

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

1999/0116(CNS) - 21/09/2012 - Follow-up document

In accordance with the requirements of Council Regulation EC/2725/2000, the Commission presents its ninth annual report on the EURODAC Regulation. The report includes information on the management and the performance of the system in 2011. 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: recasts of the EURODAC Regulation in 2008 and 2009 were followed by an [amended proposal](#), which was discussed by the legislators in early 2011. An orientation vote in the European Parliament's LIBE committee took place on 03.02.2011 at which the Rapporteur's draft report was adopted. Two Council preparatory body meetings took place to discuss the proposal.

The Polish Presidency noted on 21 October 2011 that work on the Eurodac Regulation is on hold. The overwhelming majority of delegations maintains its support for inserting a clause in the EURODAC Regulation enabling Member States to allow their law enforcement authorities' access to the EURODAC central database under strict conditions for the purposes of fighting terrorism and organised crime. The 2010 proposal did not include law enforcement access and the Commission has decided to table again a [new proposal](#) permitting law enforcement access to EURODAC.

The EURODAC Central Unit: in general, the report finds that the EURODAC Central Unit provided satisfactory results throughout 2011 in terms of speed, output, security and cost-effectiveness.

Management of the system: the EURODAC PLUS system was formally accepted in April 2011, after completion of the final acceptance test which consisted of 3 consecutive months of trouble free operations. The old EURODAC IT infrastructure was decommissioned in November 2011.

Quality of service and cost-effectiveness: overall, in 2011 the EURODAC Central Unit was available 99.82% of the time.

The expenditure for maintaining and operating the Central Unit in 2011 was EUR 1,040,703.82 and marked a decrease in the expenditure compared to previous years, which was, mainly due to the upgrade of the EURODAC system. 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.

Data protection and data security: in 2011, a total of 226 special searches were conducted which represents a large increase in comparison with 2010 (66) and 2009 (42). However, the vast majority of these cases were conducted by Spain, which accounted for 79% of all special searches.

In order to better monitor this phenomenon, the Commission has included in its proposal for the amendment of the EURODAC Regulation a requirement for Member States to send a copy of the data subject's request for access to the competent national supervisory authority.

Successful transactions: in 2011, the Central Unit received a total of 412,303 successful transactions, which represents an increase of 37.7% compared with 2010 (299,459). This is in contrast with the trend from the previous year, which had seen a decrease in the number of successful transactions. The biggest increases were in Malta (582.4%) and Italy (559.1%) and can be attributed to the Arab Spring.

- **Category 1:** the trend in the number of transactions of data of asylum seekers increased by 28% in 2011.
- **Category 2:** there was a change in trend regarding the number of persons who were apprehended in connection with an irregular crossing of an external border. After falling in 2009 and 2010, the **number of transactions increased significantly in 2011** to 57,693 (417.1%). Italy introduced by far the majority of these transactions (50,555 or 88%), followed at some distance by Spain (4,204 or 7%).

The issue of **divergence** between the number of category 2 data sent to EURODAC and other sources of statistics on the volume of irregular border crossings in the Member States, highlighted by the EURODAC statistics, is due to the definition in Article 8(1) of the EURODAC Regulation. This issue will be clarified in the framework of the on-going revision of the EURODAC Regulation.

- **Category 3:** the total number of 'category 3' transactions (data of persons apprehended when illegally present on the territory of a Member State) rose slightly by 8.1% in 2011 compared with 2010. Ireland remains the only Member State which did not send any 'category 3' transactions.

Even though 'category 3' searches are not obligatory under the EURODAC Regulation, the Commission encourages Member States to use this possibility before initiating return procedures under Directive 2008/115/EC. The largest number of 'category 3' transactions in 2011 was from Germany (22,851 or 29%), the UK (12,859 or 16%) and The Netherlands (11,154 or 14%). This is consistent with the trend in 2010.

'Hits': the report analyses the figures on multiple asylum applications ('Category 1 against category 1' hits), noting that from a total of 275,857 asylum applications recorded in EURODAC in 2011, 22.40% were recorded as 'multiple asylum applications', which means that in 61,819 cases, the fingerprints of the same person had already been recorded as a 'category 1' transaction in the same or another Member State. It notes, however, that 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 report also looks at figures on "Category 1" against "category 2" hits, which give an indication of routes taken by persons who irregularly entered the territories of the Member States before applying for asylum. Whilst most hits occurred against data sent by Italy (4,268), it is striking that 85.9% of these hits were in fact local hits.

Lastly, the report examines the figures on 'Category 3 against category 1' hits, which give indications as to where illegal migrants first applied for asylum before travelling to another Member State. The available data indicate that the flows of persons apprehended when illegally residing in another Member State from the one in which they claimed asylum mostly end up in a few Member States, in particular Germany (7,749), Switzerland (2,225), the Netherlands (3,418), France (2,255), Austria (1,739) and Norway (1,612).

Transaction delay: noting that the EURODAC Regulation currently only provides a very vague deadline for the transmission of fingerprints, the report states that contrary to previous years, **2011 saw an overall decrease in the average delay of transmissions.** Due to this general improvement, the total number of

hits missed because of a delay in the transmission of fingerprints declined from 362 in 2010 down to only 9 in 2011.

As in the previous year, it is noteworthy that the overwhelming majority of missed hits can be attributed to a delay in transmission by Greece (66.6%). The Commission again urges the Member States to make all necessary efforts to send their data promptly.

Quality of transactions: in 2011, the average rate of rejected transactions for all Member States and Associated Countries decreased to 5.87%, down from 8.92% in 2010. The following Member States had a rejection rate of 10% or above: Estonia (21.65%), France (13.41%), Malta (13.31%), Portugal (15.42%), and the UK (11.08%). In total, 10 Member States had an above-average rejection rate.

The causes of the rejection rate were mainly related to the low quality of the fingerprints images submitted by Member States, human error or the wrong configuration of the sending Member State's equipment. The Commission again urges Member States to provide specific training of national EURODAC operators, as well as to configure their equipment correctly in order to reduce the rejection rate.