

ITALIAN SENATE OF THE REPUBLIC
COMMENTS AND RECOMMENDATIONS OF THE
14TH STANDING COMMITTEE
(European Union Policies)

pursuant to Senate Rule 144(1)
(Rapporteur: Mauro Maria MARINO)

Rome, 10 November 2010

Comments on:

Amended proposal for a regulation of the European Parliament and of the Council on the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of Regulation (EC) No [.../...] [establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] (Recast version) (COM (2010) 555 final)

The 14th Standing Committee, following consideration of the aforementioned document,
[...]

expresses, insofar as its remit is concerned, a positive opinion with the following qualifications:

the legal basis is properly identified [...];

the proposal appears to comply with the subsidiarity principle [...];

the proposal appears to comply with the proportionality principle [...];

with respect to the proposal of September 2009, this proposal confines itself to introducing two new technical provisions: one to ensure consistency with the Dublin Regulation and one to clarify the need for having the system's automated hit replies verified by a fingerprints expert;

the Committee underscores that the principal aim of this proposal is to delete the option for Member States' law enforcement authorities and Europol to access the EURODAC central database for the purposes of prevention, detection and investigation of terrorist offences and other serious criminal offences;

the Committee hopes that the Commission will take into account the need for Member States that their law enforcement authorities have access to information on fingerprints, under the rules and conditions established under national and European instruments;

the Committee reaffirms the opinion of the Senate 14th Standing Committee of 24 February 2010, on the proposal of September 2009, and welcomes the "balance between the concerns expressed by the European Parliament (especially the protection of fundamental rights, including protection of personal information and right of information for asylum seekers) and the need, as expressed in the Council, to have complete information on the status of an asylum seeker and most notably with reference to persons transferred following a take back procedure, the application of the sovereignty clause of the Dublin Regulation and the cases where a person, whose data are stored in EURODAC, has left the territory of the Member States, either voluntarily or as the result of a return decision or removal order".