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#### 'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Frontex request to extend the access to Quick Check Cards (QCCs) to third countries

1. The use of false documents in the Union has significantly increased in recent years. Document and identity fraud entails the production and use of false documents and the use of authentic documents obtained by fraudulent means. False documents are a multi-purpose criminal tool as they can be used repeatedly to facilitate different criminal activities, including money laundering, terrorism, smuggling and the trafficking of human beings.
2. The FADO system was established by Council Joint Action 98/700/JHA<sup>1</sup> to enable the exchange of information on genuine and falsified documents among national document experts. FADO is composed of three different systems: Expert FADO, which includes classified content for document experts in Member States, Intranet FADO (iFADO) with limited unclassified access for law enforcement officers and Member States administrations and a Public Register of Authentic Travel and Identity Documents Online (PRADO) for citizens, organisations and businesses.

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<sup>1</sup> Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO) (OJ L 333, 9.12.1998, p. 4).

3. On 23 November 2015, Frontex requested permission to use data from the iFADO system for the production of Frontex Quick Check Cards (QCCs)<sup>2</sup>. The request was analysed by the Working Party on Frontiers/ False Documents before endorsement by Coreper and Council<sup>3</sup>.
4. Frontex was authorised to use iFADO database images for the production of QCCs as long as the QCCs were delivered and available only for officers from Member States and from countries associated with the implementation, application and development of the Schengen *acquis*, and provided that Frontex inserted a reference in the QCC that the images are taken from iFADO and allows the QCCs to be uploaded in the iFADO system.
5. On 18 April 2023, Frontex made a new request<sup>4</sup> in order to extend access to QCCs using iFADO document images to certain third countries: Australia, Canada, the Republic of Moldova, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia.
6. According to its updated project roadmap, Frontex is expected to take over the FADO system by 31 December 2025. Frontex is therefore requesting permission to share QCCs, and hence iFADO images, with certain third countries during the current transitional period until the effective takeover of the system.
7. The FADO Regulation<sup>5</sup> already provides that third parties, such as third countries, territorial entities, international organisations and other entities subject to international law, or private entities, may get access in a limited manner to the FADO system.
8. Cooperation with third countries is one of the components of European integrated border management, contributing to the internal security of the Union. In particular, ministers for home affairs have highlighted that a key area of cooperation with the Western Balkans partners is countering migrant smuggling and the trafficking of human beings<sup>6</sup>.

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<sup>2</sup> A QCC is a Frontex decision-aid tool for law enforcement officers which presents in a concise manner (on one A4 page) the most relevant security features of a document and known risks of forgery.

<sup>3</sup> 7819/16

<sup>4</sup> 8317/23

<sup>5</sup> Regulation (EU) 2020/493 of the European Parliament and of the Council of 30 March 2020 on the False and Authentic Documents Online (FADO) system and repealing Council Joint Action 98/700/JHA (OJ L 107, 6.4.2020, p. 1).

<sup>6</sup> 14682/22

9. The Working Party on JHA Information Exchange (IXIM) examined the Frontex request on 15 May 2023. No delegation opposed the request.
10. As there is a substantiated policy need of combatting document fraud beyond the Union, it is proposed that Frontex extends access to QCCs to third countries, subject to the following conditions:
  - a) the processing of personal data by Frontex involving QCCs must be compliant with the applicable EU data protection rules and the EBCG Regulation<sup>7</sup>;
  - b) in the event of classified or sensitive non-classified information being included in QCCs, the access must take place within the framework of working arrangements concluded between Frontex and the authorities of third countries.
11. Additionally, Frontex could make the sharing of QCCs conditional to the active participation of experts from the relevant third countries in the production of QCCs and the population of the FADO system.
12. In view of the above, Coreper is invited to propose that the Council authorises Frontex to extend access to QCCs using iFADO images to third countries in accordance with the conditions set out in paragraph 10 of this note.

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<sup>7</sup> Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).