and 3 and shall be destroyed immediately afterwards.

8. The competent authorities of the Member States shall cooperate actively to enforce promptly the rights laid down in paragraphs 3, 4 and 5.

9. In each Member State, the national supervisory authority shall assist the data subject in accordance with Article 28(4) of Directive 95/46/EC in exercising his/her rights.

10. The national supervisory authority of the Member State which transmitted the data and the national supervisory authority of the Member State in which the data subject is present shall assist and, where requested, advise him/her in exercising his/her right to correct or erase data. Both national supervisory authorities shall cooperate to this end. Requests for such assistance may be made to the national supervisory authority of the Member State in which the data subject is present, which shall transmit the requests to the authority of the Member State which transmitted the data. The data subject may also apply for assistance and advice to the joint supervisory authority set up in Article 20.

11. In each Member State any person may, in accordance with the laws, regulations and procedures of that State, bring an action or, if appropriate, a complaint before the competent authorities or courts of the State if he/she is refused the right of access provided for in paragraph 2.

12. Any person may, in accordance with the laws, regulations and procedures of the Member State which transmitted the data, bring an action or, if appropriate, a complaint before the competent authorities or courts of that State concerning the data relating to him/her recorded in the central database, in order to exercise his/her rights under paragraph 3. The obligation of the national supervisory authorities to assist and, where requested, advise the data subject, in accordance with paragraph 10, shall subsist throughout the proceedings.

Article 19

National supervisory authority

1. Each Member State shall provide that the national supervisory authority or authorities designated pursuant to Article 28(1) of Directive 95/46/EC shall monitor independently, in accordance with its respective national law, the lawfulness of the processing, in accordance with the provisions of this regulation, of personal data by the Member State in question, including their transmission to the Central Unit.

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

Article 20

Joint supervisory authority

1. An independent joint supervisory authority shall be set up, consisting of a maximum of two representatives from the supervisory authorities of each Member State. Each delegation shall have one vote.

2. The joint supervisory authority shall have the task of monitoring the activities of the Central Unit to ensure that the rights of data subjects are not violated by the processing or use of the data held by the Central Unit. In addition, it shall monitor the lawfulness of the transmission of personal data to the Member States by the Central Unit.

3. The joint supervisory authority shall be responsible for the examination of implementation problems in connection with the operation of Eurodac, for the examination of possible difficulties during checks by the national supervisory authorities and for drawing up recommendations for common solutions to existing problems.

4. In the performance of its duties, the joint supervisory authority shall, if necessary, be actively supported by the national supervisory authorities.

5. The joint supervisory authority shall have access to advice from persons with sufficient knowledge of fingerprint data.

6. The Commission shall assist the joint supervisory authority in the performance of its tasks. In particular, it shall supply information requested by the joint supervisory body, give it access to all documents and paper files as well as access to the data stored in the system and allow it access to all its premises, at all times.

7. The joint supervisory authority shall unanimously adopt its rules of procedure.

8. Reports drawn up by the joint supervisory authority shall be made public and shall be forwarded to the bodies to which the national supervisory authorities submit their reports, as well as to the European Parliament, the Council and the Commission for information. In addition, the joint supervisory authority may submit comments or proposals for improvement regarding its remit to the European Parliament, the Council and the Commission at any time.

9. In the performance of their duties, the members of the joint supervisory authority shall not receive instructions from any government or body.

10. The joint supervisory authority shall be consulted on that part of the draft operating budget of the Eurodac Central Unit which concerns it. Its opinion shall be annexed to the draft budget in question.

11. The joint supervisory authority shall be disbanded upon the establishment of the independent supervisory body referred to in Article 286(2) of the Treaty. The independent supervisory body shall replace the joint supervisory authority and shall exercise all the powers conferred on it by virtue of the act under which that body is established.

CHAPTER VII

FINAL PROVISIONS

Article 21

Costs

1. The costs incurred by national units and the costs for their connection to the central database shall be borne by each Member State.

2. The costs of transmission or communication of data from the Member State of origin and of the findings of the comparison to that State shall be borne by the State in question.

Article 22

Committee

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 23

Annual Report: Monitoring and evaluation

1. The Commission shall submit to the European Parliament and the Council an annual report on the activities of the Central Unit. The annual report shall include information on the management and performance of the system against pre-defined quantitative indicators for the objectives referred to in paragraph 2.

2. The Commission shall ensure that systems are in place to monitor the functioning of the Central Unit against objectives, in terms of outputs, cost-effectiveness and quality of service.

3. The Commission shall regularly evaluate the operation of the Central Unit in order to establish whether its objectives have been attained cost-effectively and with a view to providing guidelines for improving the efficiency of future operations.

4. One year after Eurodac starts operations, the Commission shall produce an evaluation report on the Central Unit, focusing on the level of demand compared with expectation and on operational and management issues in the light of experience, with a view to identifying possible short-term improvements to operational practice.

5. Three years after Eurodac starts operations and every six years thereafter, the Commission shall produce an overall evaluation of Eurodac, examining results achieved against objectives and assessing the continuing validity of the underlying rationale and any implications for future operations.

Article 24

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by ... at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 25

Territorial scope

As regards the French Republic, the provisions of this Regulation shall apply only to the European territory of the French Republic.

Article 26

Entry into force and applicability

1. This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

2. This Regulation shall apply, and Eurodac shall start operations, from the date which the Commission shall publish in the *Official Journal of the European Communities*, when the following conditions are met:

- (a) each Member State has notified the Commission that it has made the necessary technical arrangements to transmit or communicate data to the Central Unit in accordance with the implementing measures adopted under Article 4(7); and
- (b) the Commission has made the necessary technical arrangements for the Central Unit to begin operations in accordance with the implementing measures adopted under Article 4(7).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Draft Council Act drawing up a Protocol extending the scope *ratione personae* of the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum

1. At its session on 3/4 December 1998, the (Justice and Home Affairs) Council recorded agreement, subject to parliamentary scrutiny reservations from the Danish, Italian and United Kingdom delegations, on the content of the draft Eurodac Convention which was to be 'frozen' pending the entry into force of the Treaty of Amsterdam. The Council noted that once that treaty entered into force, the Commission would put forward a proposal for a Community legal instrument incorporating the content of the draft convention.
2. With regard to the draft Protocol to the draft Eurodac Convention (extending the scope *ratione personae* of the draft Convention), the Council, on the one hand, agreed to forward the text as set out in 12298/98 to the European Parliament for opinion and, on the other hand, invited the Permanent Representatives Committee to continue examination of the outstanding questions on the text with a view to enabling the Council, in the light of the European Parliament's opinion, to reach agreement on the draft Protocol at its next session.
3. The Eurodac Working Party has devoted several meetings to the examination of the draft Protocol and, at its meeting on 16/17 February 1999 reached broad agreement on the text set out in the Annex hereto.
4. On 23 February 1999, the K4 Committee confirmed the agreement ⁽¹⁾ reached in the Working Party.
5. The Permanent Representatives Committee is invited to suggest that the Council
 - record agreement on the content of the draft Protocol to the draft Eurodac Convention as set out in the Annex;
 - decide to 'freeze' the text of the draft Protocol pending the entry into force of the Treaty of Amsterdam;
 - note that the Commission will, upon entry into force of that Treaty, put forward a proposal for a Community instrument incorporating the content of the draft Protocol taking account of the Opinion which the European Parliament is expected to deliver shortly.

⁽¹⁾ The Italian and United Kingdom delegations maintained parliamentary scrutiny reservations. Several delegations maintained linguistic reservations.

Draft Council Act drawing up a Protocol extending the scope *ratione personae* of the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3(2)(c) thereof,

Whereas asylum policy is regarded as a matter of common interest for the Member States under Article K.1(1) of the Treaty;

Whereas the Council has drawn up a Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum (the 'Eurodac Convention'), for the purposes of applying the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed at Dublin on 15 June 1990 ⁽¹⁾, and in particular Article 15 thereof;

Whereas it is also necessary, in order effectively to apply the Dublin Convention, and in particular Article 6 thereof, to make provision for communicating to 'Eurodac' the fingerprints of persons apprehended in connection with the irregular crossing of the external border of a Member State;

Whereas it is also desirable in order effectively to apply the Dublin Convention, and in particular Article 10, paragraph 1(c) and (e) thereof, to allow for each Member State to check whether an alien found illegally present on its territory has applied for asylum in another Member State;

Having decided that a Protocol supplementing the Eurodac Convention to that effect, the text of which is given in the Annex and which has been signed today by the Representatives of the Governments of the Member States, is hereby drawn up;

Having examined the views of the European Parliament, following the consultation conducted by the Presidency in accordance with Article K.6 of the Treaty on European Union;

Recommends that it be adopted by the Member States in accordance with their respective constitutional requirements and in such manner that it will enter into force at the same time as the Eurodac Convention.

⁽¹⁾ OJ C 254, 19.8.1997, p. 1.

PROTOCOL

drawn up on the basis of Article K.3 of the Treaty on European Union, extending the scope *ratione personae* of the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum

THE HIGH CONTRACTING PARTIES to this Protocol, Member States of the European Union,

REFERRING to the Act of the Council of the European Union of . . . ,

RECOGNISING for the Convention signed at Dublin on 15 June 1990, determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, is a measure relating to the free movement of persons in accordance with the objective set out in Article 7a of the Treaty establishing the European Community;

RECALLING that for the purposes of applying the Dublin Convention, and in particular Article 15 thereof, the Council has drawn up a Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum;

WHEREAS it is also necessary in order effectively to apply the Dublin Convention, and in particular Article 6 thereof, to make provision for communicating to 'Eurodac' the fingerprints of persons apprehended in connection with the irregular crossing of the external border of a Member State;

WHEREAS it is also desirable in order effectively to apply the Dublin Convention, and in particular Article 10, paragraph 1(c) and (e) thereof, to allow for each Member State to use 'Eurodac' for checking whether an alien found illegally present on its territory has applied for asylum in another Member State.

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

Extension of 'Eurodac'

The provisions of the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum, hereinafter referred to as 'the Eurodac Convention', shall be extended, subject to the provisions of this Protocol, to fingerprint data on certain other aliens, for the purpose of assisting in determining the Member State which is responsible under the Dublin Convention of 15 June 1990 for examining an application for asylum lodged in a Member State, as well as for the purpose of otherwise facilitating the application of the latter Convention.

Article 2

Definitions

Unless otherwise stated, the terms defined in Article 2 of the Eurodac Convention and in Article 1 of the Dublin Convention of 15 June 1990 shall have the same meaning in this Protocol.

Article 3

Collection and communication of fingerprint data on aliens who irregularly cross an external border

1. Each Member State shall promptly take the fingerprints of every alien of at least fourteen years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back.

2. The Member State concerned shall promptly communicate the fingerprints of any alien as referred to in

paragraph 1 above to the Eurodac Central Unit, together with the other relevant data referred to in Article 5(1) of the Eurodac Convention

Article 4

Recording of data on aliens who irregularly cross an external border

1. Data communicated to the Central Unit pursuant to Article 3 of this Protocol shall be recorded in the central database for the sole purpose of comparison with data on applicants for asylum transmitted subsequently to the Central Unit. The Central Unit shall therefore not compare data communicated to it pursuant to Article 3 with any data previously recorded in the central database, nor with data subsequently communicated to the Central Unit pursuant to Article 3.

2. In so far as the provisions of the Eurodac Convention apply to data on an alien as referred to in Article 3 of this Protocol, references to the 'Member State of origin' shall be taken as meaning the Member State which communicates such data to the Central Unit.

Article 5

Storage of data on aliens who irregularly cross an external border

1. Each set of data relating to an alien as referred to in Article 3 of this Protocol shall be stored in the Eurodac central database for two years from the date on which the fingerprints of the alien were taken. Upon expiry of this period, the Central Unit shall automatically erase the data from the central database.

2. Notwithstanding the provisions of paragraph 1 above, the data relating to an alien as referred to in Article 3 shall be erased from the central database immediately when the Member State of origin becomes aware of either of the following circumstances before the two-year period mentioned in paragraph 1 has expired:

- (a) the alien has been issued with a residence permit; or
- (b) the alien has left the territory of the Member States.

Article 6

Rights of the data subject

The right of any alien as referred to in Article 3 to have access to data concerning him/her in the central database shall be exercised in accordance with the law of the Member State before which he/she invokes that right. If the national law so provides, the national supervisory authority provided for in Article 14 of the Eurodac Convention shall decide whether information shall be communicated and by what procedures. In the case referred to in the previous sentence, a Member State which did not transmit the data may communicate information concerning such data only if it has previously given the Member State of origin an opportunity to state its position.

Article 7

Comparison of fingerprints of aliens found illegally present in a Member State

1. With a view to checking whether an alien found illegally present within its territory has previously lodged an application for asylum in another Member State, each Member State may communicate to the Central Unit fingerprints it may have taken of any such alien of at least fourteen years of age. As a general rule there are grounds for checking whether the alien has previously lodged an application for asylum in another Member State where:

- the alien declares that he/she has lodged an application for asylum but without indicating the Member State in which he/she made the application;
- the alien does not request asylum but objects to being returned to his/her country of origin by claiming that he/she would be in danger, or
- the alien otherwise seeks to prevent his/her removal by refusing to cooperate in order to establish his/her identity, in particular by showing no or false identity papers.

2. The fingerprints of an alien as referred to in paragraph 1 shall be communicated to the Central Unit solely for the purpose of comparison with the fingerprints of applicants for asylum transmitted by other Member States and already recorded in the central database. The fingerprints of such an alien shall not be stored in the central database, nor shall they be compared with the data communicated to the Central Unit pursuant to Article 3 of this Protocol.

3. The Central Unit shall destroy the fingerprints communicated to it under paragraph 1 above forthwith, once the results of the comparison have been communicated to the Member State of origin.

Article 8

Application of provisions of the Eurodac Convention

Unless otherwise stated in this Protocol or unless a different intention appears from the context, all the provisions of the Eurodac Convention shall apply *mutatis mutandis* to this Protocol.

Article 9

Reservations

This Protocol shall not be subject to any reservations.

Article 10

Entry into force

1. This Protocol shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.
2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of the procedures necessary under their constitutional requirements for adopting this Protocol.
3. This Protocol shall enter into force on the first day of the third month after the notification referred to in paragraph 2 by the State which, being a member of the European Union on the date of adoption by the Council of the Act drawing up this Protocol, is the last to complete that formality, provided that the Eurodac Convention enters into force on the same date as this Protocol.

Article 11

Accession

1. This Protocol shall be open to accession by any State that becomes a member of the European Union.
2. The text of this Protocol in the language of the acceding Member State, drawn up by the Council of the European Union, shall be authentic.
3. Instruments of accession shall be deposited with the depositary.
4. This Protocol shall enter into force with respect to the acceding Member State on the first day of the third month after the deposit of its instrument of accession or on the date of entry into force of this Protocol if it has not already entered into force at the time of expiry of the aforesaid period, provided that the Eurodac Convention enters into force with respect to the acceding Member State on the same date as this Protocol.

Article 12

Depositary

1. The Secretary-General of the Council of the European Union shall act as depositary of this Protocol.
2. The depositary shall publish in the *Official Journal of the European Communities* information on the progress of adoptions and accessions, together with declarations and any other notification concerning this Protocol.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

Σε πίστωση των ανωτέρω, οι υπογράφωντες πληρεξούσιοι υπέγραψαν το παρόν Πρωτόκολλο.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their hands.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo-assinados apuseram as suas assinaturas no final do presente Protocolo.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän pöytäkirjan.

Till bevis härpå har undertecknade befullmäktigade undertecknat detta protokoll.

Hecho en ... el ... de ..., en un ejemplar único en lenguas alemana, danesa, española, finesa, francesa, griega, inglesa, irlandesa, italiana, neerlandesa, portuguesa y sueca, cuyos textos son igualmente auténticos y que será depositado en los archivos de la Secretaría General del Consejo de la Unión Europea.

Udfærdiget i ..., den ... i ét eksemplar på dansk, engelsk, finsk, fransk, græsk, irsk, italiensk, nederlandsk, portugisisk, spansk, svensk og tysk, hvilke tekster alle har samme gyldighed, og deponeres i arkiverne i Generalsekretariatet for Rådet for Den Europæiske Union.

Geschehen zu ... am ... in einer Urschrift in dänischer, deutscher, englischer, finnischer, französischer, griechischer, irischer, italienischer, niederländischer, portugiesischer, schwedischer und spanischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist; die Urschrift wird im Archiv des Generalsekretariats des Rates der Europäischen Union hinterlegt.

Έγινε στ ... στις ... σε ένα μόνο αντίτυπο στη δανική, ολλανδική, αγγλική, φινλανδική, γαλλική, γερμανική, ελληνική, ιρλανδική, ιταλική, πορτογαλική, ισπανική και σουηδική γλώσσα. Όλα τα κείμενα είναι εξίσου αυθεντικά. Το αντίτυπο κατετέθη στα αρχεία της Γενικής Γραμματείας του Συμβουλίου της Ευρωπαϊκής Ένωσης.

Done at ... this ... day of ... in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, such original being deposited in the archives of the General Secretariat of the Council of the European Union.

Fait à ..., le ... en un exemplaire unique, en langues allemande, anglaise, danoise, espagnole, finnoise, française, grecque, irlandaise, italienne, néerlandaise, portugaise et suédoise, chacun de ces textes faisant également foi, exemplaire qui est déposé dans les archives du Secrétariat général du Conseil de l'Union européenne.

Fatto a ..., il ..., in un unico esemplare in lingua danese, finlandese, francese, greca, inglese, irlandese, italiana, olandese, portoghese, spagnola, tedesca e svedese, tutti i testi facenti ugualmente fede, esemplare depositato negli archivi del Segretariato generale del Consiglio dell'Unione europea.

Gedaan te ..., .., opgesteld in één exemplaar in de Duitse, de Engelse, de Deense, de Spaanse, de Finse, de Franse, de Griekse, de Ierse, de Italiaanse, de Nederlandse, de Portugese en de Zweedse taal, zijnde alle teksten gelijkelijk authentiek, neergelegd in het archief van het secretariaat-generaal van de Raad van de Europese Unie.

Feito em ..., em ..., em exemplar único redigido nas línguas espanhola, dinamarquesa, alemã, grega, inglesa, francesa, irlandesa, italiana, neerlandesa, portuguesa, finlandesa e sueca, cujas versões fazem igualmente fé, o qual fica depositado nos arquivos do Secretariado-Geral do Conselho da União Europeia.

Tehty ... ssa/ssä ... päivänä ... kuuta vuonna ... yhtenä ainoana englannin-, espanjan-, hollannin-, iirin-, italian-, kreikan-, portugalin-, ranskan-, ruotsin-, saksan-, suomen- ja tanskankielisenä alkuperäiskappaleena, jonka kullakin kielellä laadittu teksti on yhtä todistusvoimainen ja joka talletetaan Euroopan unionin neuvoston pääsihteeristön arkistoon.

Utfärdat i ... den ... i ett enda original på danska, engelska, finska, franska, grekiska, iriska, italienska, nederländska, portugisiska, spanska, svenska och tyska språken, varvid alla texter är lika giltiga, och deponerat i arkivet vid generalsekretariatet vid Europeiska unionens råd.

Por el Gobierno del Reino de Bélgica
For regeringen for Kongeriget Belgien
Für die Regierung des Königreichs Belgien
Για την κυβέρνηση του Βασιλείου του Βελγίου
For the Government of the Kingdom of Belgium
Pour le gouvernement du royaume de Belgique
Per il Governo del Regno del Belgio
Voor de Regering van het Koninkrijk België
Pelo Governo do Reino da Bélgica
Belgian kuningaskunnan hallituksen puolesta
För Konungariket Belgiens regering

Draft Council Act drawing up the Convention concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3(2)(c) thereof,

Whereas asylum policy is regarded as a matter of common interest for the Member States under Article K.1(1) of the Treaty; whereas it is necessary to set up a computerized system for comparison of fingerprints of persons seeking asylum in a Member State in order effectively to apply the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (signed at Dublin on 15 June 1990) ⁽¹⁾, and in particular Article 15 thereof;

Having decided that the Convention, the text of which is given in the Annex and which has been signed today by the Representatives of the Governments of the Member States, is hereby drawn up;

Having examined the views of the European Parliament, following the consultation conducted by the Presidency in accordance with Article K.6 of the Treaty on European Union;

Recommends that it be adopted by the Member States in accordance with their respective constitutional requirements and in such manner that it will enter into force at the same time as a Protocol extending the scope *ratione personae* of this Convention for the purpose of further facilitating the application of the Dublin Convention.

⁽¹⁾ OJ C 254, 19.8.1997, p. 1.

CONVENTION**drawn up on the basis of Article K.3 of the Treaty on European Union concerning the establishment of 'Eurodac' for the comparison of fingerprints of applicants for asylum**

THE HIGH CONTRACTING PARTIES to this Convention; Member States of the European Union,

REFERRING to the Act of the Council of the European Union of . . .,

RECALLING the objective of harmonisation of the Member States' asylum policies, set by the Strasbourg European Council on 8 and 9 December 1989 and further developed by the Maastricht European Council on 9 and 10 December 1991 and the Brussels European Council on 10 and 11 December 1993 as well as in the Commission communication on 23 February 1994 on immigration and asylum policies;

DETERMINED, in keeping with their common humanitarian tradition, to guarantee adequate protection to refugees in accordance with the terms of the Geneva Convention of 28 July 1951, as amended by the New York Protocol of 31 January 1967, relating to the Status of Refugees, and to continue the dialogue begun with the United Nations High Commissioner for Refugees on any issues relating to application of this Convention;

CONSIDERING the joint objective of an area without internal frontiers in which the free movement of persons is ensured, in accordance with Article 7a of the Treaty establishing the European Community;

AWARE of the need, in pursuit of this objective, to take measures to avoid any situations arising which would result in applicants for asylum being left in doubt for too long as to the likely outcome of their applications and concerned to provide all applicants for asylum with a guarantee that their applications will be examined by one of the Member States and to ensure that applicants for asylum are not referred successively from one Member State to another without any of these States acknowledging itself to be competent to examine the application for asylum;

considering that the specific aim of the Dublin Convention of 15 June 1990 determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities ⁽¹⁾ is to meet that concern;

considering that for the purposes of applying the Dublin Convention it is necessary to establish the identity of applicants for asylum;

considering that fingerprints constitute an important element in establishing the exact identity of such persons and considering that it is necessary to set up a system for the comparison of their fingerprints;

whereas the provisions of this Convention may only be applied in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950;

considering that the processing of such data must observe the strictest standards of confidentiality and is only possible with due regard for the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed at Strasbourg on 28 January 1981,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

⁽¹⁾ OJ C 254, 19.8.1997, p. 1.

*Article 1***Purpose of 'Eurodac'**

1. A system known as 'Eurodac' is hereby established, the sole purpose of which shall be to assist in determining the Member State which is responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State.

2. To that end, Eurodac shall consist of:

— the Central Unit referred to in Article 3,

— a computerised central database in which the data referred to in Article 5(1) are recorded and stored for the purpose of comparing the fingerprints of applicants for asylum,

— means of transmission between the Member States and the central database.

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

3. Without prejudice to the use of data intended for Eurodac by the Member State of origin in databases set up under the latter's national law, fingerprints and other personal data may be processed in Eurodac only for the purposes set out in Article 15(1) of the Dublin Convention.

*Article 2***Definitions**

For the purposes of this Convention:

1. 'The Dublin Convention' shall mean the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed at Dublin on 15 June 1990.

2. Unless stated otherwise, the terms defined in Article 1 of the Dublin Convention shall have the same meaning in this Convention.

3. An 'applicant for asylum' shall mean an alien who has made an application for asylum or on whose behalf such an application has been made.

4. 'Transmission of data' shall mean:

— communication of personal data from Member States to the Central Unit for recording in the central database

and communication to Member States of the results of the comparison made by the Central Unit, and

— recording of personal data directly by Member States in the central database and direct communication of the results of the comparison to such Member States.

5. 'Personal data' shall mean any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical identity.

6. 'Member State of origin' shall mean the Member State which transmits the personal data to the Central Unit and receives the results of the comparison.

*Article 3***Central Unit**

1. A Central Unit shall be established within the Commission which shall be responsible for operating the central database of fingerprints of applicants for asylum on behalf of the Member States. The Central Unit shall be equipped with a computerized fingerprint recognition system.

2. Data on applicants for asylum which are processed at the Central Unit shall be processed on behalf of the Member State of origin

3. The Commission shall submit to the Council and the European Parliament an annual report on the activities of the Central Unit.

*Article 4***Procedure**

1. Each Member State shall promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data referred to in Article 5(1), points 1 to 6, to the Central Unit. The procedure for taking fingerprints shall be determined in accordance with the national practice of the Member State concerned. The applicant for asylum shall be informed of the purpose of taking his/her fingerprints as provided for in Article 13(1).

2. The data referred to in Article 5(1) shall be immediately recorded in the central database:

(i) by the Central Unit or,

(ii) insofar as the technical conditions for such purposes are met, directly by the Member State of origin.

3. Fingerprint data within the meaning of point 2 of Article 5(1) transmitted by any Member State shall be compared by the Central Unit with the fingerprint data transmitted by other Member States and already recorded in the central database.

4. Any Member State may request that the comparison referred to in paragraph 3 should cover the fingerprint data previously transmitted by it, in addition to the data from other Member States.

5. The Central Unit shall forthwith communicate the results of the comparison to the Member State of origin, together with the data referred to in Article 5(1), relating to those fingerprints which, in the opinion of the Central Unit, are so similar as to be considered as matching with the fingerprints which were transmitted by that Member State. Direct transmission to the Member State of origin of the results of the comparison shall be permissible where the technical conditions for such purpose are met.

6. The results of the comparison shall be immediately checked in the Member State of origin. Final identification shall be made by the Member State of origin in cooperation with the Member States concerned, pursuant to Article 15 of the Dublin Convention. Information received from the Central Unit relating to any data mismatch or other data found to be unreliable shall be erased by the Member State of origin as soon as the mismatch or unreliability of the data is established.

7. The Council shall adopt the implementing rules which are necessary to give effect to the procedures provided for in this Article.

Article 5

Recording of data

1. Only the following data shall be recorded in the central database:

1. Member State of origin, place and date of the application for asylum;
2. fingerprints⁽¹⁾ pursuant to the rules for implementing this Convention adopted by the Council;
3. sex;
4. reference number used by the Member State of origin;
5. date on which the fingerprints were taken;
6. date on which the data were transmitted to the Central Unit;
7. date on which the data were entered in the central database;
8. details in respect of the recipient(s) of the data transmitted and the date(s) of transmission(s).

⁽¹⁾ 'Fingerprints' here refers to both the prints themselves and data relating to them.

2. After recording the data in the central database, the Central Unit shall destroy the media used for transmitting the data, unless the Member State of origin has requested their return.

Article 6

Data storage

Each set of data, as referred to in Article 5(1), shall be stored in the central database for ten years from the date on which the fingerprints were last taken. Upon expiry of this period, the Central Unit shall automatically erase the data from the central database.

Article 7

Advance data erasure

Notwithstanding the provisions of Article 6, data relating to a person who has acquired citizenship of a Member State shall be erased from the central database. In conformity with Article 11(3), such erasure shall be carried out by the Member State of origin either directly or, at the request of the latter, by the Central Unit, as soon as that Member State becomes aware that the person has acquired citizenship of a Member State.

Article 8

Blocking of data

1. Notwithstanding the provisions of Article 6, data relating to a person who in accordance with the Geneva Convention of 28 July 1951, as amended by the New York Protocol of 31 January 1967, has been recognised and admitted as a refugee in a Member State shall be blocked in the central database. Such blocking shall be carried out by the Central Unit on the instructions of the Member State of origin.

2. Five years after Eurodac begins its activities, the Council shall, on the basis of reliable statistics compiled by the Central Unit on persons who have lodged an application for asylum in a Member State after having been recognised and admitted as refugees as defined in paragraph 1 in another Member State, unanimously adopt a procedure enabling it to decide whether the data relating to persons who have been recognised and admitted as refugees in a Member State should either:

- (a) be unblocked and be stored in accordance with Article 6 for the purpose of the comparison provided for in Article 4(3). In such case, the procedure mentioned in paragraph 1 shall no longer apply; or
- (b) be erased in advance once a person has been recognised and admitted as a refugee. In such case:

— data which have been blocked in accordance with paragraph 1 shall be erased immediately by the Central Unit; and

— with regard to data relating to persons who are subsequently recognised and admitted as refugees, the last sentence of Article 7 shall apply *mutatis mutandis*.

3. The Council shall adopt implementing rules concerning compilation of the statistics referred to in paragraph 2.

Article 9

Responsibility for data use

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

- (a) fingerprints are taken lawfully;
- (b) fingerprints and the other data referred to in Article 5(1) are lawfully transmitted ⁽¹⁾ to the Central Unit;
- (c) data are accurate and up-to-date when they are transmitted to the Central Unit;
- (d) without prejudice to the responsibilities of the Commission, data in the central database are lawfully recorded ⁽¹⁾, stored, corrected and erased;
- (e) the results of fingerprint comparisons transmitted by the Central Unit are lawfully used.

2. In accordance with Article 10, the Member State of origin shall ensure the security of these data before and during transmission to the Central Unit as well as the security of the data it receives from the Central Unit.

3. The Member State of origin shall be responsible for the final identification of the data pursuant to Article 4(6).

4. The Commission shall ensure that the Central Unit is operated in accordance with the provisions of the Convention and with the implementing rules adopted by the Council. In particular, the Commission shall:

- (a) adopt measures ensuring that persons working in the Central Unit do not use the data recorded in the central database in a way contrary to the purpose of Eurodac as laid down in Article 1(1).
- (b) ensure that persons working in the Central Unit comply with all requests from Member States made pursuant to the Convention in relation to recording, comparison, correction and erasure of data for which they are responsible;

⁽¹⁾ Transmission pursuant to the second indent of Article 2(4) already includes recording.

(c) take the necessary measures to ensure the security of the Central Unit in accordance with Article 10.

(d) ensure that only persons authorised to work in the Central Unit shall have access to data recorded in the central database, without prejudice to Article 15.

5. Member States shall ensure that use of data recorded in the central database contrary to the purpose of Eurodac as laid down in Article 1(1) shall be subject to appropriate penalties.

Article 10

Security

1. The Member State of origin shall take the necessary measures to:

- (a) prevent any unauthorised person from having access to national installations in which the Member State carries out operations in accordance with the aim of Eurodac (checks at the entrance to the installation);
- (b) prevent data and data media in Eurodac from being read, copied, modified or erased by unauthorised persons (control of data media);
- (c) guarantee that it is possible to check and establish *a posteriori* what data have been recorded in Eurodac, when and by whom (control of data recording);
- (d) prevent the unauthorised recording of data in Eurodac and any unauthorised modification or erasure of data recorded in Eurodac (control of data entry);
- (e) guarantee that, for the use of Eurodac, authorised persons have access only to data which are within their competence (control of access) ⁽²⁾;
- (f) guarantee that it is possible to check and establish to which authorities data recorded in Eurodac may be transmitted by data transmission equipment (control of transmission);
- (g) prevent the unauthorised reading, copying, modification or erasure of data during both the direct transmission of data to the central database and vice versa and the transport of data media to the Central Unit and vice versa (control of transport).

2. As regards the operation of the Central Unit, the Commission shall be responsible for applying the abovementioned measures.

⁽²⁾ The possibility of recording unauthorised attempts at access to data should be spelt out either in the implementing rules, or when drawing up the specifications.

*Article 11***Access to and correction 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 the central database in accordance with the provisions of this Convention. No Member State may conduct searches in the data transmitted by another Member State, nor may it receive such data apart from data resulting from the comparison referred to in Article 4(5).

2. The authorities of Member States which, pursuant to paragraph 1, have access to data recorded in the central database shall be those designated by each Member State. Each Member State shall communicate to the depository a list of these authorities.

3. Only the Member State of origin shall have the right to amend the data it has transmitted to the Central Unit by correcting or supplementing such data, or to erase them, without prejudice to erasure carried out in application of Article 6. Where the Member State of origin records data directly in the central database, it shall amend or erase the data directly, if appropriate. Where the Member State of origin does not record data directly in the central database, the Central Unit shall alter or erase the data at the request of that Member State.

4. If a Member State or the Central Unit has evidence to suggest that data recorded in the central database are factually inaccurate, it shall advise the Member State of origin as soon as possible. In addition, if a Member State has evidence to suggest that data were recorded in the central database contrary to this Convention, it shall similarly advise the Member State of origin as soon as possible. The latter shall check the data concerned and, if necessary, amend or erase without delay.

*Article 12***Damages**

1. The Member State of origin shall, in accordance with its national law, be liable for any damage caused to persons or other Member States resulting from the illegal use of the results of the fingerprint comparisons transmitted by the Central Unit.

2. The European Community shall be liable, in accordance with Article 215, second paragraph, of the Treaty establishing the European Community, for any damage caused to persons or Member States through the fault of persons working in the Central Unit in breach of their duties under this Convention. Article 178 of the Treaty establishing the European Community shall be applicable.

3. The European Community shall likewise be liable for damage to the central database. However, if the damage is due to the failure of a Member State to comply with its obligations under this Convention, that Member State shall be liable, unless the Commission failed to take reasonable steps to prevent the damage from happening or to minimise its impact.

4. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 3 shall be governed by the provisions of national law of the defendant Member State.

*Article 13***Rights of the data subject**

1. Member States shall inform the applicant for asylum, when taking his/her fingerprints, of the purpose, as defined in Article 1(1), of taking the prints and of his/her rights under this Article and their procedural practices.

2. In each Member State any person may, in accordance with the laws, regulations and procedures of the State, exercise a right of access to data concerning him/her recorded in the central database. Such access to data may be granted only by a Member State. The person will be informed of the data relating to him/her recorded in the central database and of the Member State which transmitted them to the Central Unit.

3. If the person contests the accuracy of the data or the lawfulness of recording them in the central database, he/she may ask for data which are factually inaccurate to be corrected or for data recorded unlawfully to be erased. The correction and erasure shall be carried out by the Member State which transmitted the data in accordance with its laws, regulations and procedures.

4. If the rights of correction and erasure are exercised in a Member State other than that (those) which transmitted the data, the authorities of that Member State shall contact the authorities of the Member State(s) in question so that the latter may check the accuracy of the data and the lawfulness of their transmission and recording in the central database.

5. If it emerges that data recorded in the central database are factually inaccurate or have been recorded unlawfully, the Member State which transmitted them shall correct or erase the data in accordance with Article 11(3). That Member State shall confirm in writing to the data subject that it has taken action to correct or erase data relating to him/her.

6. If the Member State which transmitted the data does not accept that data recorded in the central database are factually inaccurate or have been recorded unlawfully it shall explain in writing to the data subject why it is not prepared to correct or erase the data. That Member State shall also provide the data subject with information explaining the steps which he/she can take if he/she does not accept the explanation provided. This shall include information about how to bring an action or, if appropriate, a complaint before the competent authorities or courts of that Member State and any financial or other assistance that is available in accordance with the laws, regulations and procedures of that Member State.

7. Any request under paragraphs 2 and 3 shall contain all the necessary particulars to identify the data subject, including fingerprints. Such data shall be used exclusively to exercise the rights referred to in paragraphs 2 and 3 and shall be destroyed immediately afterwards.

8. Member States shall undertake to ensure that their competent authorities cooperate actively to enforce promptly the rights to correct and erase data laid down in paragraphs 3 to 5.

9. In each Member State, the national supervisory authority shall, in accordance with Article 14(3), assist the data subject in exercising his/her right of access to data.

10. The national supervisory authority of the Member State which transmitted the data and the national supervisory authority of the Member State in which the person is present shall assist and, where requested, advise him/her in exercising his/her right to correct or erase data. Both the national supervisory authorities shall cooperate to this end. Such assistance shall be granted in accordance with the laws, regulations and procedures of the Member States concerned, giving effect to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed at Strasbourg on 28 January 1981. Requests for such assistance may be made to the national supervisory authority of the Member State in which the person is present, which shall transmit the requests to the authority of the Member State which transmitted the data. The data subject may also apply for assistance and advice to the joint supervisory authority set up in Article 15.

11. In each Member State any person may, in accordance with the laws, regulations and procedures of that State, bring an action or, if appropriate, a complaint before the competent authorities or courts of the State if he/she is refused the right of access provided for in paragraph 2.

12. Any person may, in accordance with the laws, regulations and procedures of the State which transmitted the

data, bring an action or, if appropriate, a complaint before the competent authorities or courts of that State concerning the data relating to him/her recorded in the central database, in order to exercise his/her rights under paragraph 3. The obligation of the national supervisory authorities to assist and, where requested, advise the person, in accordance with paragraph 10, shall subsist throughout these proceedings.

Article 14

National supervisory authority

1. Each Member State shall designate a national supervisory authority or authorities responsible for personal data protection in that Member State. The task of the national supervisory authority shall be to monitor independently, in accordance with its respective national law, the lawfulness of the processing, in accordance with the provisions of this Convention, of personal data by the Member State in question, as well as of their transmission to the Central Unit, and to examine whether this violates the rights of the data subject. For this purpose, the supervisory authority shall have access to the data processed by the Member State concerned. The Member State shall also make available to the national supervisory authority any information which it requests and allow it access to all documents and files, as well as all premises, at all times.

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

3. Any person may ask the national supervisory authority to ensure that the recording and transmission of data concerning him/her to the Central Unit and the retrieval and use of such data by the Member State in question are lawful. This right shall be exercised in accordance with the national law applicable to the national supervisory body of which the request is made.

Article 15

Joint supervisory authority

1. An independent joint supervisory authority shall be set up, consisting of a maximum of two representatives from the supervisory authorities of each Member State. Each delegation shall have one vote.

2. The joint supervisory authority shall have the task of monitoring the activities of the Central Unit to ensure that the rights of data subjects are not violated by the processing or use of the data held by the Central Unit. In addition, it shall monitor the lawfulness of the transmission of personal data to the Member States by the Central Unit.

3. The joint supervisory authority shall also be competent for the examination of implementation or interpretation problems in connection with the operation of Eurodac, for the examination of possible difficulties during checks by the national supervisory authorities and for drawing up proposals for common solutions to existing problems.

4. In the performance of its duties, the joint supervisory authority shall, if necessary, be actively supported by the national supervisory authorities.

5. The joint supervisory authority shall have access to advice from persons with sufficient knowledge of fingerprint data.

6. The Commission shall assist the joint supervisory authority in the performance of its tasks. In particular, it shall supply information requested by the joint supervisory body, give it access to all documents and paper files as well as access to the data stored in the system and allow it access to all its premises, at all times.

7. The joint supervisory authority shall unanimously adopt its rules of procedure.

8. Reports drawn up by the joint supervisory authority shall be forwarded to the bodies to which the national supervisory authorities submit their reports, as well as to the Council for information. In addition, the joint supervisory authority may submit comments or proposals for improvement regarding its remit to the Council at any time.

9. In the performance of their duties, the members of the joint supervisory authority shall not receive instructions from any government or body.

10. The joint supervisory authority shall be consulted on that part of the draft operating budget of the Eurodac Central Unit which concerns it. Its opinion shall be annexed to the draft budget in question.

11. The joint supervisory authority shall be disbanded upon the establishment of the Central Unit supervisory authority under Article 286(2) of the EC Treaty as inserted by the Treaty of Amsterdam. The independent supervisory authority shall take over the tasks of the joint supervisory authority and shall exercise for the purposes of the supervision of the Central Unit all the powers attributed to it by virtue of the act under which the independent supervisory authority is established. For the purpose of this Convention, the independent supervisory authority shall be referred to as the 'Central Unit supervisory authority'.

12. The Council may adopt such supplementary measures as it considers necessary to enable the Central Unit supervisory authority to perform its duties.

Article 16

Costs

1. The costs incurred in connection with the establishment and operation of the Central Unit shall be borne by the budget of the European Communities.

2. The costs incurred by national units and for their connection to the central database shall be borne by each Member State.

3. The costs of transmission of data from the Member State of origin and of the findings of the comparison to that State shall be borne by the State in question.

Article 17

Jurisdiction of the Court of Justice

1. The Court of Justice shall have jurisdiction to rule on any dispute between Member States regarding the interpretation or the application of this Convention whenever such dispute cannot be settled by the Council within six months of its being referred to the Council by one of its members.

2. The Court of Justice shall have jurisdiction to rule on any dispute between one or more Member States and the Commission of the European Communities regarding the interpretation or the application of this Convention whenever such dispute cannot be settled through negotiation.

3. Any court in a Member State may ask the Court of Justice to give a preliminary ruling on a matter concerning the interpretation of this Convention.

4. The competence of the Court of Justice provided for in paragraph 3 shall be subject to its acceptance by the Member State concerned in a declaration to that effect made at the time of the notification referred to in Article 20(2) or at any subsequent time.

5. A Member State making a declaration under paragraph 4 may restrict the possibility of asking the Court of Justice to give a preliminary ruling to those of its courts against the decisions of which there is no judicial remedy under national law.

6. (a) The Statute of the Court of Justice of the European Community and its Rules of Procedure shall apply.

(b) In accordance with that Statute, any Member State, whether or not it has made a declaration under paragraph 4, shall be entitled to submit statements of case or written observations to the Court of Justice in cases which arise under paragraph 3.

7. After the entry into force of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities, and certain related acts:

- paragraphs 1 to 5 and paragraph 6(b) of this Article shall cease to apply; and
- all the relevant provisions of the Treaty establishing the European Community as amended by the Treaty of Amsterdam, concerning the powers of the Court of Justice, including Article 68, shall apply *mutatis mutandis* and for such purposes, references to 'this Treaty' in the said provisions or in provisions to which they refer, and references to 'this Title' in the case of Article 68, shall be taken as meaning references to 'this Convention'.

Article 18

Supervision of implementation

The Council shall supervise the implementation and application of the provisions of this Convention to ensure that Eurodac operates effectively. To this end, the Commission shall inform the Council of measures taken under Article 9(4) of this Convention and of the practical arrangements adopted for the technical management of the Central Unit.

The Council, acting by a two-thirds majority of the High Contracting Parties, shall adopt the necessary implementing rules.

Article 19

Reservations

This Convention shall not be subject to any reservations.

Article 20

Entry into force

1. This Convention shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.
2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of the procedures necessary under their constitutional requirements for adopting this Convention.
3. Article 4(7) and Article 8(3) of this Convention shall enter into force on the day following the notification referred to in paragraph 2 by the State which, being a member of the European Union on the date of adoption by the Council of the Act drawing up this Convention, is the last to complete that formality. The other provisions of this Convention shall enter into force on the first day of the third month after that notifi-

cation, provided that a Protocol extending the scope *ratione personae* of this Convention for the purpose of further facilitating the application of the Dublin Convention, enters into force on the same date.

4. Without prejudice to paragraph 3, Eurodac shall not begin its activities pursuant to this Convention until the implementing rules referred to in Articles 4(7) and 8(3) have been adopted.

Article 21

Territorial scope

As regards the United Kingdom, the provisions of this Convention shall apply only to the United Kingdom of Great Britain and Northern Ireland.

Article 22

Accession

1. This Convention shall be open to accession by any State that becomes a member of the European Union.
2. The text of this Convention in the language of the acceding Member State, drawn up by the Council of the European Union, shall be authentic.
3. Instruments of accession shall be deposited with the depositary.
4. This Convention shall enter into force with respect to the acceding Member State on the first day of the third month after the deposit of its instrument of accession or on the date of entry into force of the Convention if it has not already entered into force at the time of expiry of the aforesaid period, provided that a protocol extending the scope *ratione personae* of this Convention for the purpose of further facilitating the application of the Dublin Convention, enters into force with respect to the acceding Member State on the same date.

Article 23

Depositary

1. The Secretary-General of the Council of the European Union shall act as depositary of this Convention.
2. The depositary shall publish in the *Official Journal of the European Communities* information on the progress of adoptions and accessions, together with declarations and any other notification concerning this Convention.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Übereinkommen gesetzt.

Σε πίστωση των ανωτέρω, οι υπογράφωντες πληρεξούσιοι υπέγραψαν το παρόν Πρωτόκολλο.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their hands.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo-assinados apuseram as suas assinaturas no final do presente Protocolo.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän yleissopimuksen.

Till bevis härpå har undertecknade befullmäktigade undertecknat detta protokoll.

Hecho en . . . el . . . de . . . , en un ejemplar único en lenguas alemana, danesa, española, finesa, francesa, griega, inglesa, irlandesa, italiana, neerlandesa, portuguesa y sueca, cuyos textos son igualmente auténticos y que será depositado en los archivos de la Secretaría General del Consejo de la Unión Europea.

Udfærdiget i . . . , den . . . i ét eksemplar på dansk, engelsk, finsk, fransk, græsk, irsk, italiensk, nederlandsk, portugisisk, spansk, svensk og tysk, hvilke tekster alle har samme gyldighed, og deponeres i arkiverne i Generalsekretariatet for Rådet for Den Europæiske Union.

Geschehen zu . . . am . . . in einer Urschrift in dänischer, deutscher, englischer, finnischer, französischer, griechischer, irischer, italienischer, niederländischer, portugiesischer, schwedischer und spanischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist; die Urschrift wird im Archiv des Generalsekretariats des Rates der Europäischen Union hinterlegt.

Έγινε στ . . . στις . . . σε ένα μόνο αντίτυπο στη δανική, ολλανδική, αγγλική, φινλανδική, γαλλική, γερμανική, ελληνική, ιρλανδική, ιταλική, πορτογαλική, ισπανική και σουηδική γλώσσα. Όλα τα κείμενα είναι εξίσου αυθεντικά. Το αντίτυπο κατετέθη στα αρχεία της Γενικής Γραμματείας του Συμβουλίου της Ευρωπαϊκής Ένωσης.

Done at . . . this . . . day of . . . in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, such original being deposited in the archives of the General Secretariat of the Council of the European Union.

Fait à . . . , le . . . en un exemplaire unique, en langues allemande, anglaise, danoise, espagnole, finnoise, française, grecque, irlandaise, italienne, néerlandaise, portugaise et suédoise, chacun de ces textes faisant également foi, exemplaire qui est déposé dans les archives du Secrétariat général du Conseil de l'Union européenne.

Fatto a . . . , il . . . , in un unico esemplare in lingua danese, finlandese, francese, greca, inglese, irlandese, italiana, olandese, portoghese, spagnola, tedesca e svedese, tutti i testi facenti ugualmente fede, esemplare depositato negli archivi del Segretariato generale del Consiglio dell'Unione europea.

Gedaan te . . . , . . . , opgesteld in één exemplaar in de Duitse, de Engelse, de Deense, de Spaanse, de Finse, de Franse, de Griekse, de Ierse, de Italiaanse, de Nederlandse, de Portugese en de Zweedse taal, zijnde alle teksten gelijkelijk authentiek, neergelegd in het archief van het secretariaat-generaal van de Raad van de Europese Unie.

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Tehty . . . ssa/ssä . . . päivänä . . . kuuta vuonna . . . yhtenä ainoana englannin-, espanjan-, hollannin-, iirin-, italian-, kreikan-, portugalin-, ranskan-, ruotsin-, saksan-, suomen- ja tanskankielisenä alkuperäiskappaleena, jonka kullakin kielellä laadittu teksti on yhtä todistusvoimainen ja joka talletetaan Euroopan unionin neuvoston pääsihteeristön arkistoon.

Utfärdat i . . . den . . . i ett enda original på danska, engelska, finska, franska, grekiska, iriska, italienska, nederländska, portugisiska, spanska, svenska och tyska språken, varvid alla texter är lika giltiga, och deponerat i arkivet vid generalsekretariatet vid Europeiska unionens råd.

Por el Gobierno del Reino de Bélgica
For regeringen for Kongeriget Belgien
Für die Regierung des Königreichs Belgien
Για την κυβέρνηση του Βασιλείου του Βελγίου
For the Government of the Kingdom of Belgium
Pour le gouvernement du royaume de Belgique
Per il Governo del Regno del Belgio
Voor de Regering van het Koninkrijk België
Pelo Governo do Reino da Bélgica
Belgian kuningaskunnan hallituksen puolesta
För Konungariket Belgiens regering
