



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 January 2011

5185/11

**Interinstitutional File:
2008/0242(COD)**

**EURODAC 2
CODEC 29
JUR 6**

NOTE

from:	General Secretariat of the Council
to:	Asylum Working Party
No. Cion prop.:	14919/10 EURODAC 44 CODEC 1034
Subject:	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)

Delegations will find attached the Opinion of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission concerning the use of the recasting technique for legal acts, with respect to the above proposal.



GRUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 17 November 2010

Subject: report on the meetings of the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission provided for by the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, held on 28 October and 16 November 2010

Participants:

EP's Legal Service:	Mr. P. Biström Mrs. L. Deneys
Council's Legal Service:	Mr. R. Zenou
Commission's Legal Service:	Mr. L. Cimaglia Mr. G. Braga da Cruz

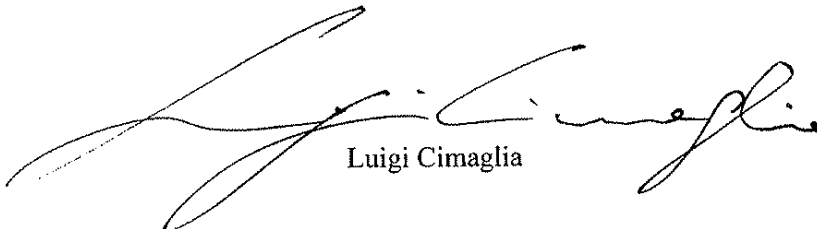
The above mentioned meetings were convened in order for the Consultative Working Party to examine, among others, the amended proposal for a regulation of the European Parliament and of the Council recasting Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (COM(2010) 555 final of 11.10.2010 - 2008/0242 (COD)).

The Working Party established, by common accord, as follows.

- 1) The existing wordings of Recitals 13, 14 and 23 and of Article 20 of Regulation (EC) No 2725/2000 should have been present in the text of the recast proposal. Those wordings should have been identified by using the double strikethrough and the grey-shaded type generally used for marking substantive changes consisting of the proposed deletion of existing texts.
- 2) In point (a) of the first paragraph of Article 5, the words "*applicants for asylum and*", appearing before the words "*the persons*" in the existing wording of Article 3(3), first subparagraph, point (a), of Regulation (EC) No 2725/2000, should have been present and should have been identified with double strikethrough and grey-shaded type. In the same point, the indication "*6(1)*" should have been identified with the grey-shaded type generally used for marking substantive changes consisting of the proposed adding of words to existing texts.
- 3) In Articles 16(2), 16(4)(b) and 22(2), the reference made to "*Article 11*" should be adapted so as to read as a reference made to "*Article 20*".

4) In Article 24(13), the reference made to "*paragraph 13*" should be adapted so as to read as a reference made to "*paragraph 11*".

On completing its examination of the aforementioned proposal, the Working Party came to the conclusion that the proposal does not comprise any substantive amendments other than those having been identified as such therein or that will be mentioned in the Working Party's opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the Commission had demonstrated the necessary strictness in reproducing the text of the provisions of that act, and that it had departed from the text only where such a step was indispensable in the interest of consistency and transparency.



Luigi Cimaglia



Brussels, 03/01/2011

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

**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]
COM(2010) 555 final of 11.10.2010 - 2008/0242 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 28 October and 16 November 2010 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a regulation of the European Parliament and of the Council recasting Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention resulted in the Consultative Working Party's establishing, by common accord, as follows.

1) The existing wordings of Recitals 13, 14 and 23 and of Article 20 of Regulation (EC) No 2725/2000 should have been present in the text of the recast proposal. Those wordings should have been identified by using the double strikethrough and the grey-shaded type generally used for marking substantive changes consisting of the proposed deletion of existing texts.

2) In point (a) of the first paragraph of Article 5, the words "*applicants for asylum and*", appearing before the words "*the persons*" in the existing wording of Article 3(3), first subparagraph, point (a), of Regulation (EC) No 2725/2000, should have been present and should have been identified with double strikethrough and grey-

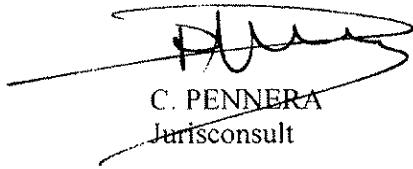
¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

shaded type. In the same point, the indication "6(1)" should have been identified with the grey-shaded type generally used for marking substantive changes consisting of the proposed adding of words to existing texts.

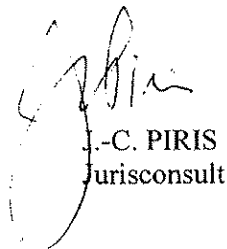
3) In Articles 16(2), 16(4)(b) and 22(2), the reference made to "Article 11" should be adapted so as to read as a reference made to "Article 20".

4) In Article 24(13), the reference made to "paragraph 13" should be adapted so as to read as a reference made to " paragraph 11".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing texts, without any change in their substance.



C. PENNERA
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J.-C. PIRIS
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L. ROMERO REQUENA
Director General