

Eurodac system for the comparison of the fingerprints of applicants for asylum and certain other aliens for the effective application of the Dublin Convention

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This document comprises the [Annual report to the European Parliament and the Council on the activities of the EURODAC Central Unit in 2009](#).

To recall: Council Regulation EC/2725/2000 of 11 December 2000, concerning the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of the Dublin Convention, stipulates that the Commission shall submit to the European Parliament and the Council an annual report on the activities of the Central Unit. The present **seventh annual report** includes information on the management and the performance of the system in 2009. It assesses the output and the cost-effectiveness of EURODAC, as well as the quality of its Central Unit's service.

Legal and policy developments: on 10 September 2009, the Commission adopted the [Amended proposal for a Regulation of the European Parliament and of the Council concerning the establishment of 'EURODAC'](#). The purpose of this proposal was to take into account the resolution of the European Parliament and the results of negotiations in the Council concerning the proposal for amending the EURODAC Regulation which was adopted on 3 December 2008. At the same time, it also introduced the possibility 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 EURODAC Central Unit

Management of the system: given the increasing amount of data to manage (some categories of transactions have to be stored for 10 years), the natural obsolescence of the technical platform (delivered in 2001) and the unpredictable trends of the EURODAC transaction volume, an upgrading of the EURODAC system is being carried out. The Commission has taken the utmost care to deliver a high quality service to the Member States, who are the final end-users of the EURODAC Central Unit. During 2009 the EURODAC Central Unit was available 99.42% of the time. The expenditure for maintaining and operating the Central Unit in 2009 was €1 221 183.83. The increase in the expenditure compared to previous years is explained by the first instalment for the ongoing upgrade of the EURODAC system combined with increased system maintenance costs. At the same time, some savings were made by the efficient use of existing resources and infrastructures managed by the Commission, such as the use of the S-TESTA network. The Commission also provided (via the IDABC Programme) the communication and security services for exchange of data between the Central and National Units.

Data protection and data security: the EURODAC Regulation establishes a category of transactions which provides for the possibility to conduct so called "special searches" on the request of the person whose data are stored in the central database in order to safeguard his/her rights as the data subject to access his/her own data. As pointed out in previous annual reports, during the first years of operation of EURODAC, high volumes of "special searches" triggered concerns about **possible misuse of this**

functionality by national administrations. Following a steep decrease in the relevant figures in 2008 (from 195 in 2007 to 56), a further drop is observed in 2009: only 42 such searches were conducted, 10 which volume no longer, in itself, raise concerns.

Figures and facts: the annex attached to the present annual report contains tables with factual data produced by the Central Unit for the period 01.01.2009 – 31.12.2009. The EURODAC statistics are based on records of fingerprints from all individuals aged 14 years or over who have made applications for asylum in the Member States, who were apprehended when crossing a Member State's external border irregularly, or who were found to be illegally present on the territory of a Member State (where the competent authorities consider it necessary to check whether there has been a prior asylum application). In this regard, the report states the following:

Successful transactions: a “successful transaction” is a transaction which has been correctly processed by the Central Unit, without rejection due to a data validation issue, fingerprint errors or insufficient quality. In 2009, the Central Unit received a total of 353.561 successful transactions, which represents only a slight decrease of 1% compared to 2007 (357 421). Regarding the number of transactions of data of asylum seekers ("**category 1**"), the increasing trend of the previous two years continued in 2009: the EURODAC statistics reveal a 8% rise (to 236 936) compared to 2008 (219 557).

Multiple asylum applications: of a total of 236 936 asylum applications recorded in EURODAC in 2009, 23.3% were 'multiple asylum applications' (i.e. second or more), which means that, in 55 226 cases, the fingerprints of the same person had already been recorded as a "category 1" transaction in the same or another Member State, representing a rise of 5.8% compared to the previous year. This does not however mean that in each and every case the person in question made a new asylum application. In fact, the practice of some Member States to fingerprint upon "take back" under the Dublin Regulation results in a distortion of the statistics on multiple applications: taking and transmitting again the fingerprints of the applicant upon arrival after a transfer under the Dublin Regulation falsely indicates that the applicant applied again for asylum. The Commission intends to solve this problem and, in its proposal for the amendment of the EURODAC Regulation, has introduced the requirement that transfers should not be registered as new asylum applications.

“Category 1 against category 2” hits: these hits give an indication of routes taken by persons who irregularly entered the territory of the European Union, before applying for asylum. As in the previous year, most hits occur against data sent by Greece and Italy and to a much lesser extent, Hungary and Spain. Taking all Member States into consideration, in 65.2% of the cases, persons apprehended in connection with an irregular border-crossing who later decide to lodge an asylum claim, do so in a Member State different from the one they entered irregularly. This results in 20 363 applications, which corresponds to a rise from last year, when 35.6% constituted such a "foreign hit", ie. 10 571 applications were submitted in a Member State different from the one where the person entered irregularly. The majority of those who entered the EU illegally via Greece and then travelled further (12.192), headed mainly to Norway (2223), United Kingdom (1805) or Germany (1516). Those having entered via Italy and having moved on (6.398) proceeded mainly to Switzerland (1422), the Netherlands (1075),

Norway (1041), or Sweden (911).

“Category 3 against category 1” hits: these hits give indications as to where illegal migrants first applied for asylum before travelling to another Member State. It has to be borne in mind, however, that submitting "category 3" transactions is not mandatory and that not all Member States use the possibility for this check systematically. The data available suggest that, as in the previous years, persons apprehended when illegally residing in Germany most often had previously claimed asylum in Sweden or in Austria, and that those apprehended when illegally residing in France often had previously claimed asylum in the United Kingdom or in Italy. After lodging an asylum claim in Italy, a significant number of persons stay illegally in Norway, Germany, France and the Netherlands. Similar flows seem to occur from Greece, Spain and

Malta towards Norway, Germany and the Netherlands. It is worth noting that on average **around 25% of the persons found illegally on the territory had previously applied for asylum in a Member State.**

Transaction delay: the EURODAC Regulation currently only provides a vague deadline for the transmission of fingerprints, which can cause significant delays in practice. This is a crucial issue since a delay in transmission may lead to results contrary to the responsibility principles laid down in the Dublin Regulation. The issue of significant delays between taking fingerprints and sending them to the EURODAC Central Unit was pointed out in the previous annual reports and highlighted as a problem of implementation in the Evaluation Report. Continuing the increasing trend of the previous year, 2009 saw a further overall increase in the delay of transmission, ie. the time elapsed between the taking and sending of fingerprints to the Central Unit of EURODAC. The longest delay is 36.35 days for the transmission of "category 2" data by Greece. On the basis of the above results, the Commission again urges the Member States to make all necessary efforts to send their data promptly.

Conclusions: in 2009, the EURODAC Central Unit continued to provide very satisfactory results in terms of speed, output, security and cost-effectiveness. The amount of 'category 1 transactions' introduced in EURODAC has also increased. The number of 'category 2 transactions' dropped by 50%, while the number of 'category 3 transactions' increased by 12.7%. Concerns remain about persisting excessive delays in the transmission of data to the EURODAC Central Unit.