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Sent: Tuesday, June 16, 2015 6:44 PM

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Subject: Flash Report: Ad-hoc technical meeting on the implementation of the Eurodac Regulation and the obligation to take fingerprints

Flash Report

Ad-hoc technical meeting on the implementation of the Eurodac Regulation and the obligation to take fingerprints

16 June 09:30-13:00

Summary: The COM held an ad-hoc technical meeting with Member States and Associated Countries (BE, BG, CZ, DK, DE, FR, IT, LV, LT, LU, HU, MT, IS, NL, PL, LI, NO, CH, SK, FI, SE, and UK) today following publication on 27/05/2015 of its Commission Staff Working Document on the obligation to take fingerprints under the Eurodac Regulation. The main focus of the meeting was to gain a deeper understanding of the challenges Member States face when fingerprinting and to agree on a common best practice approach to taking fingerprints in circumstances where the migrant refuses to cooperate. The meeting concluded with the unanimous agreement of all Member States present that the best practices put forward in CSWD should be followed. Stephen Ryan (Deputy Head of Unit C.3) chaired for the Commission.

Detail: The COM presented the CSWD to the Member States, reiterating the purpose of the document and the context as set out in the European Agenda on Migration. The COM set out the EU legal framework for taking fingerprints and possible measures that could be resorted to when both irregular migrants and applicants for international protection refuse to cooperate – these include information and counselling, the possibility of detention, and - as a last resort - the use of a proportionate degree of physical coercion. A roundtable discussion on Member States' practices followed, where generally the CSWD was welcomed by all and Member States indicated that it was useful to have this type of guidance from the COM.

Member States spoke about their practical experiences with fingerprinting and informed the group of their national procedures and legal framework for the use of coercion and detention. Not all Member States experience problems with taking fingerprints, although damaged fingerprints are a widely-reported phenomenon. Most Member States do not therefore in practice need to use coercion or detention to take fingerprints, and those that do generally only use it as a last resort and under specific circumstances. However, many Member States indicated that detention and physical coercion remain possible measures to be deployed should the need arise. IT indicated that it has legal constraints preventing the widespread detention of migrants who refuse to cooperate in being fingerprinted; however, it claims to have been achieving some more success in recent months, and explained that a procedure for the forced taking of fingerprints is being used (some statistics were cited which will need to be verified). Member States shared their experiences when third-country nationals deliberately damaged their fingerprints. In particular, there were discussions on not being able to fingerprint third-country nationals when fingerprints were damaged as a result of manual labour; CZ and LV reported problems with Ukrainian and Vietnamese nationals in this context. A few Member States reported that a refusal

to cooperate with fingerprinting resulted in applications for international protection being implicitly withdrawn (discontinuation), or subject to an accelerated procedure.

Some Member States (notably DE, FR, SE, FI, UK) expressed an interest in possible alternative biometric identifiers being developed for Eurodac, including facial recognition. The COM informed delegates that they were beginning to take steps with eu-LISA to discuss possible alternatives by researching the available existing technology; there would be a study that would be discussed with Member States in the future.

Finally there were questions raised about Member States' readiness to apply the recast Eurodac Regulation, following confirmation from four Member States (CZ, CY, RO, and IE) that they would not be ready. COM agreed to hold more in-depth discussions about this at the Dublin Contact Committee on 24 June.

The COM concluded that the CSWD was agreed at the technical level and that future steps would be communicated to the Member States and the Associated Countries following the meeting.

Kind regards,

Fourentza



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