**COUNCIL OF
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NOTE

from:	General Secretariat of the Council
to:	JHA Counsellors
on:	24 September 2012
No. Cion prop.:	10638/12 EURODAC 3 ENFOPOL 157 CODEC 1503
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 (EU) 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) and to request comparisons with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (Recast version)

Delegations will find attached amendments suggested by the DELETED delegations concerning

the Articles 16 and 18 of the above mentioned Regulation.

Article 16 ~~10~~

Storage of data

1. Each set of data relating to a~~n alien~~ ⌧ third country national or stateless person ⌧ as referred to in Article ~~8(1)~~ 14(1) shall be stored in the ~~central database~~ ⇨ Central System ⇦ for ⇨ ➲ […] ⊂ ➲ **two years** ⊂ ⇦ ~~two years~~ from the date on which the fingerprints of the ~~alien~~ ⌧ third country national or stateless person ⌧ were taken. Upon expiry of this period, the Central ~~Unit~~ ⇨ System ⇦ shall automatically erase the data from the ~~central database~~ ⇨ Central System ⇦.

2. The data relating to a~~n alien~~ ⌧ third country national or stateless person ⌧ as referred to in Article ~~8(1)~~ 14(1) shall be erased from the ~~central database~~ ⇨ Central System ⇦ in accordance with Article ~~15(3)~~ ➲ […] ⊂ ➲ **27** ⊂ (3)⌧ as soon as ⌧ the Member State of origin becomes aware of one of the following circumstances before the ~~two~~ ⇨ ➲ **two** ⊂ ➲ […] ⊂ ⇦-year period mentioned in paragraph 1 has expired:

   ~~(a) the alien ⌧ third country national or stateless person ⌧ has been issued with a residence permit ⌧ document ⌧ ;~~

   (**a**~~b~~) the ~~alien~~ ⌧ third country national or stateless person ⌧ has left the territory of the Member States;

   (**b**~~c~~) the ~~alien~~ ⌧ third country national or stateless person ⌧ has acquired the citizenship of any Member State.

3. The Central System shall inform all Member States of origin about the erasure of data for the reason specified in point (a) or (b) of paragraph 2 or by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 14(1).

4. The Central System shall inform all Member States of origin about the erasure of data for the reason specified in point (c) of paragraph 2 by another Member State of origin having produced a hit with data which they transmitted relating to persons referred to in Article 9(1) or Article 14(1).

CHAPTER V
~~RECOGNISED REFUGEES~~⊠ PERSONS GRANTED INTERNATIONAL PROTECTION <u>OR OTHER RESIDENCE DOCUMENTS</u> ⊠

Article 18

Marking of data

1. The Member State of origin which granted international protection **or another type of residence permit** to an applicant for international protection **or a third country national referred to in Article 14** whose data were previously recorded pursuant to Article 11 **or Article 15** in the Central System shall mark the relevant data in conformity with the requirements for electronic communication with the Central System established by the Agency. This mark shall be stored in the Central System in accordance with Article 12 **and Article 16 (1)** for the purpose of transmission under Article 9(5) **and Article 14(2)**.

2. The Member State of origin shall unmark data concerning a third country national or stateless person whose data were previously marked in accordance with paragraph 1 if his or her status is revoked or ended or renewal of his status is refused under Article 14 or 19 of Council Directive 2004/83/EC **or if his og her other type of residence permit is revoked or ended or renewal is refused according to EU or national legislation**.

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