

# Procedure file

Basic information		
CNS - Consultation procedure Regulation	<a href="#">1999/0116(CNS)</a>	Procedure completed
Eurodac system for the comparison of the fingerprints of applicants for asylum and certain other aliens for the effective application of the Dublin Convention		
Repealed by <a href="#">2008/0242(COD)</a>		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs	PPE-DE <a href="#">PIRKER Hubert</a>	29/07/1999
	Former committee responsible		
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs	PPE-DE <a href="#">PIRKER Hubert</a>	29/07/1999
	Former committee for opinion		
	<b>JURI</b> Legal Affairs and Internal Market	ELDR <a href="#">THORS Astrid</a>	23/09/1999
Council of the European Union	Council configuration	Meeting	Date
	Health	<a href="#">2319</a>	11/12/2000
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2229</a>	02/12/1999
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2211</a>	29/10/1999

Key events			
26/05/1999	Legislative proposal published	<a href="#">COM(1999)0260</a>	Summary
13/09/1999	Committee referral announced in Parliament		
29/10/1999	Debate in Council	<a href="#">2211</a>	Summary
09/11/1999	Vote in committee		Summary
09/11/1999	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0059/1999</a>	
18/11/1999	Debate in Parliament		

18/11/1999	Decision by Parliament	<a href="#">T5-0110/1999</a>	Summary
15/03/2000	Modified legislative proposal published	COM(2000)0100	Summary
11/05/2000	Amended legislative proposal for reconsultation published	<a href="#">84717/2000</a>	Summary
25/05/2000	Formal reconsultation of Parliament		
29/08/2000	Vote in committee		Summary
29/08/2000	Committee report tabled for plenary, reconsultation	<a href="#">A5-0219/2000</a>	
20/09/2000	Debate in Parliament		
21/09/2000	Decision by Parliament	<a href="#">T5-0399/2000</a>	Summary
11/12/2000	Act adopted by Council after consultation of Parliament		
11/12/2000	End of procedure in Parliament		
15/12/2000	Final act published in Official Journal		

### Technical information

Procedure reference	1999/0116(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by <a href="#">2008/0242(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 063-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/12072; LIBE/5/12800

### Documentation gateway

Legislative proposal	<a href="#">COM(1999)0260</a> <a href="#">OJ C 337 28.11.2000, p. 0037 E</a>	26/05/1999	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0059/1999</a> <a href="#">OJ C 189 07.07.2000, p. 0005</a>	09/11/1999	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T5-0110/1999</a> <a href="#">OJ C 189 07.07.2000, p. 0105-0227</a>	18/11/1999	EP	Summary
Modified legislative proposal	COM(2000)0100 OJ C 029 30.01.2001, p. 0001 E	15/03/2000	EC	Summary
Amended legislative proposal for reconsultation	<a href="#">84717/2000</a>	11/05/2000	CSL	Summary
Committee final report tabled for plenary, reconsultation	<a href="#">A5-0219/2000</a> <a href="#">OJ C 135 07.05.2001, p. 0012</a>	29/08/2000	EP	
Text adopted by Parliament after reconsultation	<a href="#">T5-0399/2000</a> <a href="#">OJ C 146 17.05.2001, p. 0018-0087</a>	21/09/2000	EP	Summary
Implementing legislative act	<a href="#">32002R0407</a> <a href="#">OJ L 062 05.03.2002, p.</a>	28/02/2002	EU	Summary

	<a href="#">0001-0005</a>				
Follow-up document	<a href="#">SEC(2004)0557</a>	05/05/2004	EC	Summary	
Follow-up document	<a href="#">SEC(2005)0839</a>	20/06/2005	EC	Summary	
Follow-up document	<a href="#">SEC(2006)1170</a>	15/09/2006	EC	Summary	
Non-legislative basic document	<a href="#">COM(2007)0299</a>	06/06/2007	EC	Summary	
Document attached to the procedure	<a href="#">SEC(2007)0742</a>	06/06/2007	EC	Summary	
Follow-up document	<a href="#">SEC(2007)1184</a>	11/09/2007	EC	Summary	
Follow-up document	<a href="#">COM(2009)0013</a>	26/01/2009	EC	Summary	
Follow-up document	<a href="#">COM(2009)0494</a>	25/09/2009	EC	Summary	
Follow-up document	<a href="#">COM(2010)0415</a>	02/08/2010	EC	Summary	
Follow-up document	<a href="#">COM(2011)0549</a>	12/09/2011	EC	Summary	
Follow-up document	<a href="#">COM(2012)0533</a>	21/09/2012	EC	Summary	
Follow-up document	<a href="#">COM(2013)0485</a>	28/06/2013	EC	Summary	
Follow-up document	SWD(2015)0150	28/05/2015	EC	Summary	

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Regulation 2000/2725](#)  
[OJ L 316 15.12.2000, p. 0001](#) Summary

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

**PURPOSE** : to establish "Eurodac" for the comparison of the fingerprints of applicants for asylum and certain other aliens. **CONTENT** : the Eurodac system would function through the collection of fingerprint data by Member States and their transmission to a central unit, which would compare individual sets of fingerprints against the data retained in the system. This proposal for a Regulation is the first Commission proposal in the field of asylum under Title IV of the Treaty of the European Union. Its purpose is to assist in determining the Member State which is responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State and otherwise to facilitate the application of the Dublin Convention under the conditions set out in the proposal. A Regulation is warranted in view of the need to apply strictly defined and harmonised rules in relation to the storage, comparison and erasure of fingerprints, for otherwise the system would not work. These rules constitute a set of precise, unconditional provisions that are directly and uniformly applicable in a mandatory way, and by their very nature, require no action by the Member States to transpose them into national law. The new Title IV of the EU Treaty, which applies to the matters covered by this proposal for a Regulation, is not applicable to the United Kingdom and Ireland, unless they "opt in". However, these 2 Member States have announced their intention of being fully involved with activities in this field. Denmark, on the other hand, has not given notice of an intention to participate in the Eurodac system. The proposal provides for the establishment of a Central Unit within the Commission which will be equipped with a computerized central database for the comparing of fingerprints of asylum applicants and certain other persons. The draft regulation provides for the fingerprints of 3 different groups to be transmitted to the Central Unit : a) applicants for asylum (data stored for 10 years); b) persons apprehended in connection with the irregular crossing of an external border (data stored for 2 years); c) persons found illegally present within the territory of a Member State (destroyed as soon as the comparison within Eurodac has been carried out). The rules governing Eurodac shall also apply to operations effected by the Member States as from the transmission of data to the Central Unit until use is made of the results of the comparison. Without prejudice to the use of data intended for the Member State of origin in databases set up under the latter's national law, fingerprints and other personal data may be processed in Eurodac only for the purposes set out in Article 15 (1) of the Dublin Convention. **Collection** : each Member State shall promptly take the fingerprints of every applicant for asylum of at least 14 years of age and shall promptly transmit the data. **Transmission** : fingerprint data transmitted by any Member State shall be compared by the Central Unit with the fingerprint data transmitted by other Member States and already stored in the central database. Direct transmission to the Member State of origin of the results of the comparison shall be permissible where the technical conditions for such purpose are met. **Responsibility** : the Member State of origin shall be responsible for ensuring that : - fingerprints are taken lawfully; - fingerprints and other data are lawfully transmitted to the Central Unit; - data are accurate and up-to-date when they are transmitted to the Central Unit; - data are lawfully recorded, stored, corrected and erased; - the results of fingerprint comparisons transmitted by the

Central Unit are lawfully used. It is necessary that the Member State of origin : - prevents any unauthorized person from having access to national installations in which the Member State carries out operations in accordance with the aim of Eurodac; - prevents data from being read, copied, modified, recorded or erased by unauthorized persons. Liability : any person who, or Member State which, has suffered damage, whether physical or moral, as a result of an unlawful processing operation or any act incompatible with the provisions laid down in this Regulation shall be entitled to receive compensation from the Member State responsible for that damage suffered. Claims for compensation against a Member State shall be governed by the provisions of national law of the defendant Member State. In accordance with Article 12 of the Directive 95/46/EC, the person shall obtain communication of the data relating to him or her recorded in the central database and of the Member State which transmitted them to the Central Unit. An independent joint authority shall be set up, consisting of a maximum of 2 representatives from the supervisory authorities of each Member State. Each delegation shall have 1 vote. The joint supervisory authority shall be responsible for the examination of implementation problems in connection with the operation of Eurodac. The Commission shall assist it in the performance of its tasks. The costs incurred by the national units and the cost for their connection to the central database shall be borne by each Member State. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission. The Commission shall submit to the European Parliament and the Council an annual report on the activities of the Central Unit.?

## 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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The Council took note of the state of work on the draft Regulation proposed by the Commission in July 1999, following the entry into force of the Amsterdam Treaty, aimed at transposing into a Community instrument the texts of the "frozen" draft Eurodac Convention and Protocol. The Council had reached agreement on these texts respectively in December 1998 and March 1999. The Council took note of an intervention by the Danish delegation announcing Denmark's wish to take part in the Eurodac Regulation on an intergovernmental basis, in full respect of its Protocol to the Amsterdam Treaty. It should be noted that, in application of their respective Protocols to the Treaty, both Ireland and the United Kingdom have already notified their wish to take part in the adoption and application of the Eurodac Regulation. The Council mandated its competent bodies to finalise work on the outstanding issues in sticking as closely as possible to the agreed text of the "frozen" draft Convention and Protocol, in order to reach agreement on this regulation by the end of this year. Due account will also be taken of the Opinion of the European Parliament, expected in November. It should be noted that the two main outstanding questions concern the possibility of granting certain implementing powers to the Commission (comitology) and the territorial scope of the draft Regulation.?

## 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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The committee adopted a report by Mr Hubert PIRKER (EPP/ED, A) approving the Commission proposal for a Council regulation on 'Eurodac' subject to a number of amendments. One of these was aimed at ensuring that asylum seekers under the age of 18 years would not have their fingerprints taken (the draft regulation had set an age limit of 14 years, but the committee raised this to 18 years). Another amendment added the provision that as soon as someone has been granted refugee status, a subsidiary form of protection or other legal status his or her data are to be erased from Eurodac. Of the other amendments adopted by the committee, one changed the word "alien" into "third country national" and another was designed to prevent the data from being transferred to other public agencies, such as social security agencies.

## 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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The Parliament adopted its opinion drafted by Mr. Hubert PIRKER (EPP, D) approving the Commission's proposal subject to a number of proposals. The following were the main amendments adopted: - only applicants for asylum of over 18 years old would be finger-printed, as opposed to over 14 years old in the Commission's proposal; - should the results of a fingerprint comparison made by the Central Unit not reveal a clear match of the fingerprints, the Member State which asked for the comparison shall be considered the Member State of origin and shall initiate the asylum procedure; - once someone has been granted refugee status or a subsidiary or complementary form of protection or any other legal status, his or her data will be erased from the EURODACE central database; - the term 'alien' has been changed to 'third country national' throughout the text; - no data shall be transferred or made accessible to the authorities of any third country, nor to any agency or authority in a Member State other than that which collects the original data except with the express written agreement of the joint supervisory authorities.?

## 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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The Commission's amended proposal concerning the establishment of "Eurodac" for the comparison of the fingerprints of applicants for asylum and certain other third-country nationals takes into consideration the amendments proposed by the European Parliament and accepted by the Commission and also amendments brought about by the Commission following discussions in the Council on this issue. The Parliament's amendments which were accepted by the Commission include: - the use of the term "third country national" instead of "alien" (the addition of a definition of the term "third country national" to make it clear that the scope of the instrument includes stateless persons); - an exclusive link with the Dublin Convention, a reference to the Dublin Convention should be inserted in the title; - the erasure of data from the central databases : the Parliament considered that the data of applicants for asylum and of persons apprehended at the external border should be erased from the central database when the persons concerned has been granted refugee status or a subsidiary or complementary form of protection or any other legal status; - the taking of fingerprints should be in accordance with the safeguards laid down in the European Convention on Human Rights and Fundamental Freedoms and the United Nations Convention on the Rights of the Child; - the need for a clear

fingerprint match; - the prohibition on the transfer of data to third countries and to other agencies with a view to prevent data being sent to the authorities of the asylum applicant's country of origin, which could put the applicant at risk. On the other hand, the Commission did not accept the main amendment of the Parliament relating to the minimum age for fingerprinting (18 years old instead of 14). The Commission recalls that within the Council, the pressure has been for a lower rather than a higher minimum age limit. With regard to the amendments brought about by the Commission in order to take account of the developments which have occurred since the original proposal, these relate to: - comitology: the Commission envisages recourse to a comitology procedure, and to replace the procedure contained in each proposal with the procedure of the same type contained in Decision 1999/468/EEC; - territorial scope: the United Kingdom and Ireland have notified the President of the Council that they wish to take part in the adoption and application of the Eurodac Regulation. In the interests of transparency, a recital has been added to make it clear that the Regulation applies to these two Member States. The territorial application has also been adapted with a view to fully aligning the territorial scope on that of the Dublin Convention. A recital has also been added on the position of Denmark. In relation to the amendments accepted by the Commission after negotiations with the Council, the revised text includes a number of amendments which have been agreed in the Council, most of which are of a technical nature. These include in particular amendments concerning the processing of personal data, statistical requirements, specification of fingerprints of which fingers are required, the results of fingerprint comparison, erasure and destruction of data media relating to persons found illegally present in a Member State, provisions relating to the Secretariat to the joint supervisory authority, the costs of the Central Unit (borne by the budget of the European Communities), the penalties relating to the use contrary to the purpose of Eurodac of data recorded in the central database. Finally, a certain number of amendments have been proposed by the Council however not accepted by the Commission. The amendments deal with: - the deletion of the term "citizenship of the Union": the Commission has objected this term and prefers the term "nationality of a Member State", first on the grounds that citizenship of the Union is not a clear legal concept and secondly on the grounds that it undermines the concept of national of a Member State; - implementing powers: the Council proposes to reserve the implementing powers under the Eurodac Regulation to itself rather than to delegate them to the Commission. The Commission considers that the justification given by the Council for this is totally inadequate. The Commission has noted that the retention of implementing powers by the Council would affect the roles of both the Commission and the Parliament. The Parliament would lose its right of information in relation to the implementing measures which it possesses by virtue of Article 7 of the new comitology decision. Furthermore, the Commission has also noted that in the nearest comparable case, the Customs Information System, a regulatory committee procedure was used. The European Parliament shall have to be reconsulted on any substantial change to the Commission's original position; - penalties: the Council proposes to replace this Article with the following wording taken from the frozen Eurodac Convention text: "Member States shall ensure that the use of data recorded in the central database contrary to the purpose of Eurodac as laid down in Article 1 (1) shall be subject to appropriate penalties". Whilst the Commission can agree that penalties should relate specifically to the use contrary to the purpose of Eurodac of data recorded in the central database, it has three difficulties with the proposed text. First, the language used is not appropriate in a binding Community regulation. Secondly, it is regrettable that the Council should seek to delete the reference to penalties being effective, proportionate and dissuasive, since the jurisprudence of the Court of Justice is clear on this point. Thirdly, it is regrettable that the Council should seek to remove the duty to notify the Commission of the relevant national rules relating to penalties.?

## 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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On 10 May 2000, the Permanent Representatives Committee recorded an Agreement on a new text of the draft Eurodac Regulation which will be forwarded to the European Parliament for reconsultation on the question of comitology. It should also be noted that the European Parliament shall express its opinion on the whole text which was forwarded to it (and not just on the single question of comitology).?

## 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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The committee adopted a report (under the consultation procedure) by Hubert PIRKER (EPP-ED, A) forcefully rejecting the Council proposal to transfer from the Commission to the Council the implementation of the Eurodac system for collecting and comparing asylum seekers' fingerprints. The rapporteur pointed out that according to the EC Treaty the Council in principle conferred powers of implementation on the Commission. Only in 'specific cases' could the Council reserve the right to exercise implementing powers itself, and this was clearly not such a case. Moreover, Parliament would lose its right to information and be utterly dependent on the Council's goodwill. The proposed new wording of Articles 22 and 23 of the Eurodac regulation - on which Parliament was now being consulted - was therefore rejected by the committee and replaced by an amendment conferring the implementing powers unreservedly on the Commission. At the same time the committee decided to reintroduce amendments to other parts of the regulation, which were rejected by both the Commission and the Council at an earlier stage when Parliament gave its views on the regulation as a whole. These included raising the minimum age at which asylum seekers could be fingerprinted from 14 to 18 and a requirement that fingerprints be erased as soon as an asylum seeker had obtained a residence permit, refugee status or other legal status. ?

## 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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Parliament made a number of amendments to the common position. MEPs did not approve proposals to transfer from the Commission to the Council the implementation of the Eurodac system for collecting and comparing asylum seekers' fingerprints. The Eurodac database is used to determine which EU country has been the point of entry for an asylum seeker and must thus process his or her asylum application. In a resolution drafted by Hubert PIRKER (EPP-ED/A), Parliament pointed out that, according to Article 202 of the EC Treaty, the Council in principle confers powers of implementation on the Commission. Only in 'specific cases' can the Council reserve the right to exercise implementing powers itself, and this is clearly not such a case. Moreover, Parliament would lose its right to information and be utterly

dependent on the Council's goodwill. The proposed new wording of Articles 22 and 23 of the Eurodac Regulation - over which Parliament is now being consulted § was therefore rejected and replaced by an amendment conferring the implementing powers unreservedly on the Commission.?

## 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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**PURPOSE:** to compare fingerprints for the effective application of the Dublin Convention. **COMMUNITY MEASURES:** Council Regulation 2725/2000/EC. **CONTENT:** For the purpose of applying the Dublin Convention, it is necessary to establish the identity of applicants for asylum and of persons apprehended in connection with the unlawful crossing of the external borders of the Community. To this end, it is necessary to set up a system known as 'Eurodac', consisting of a Central Unit, to be established within the Commission and which will operate a computerised central database of fingerprint data, as well as of the electronic means of transmission between the Member States and the central database. The main provisions of the Regulation with regard to applicants for asylum are as follows: - each Member State shall promptly take the fingerprints of all fingers of every applicant for asylum of at least 14 years of age and shall promptly transmit this data to the Central Unit of Eurodac. This data will be compared to the Member State of origin; - only certain information shall be recorded in the central database; - each set of data shall be stored in the central database for ten years from the date on which the fingerprints were taken. As regards aliens apprehended in connection with the irregular crossing of an external border, the following provisions apply: - each Member State shall promptly take the fingerprints of all fingers of every alien of at least 14 years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back; - the Member State shall promptly transmit certain data to the Eurodac Central Unit; - each set of data relating to an alien shall be stored in the central database for two years from the date on which the fingerprints of the alien were taken. As regards aliens found illegally present in a Member State, the following provisions apply: - each Member State may transmit to the Central Unit any fingerprint data relating to fingerprints which it may have taken of any such alien of at least 14 years of age together with the reference number used by that Member State; - the fingerprint data of an alien shall be transmitted to the Central Unit solely for the purpose of comparison with the fingerprint of applicants for asylum transmitted by other Member States and already recorded in the central database. As regards recognised refugees, the following provisions will apply: - data relating to an applicant for asylum which have been recorded shall be blocked in the central database if that person is recognised and admitted as a refugee in a Member State. Such blocking shall be carried out by the Central Unit on the instruction of the Member State of origin; - five years after Eurodac starts operations, it shall be decided what to do with the data. In conclusion, the remaining provisions of the Regulation relate to data use, data protection and liability. **ENTRY INTO FORCE:** 15.12.2000?

## 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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**PURPOSE :** to establish rules for processing the fingerprints of asylum seekers. **COMMUNITY MEASURE :** Council Regulation 407/2002/EC laying down certain rules to implement Regulation 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention. **PURPOSE :** This Regulation lays down rules for processing and transmitting fingerprints in digital format between the relevant authorities of the Member States for the purpose of identifying the Member State responsible for examining an asylum application lodged in the EU and avoiding multiple claims by the same person. Member States must ensure the transmission of data in an appropriate quality by means of the computerised fingerprint recognition system. The Central Unit at Eurodac will carry out comparisons in the order of arrival of the requests. Each request must be dealt with within 24 hours, unless it is a matter of urgency. Data transmitted will use IDA generic services referred to in Decision No 1719/1999/EC. The Council will review the application of this regulation within four years following the start of Eurodac's activities. **ENTRY INTO FORCE :** 05/03/02. The Council shall review the application of this Regulation within 4 years following the start of Eurodac's activities.?

## 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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To recall, Council Regulation 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 one year after the EURODAC starts operations, the Commission shall produce an evaluation report on the Central Unit, focusing on the level of demand compared with expectation and on operational and management issues in the light of experience. This is the aim of this report.

The present report will therefore be limited to an objective evaluation of the activities of the EURODAC Central Unit. Following a detailed description of the established system, the factual data produced during the first year of activity will be highlighted and analysed. The Central Unit will be evaluated, in the light of its cost-effectiveness, the quality of its service and its respect for data protection regulations.

The report states that Dublin Regulation and the application of the EURODAC system constitute an important building block in the construction of a Common European Asylum system. The EURODAC Central Unit is not only an essential tool for a faster and more efficient application of the Dublin II Regulation, but also a good indicator of the phenomenon of multiple asylum applications. Its impact should gradually be to discourage those who are tempted by "asylum shopping" in the EU. This should lead to a more orderly and cost-effective management of asylum flows in Member States.

The produced statistics are proof enough to show the efficiency of the EURODAC Central Unit. However, one of the most important criteria for the evaluation of the EURODAC system is its application within the frame of the Dublin Convention and the Dublin II Regulation. In a second stage, the Commission services will therefore analyse statistics gathered by Member States in the application of the Dublin Regulation, in order to draw conclusions concerning the added value of EURODAC.

Some issues, such as the excessive delay in transmission of fingerprints to the Central Unit and the too high of rejection of transactions rate due to insufficient quality need to be addressed in certain Member States. The Commission services are aware that the Member States

concerned are working on finding satisfactory solutions.

Also the amount of "category 2" transactions ? fingerprints of illegal border-crossers ? will hopefully become more realistic once all Member States have equipped themselves with the necessary resources for carrying out their legal obligations.

## 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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**PURPOSE:** To present the second annual report on the activities of the EURODAC central unit.

**CONTENT:** Provisions in Regulation 2725/2000, establishing the EURODAC Central Unit, state that the Commission shall submit an annual report to the European Parliament and Council on its activities. This is the second such annual report. It focuses largely on the management and performance of the system, as well as assessing the outputs and the cost-effectiveness of EURODAC. The quality of service provided by the Central Unit is similarly analysed. The main findings of the Commission's annual report are as follows:

- On the question of cost effectiveness, the Commission notes that EURODAC has been allocated a total of EUR 13 67 million between the year 2000 and 2004 from the EU budget. Given that the running of the Central Unit has been extremely stable some of this money has not been spent. After operating for two years, Community expenditure on all externalised activities specific to EURODAC totals EUR 7.5 million. The expenditure for maintaining and operating the Central Unit in 2004, totalled EUR 257 163. Within this context the Report proposes that savings could be made by the efficient use of existing resources and infrastructures managed by the Commission such as the use of the TESTA network.

With regard to the national budgets, the EURODAC Central Unit enables the Member States to use the Central Unit for comparing the data submitted to them with their own data already stored in EURODAC in order to find out whether the applicant has already applied for asylum before in their own country. This represents important savings for the national budgets as Member States do not have to procure a national system (AFIS) for that purpose. The Community also provided, via the IDA Programme, a communication and security services for exchange of data between the Central and National Units. These costs, initially to be borne by each Member State, were finally covered by the Community making use of common available infrastructures and generating savings for national budgets.

- On the question of quality of service, the Report finds that the Commission services have taken the utmost care to deliver a high quality service to the Member States, who are the end-users of the EURODAC Central Unit. These services include, not only those provided directly by the Central Unit, but also communication and security services for the transmission of data between the Central Unit and the national access points. Regarding the Central Unit, the Commission has set out very stringent availability requirements as far as public procurement is concerned. In the case of an incident, very short deadlines from two to four hours have been recorded. As such the Central Unit has been available 99.9% of the time. Moreover, no Member State has notified the Commission of a false hit or wrong identification performed by the AFIS.

- Regarding data protection issues, the Commission notes that the Central Unit registered a surprisingly high number of ?special searches?, for the setting up of their NAPs. The number ranges from 1 to 611 across all Member States. As in 2003, some Member States continued to use practically the same (or at least a smaller range of identifiers) for their electronic transactions with the Central Unit.

To conclude, the Commission considers that the EURODAC Central Unit is efficient, offers a good service in terms of speed, output and security as well as being cost-effective. This assertion is backed up with statistical data. EURODAC plays an essential role in the application of a common European asylum system. A pilot project managed by the Commission, indicates that around 67% of total requests to take back an asylum seeker were a direct result of data collected by the Dublin Regulation. As such, EURODAC has established itself as an essential tool for a faster and more efficient application of the Dublin Regulation as well as a good indicator of the phenomenon of ?asylum shopping? in Member States. While the number of multiple applications appears to be on the rise, the work of EURODAC should ensure an eventual decline in this phenomenon.

Where there are concerns, these relate primarily to the excessive delay of transmitting data by some Member States to the Central Unit. The Commission, therefore, urges Member States to speed up their internal procedures and improve upon the quality of the data submitted.

## 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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Council Regulation 2725/2000/EC stipulates that the Commission is obliged to submit an annual Report to the European Parliament and to the Council on the activities of EURODAC's Central Unit. This is the third such Report prepared by the Commission and includes information on the management and performance of the system in 2005. It assesses the outputs and the cost-effectiveness of EURODAC as well as the quality of its service. The main findings of the Report are as follows:

### Management of the system

The Management of the EURODAC Central Unit by the Commission continued in 2005 without major changes although some studies indicate that it may need to be developed in the coming years to take account of the new Member States. In addition, the Commission held several meetings and informal contacts with the European Data Protection Supervisor, which is the competent authority to monitor the activities of the Central Unit.

### Figures and findings

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 States' external border irregularly or who were found illegally present on the territory of a Member State. In 2005, the Central Unit received a total of 258 684 successful transactions, which reveals only a slight decrease compared to the previous year of 287 938. The other statistics for 2005 reveal that the Central Unit received the following sub-division of categories:

- 187 223 asylum seekers (category 1);
- 25 162 crossing the border illegally (category 2); and
- 46 299 persons apprehended when illegally residing on the territory of a Member State (category 3).

This shows that whilst category 1 transactions have decreased by 20%, category 2 transactions have increased by 36% and category 3 transactions have increased by 15%.

Average time between the date of the prints and the date of sending

Some Member States are much faster than others in sending fingerprints to the Central Unit. Greece, Iceland and Italy take on average more than 10 days before sending their mandatory transactions. Germany, the UK, Spain, France and Estonia take more than 2 days, whilst it took only from two hours to one and a half days for the other Member States to forward the Central Unit their finger prints. The Commission urges the Member States to forward their data promptly and in accordance with Article 4 and 8 of the Regulation.

Cost effectiveness.

After three years of operations, Community expenditure on all externalised activities specific to EURODAC, totalled EUR 7.8 million. The executed payments for maintaining and operating the Central Unit amounted to EUR 132 675 82 in 2005.

Quality of service

There was no unscheduled Central Unit down-times in 2005. In January 2005 the CU was unreachable for about nine hours owing to a technical problem linked to a failure on one of the power supplies on the Disk Array Subsystem. No Member State has notified the Commission of a false hit.

Data Protection Issues

As was the case in 2004, the Commission services have become aware of the surprisingly high number of 'special searches'. The number of such transactions varies from zero in some Member States to 781 in another Member State. The Commission has alerted the EDPS and contacted, on a bilateral basis, the Member States concerned.

Conclusions

The 2005 annual report concludes that the EURODAC Central Unit has, once again, performed highly satisfactorily in terms of speed, output, security and cost-effectiveness. EURODAC has established itself as an essential tool for a faster and more efficient application of the Dublin Regulation. It also provides good indicators regarding the phenomenon of 'asylum shopping' in the Member States.

The excessive delay for the transmission of data to the EURODAC Central Unit, as well as the low quality of the data sent by some Member States, remains a matter of concern within the Commission. After three years of operations, the national administrations should now make an all out effort to transmit their data in a reasonable time. The Commission continues to insist upon the proper application of Article 18 of the EURODAC Regulation and reiterates that this provisions should be used for data protection purposes only.

## 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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Council Regulation 2725/2000/EC stipulates that the Commission is obliged to submit an annual Report to the European Parliament and to the Council on the activities of EURODAC's Central Unit. This is the fourth such Report prepared by the Commission and includes information on the management and performance of the system in 2006. It assesses the outputs and the cost-effectiveness of EURODAC as well as the quality of its service. The main findings of the Report are as follows:

**Legal Background:** Important changes to the geographical scope of the EURODAC Regulation have taken place in 2006. Denmark began participating in both the Dublin and EURODAC Regulations as from 1 April 2006. Similarly, negotiations were held in 2006 between the Community, Switzerland and Liechtenstein to allow Liechtenstein to participate in the two Regulations.

**Management of the system:** The Management of the EURODAC Central Unit by the Commission continued in 2006 without major changes. The Commission services helped prepare Romania and Bulgaria to link up with the EURODAC system commencing 1 January 2007. To recall, in 2005 the Commission services carried out a technical assessment study as part of the EURODAC Global Evaluation, which concluded that the EURODAC system needed to be updated. The planned evolution of the system has been temporarily suspended in 2006 due to the upcoming Biometric Matching System (BMS) and the integration of EURODAC with the BMS.

**Figures and findings:** 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 States' external border irregularly or who were found illegally present on the territory of a Member State. In 2006, the Central Unit received a total of 270 611 successful transactions, which reveals an overall increase compared to 2005 when 258 684 successful transactions were recorded. The other statistics for 2005 reveal that the Central Unit received the following sub-division of categories:

- 165 958 asylum seekers (category 1) ? an 11% decrease;
- 41 312 crossing the border illegally (category 2) ? a 64% increase; and
- 63 341 persons apprehended when illegally residing on the territory of a Member State (category 3), compared to 46 299 in 2005.

These figures show that the number of persons who are apprehended in connection with an irregular border-crossing continues to increase significantly. The same trend goes for the number of persons apprehended when residing illegally on the territory of a Member State. Italy, Spain and Greece share the vast majority of irregular entrants (17 953, 17 595 and 3 985 respectively), followed by the United Kingdom (546); Malta (418) and the Slovak Republic (411). Surprisingly many countries did not send any 'category 2' transactions.

**Successful transactions:** In 2006, the Central Unit received a total of 270 611 successful transactions, which is an overall increase compared to 2005.

Transaction delay: The issue of exaggerated delays between taking fingerprints and sending them to the EURODAC Central Unit is no longer a generalised problem and is a problem which has been reported on extensively in previous reports. Some Member States continue to encounter problems in sending their transactions the result of which is long delays. The Commission reminds the Member States that a delayed transmission might result in the incorrect designation of a Member State.

Rejected transactions: In 2006, the average rate of rejected transactions for all Member States was 6,03%, which is much the same as for 2005 (6,12%).

Cost effectiveness: After four years of operations, Community expenditure on all externalised activities specific to EURODAC, totalled EUR 7.8 million. The executed payments for maintaining and operating the Central Unit amounted to EUR 244 240, 73 in 2006.

Quality of service: There was no unscheduled Central Unit down-times in 2006. The Central Unit was unable to process transactions for 1 hour on 22 September 2006 due to an unscheduled reboot of the fingerprint matching subsystem. No transactions were lost and all received transactions were replied to within the 24 hour deadline, as foreseen in the Regulation. In 2006 the EURODAC Central Unit was available 99.99% of the time. No Member State has notified the Commission of a false hit.

Data Protection: As was the case in 2005, the Commission services have become aware of the surprisingly high number of 'special searches'. The number of such transactions in 2006 vary from zero to 488 per Member State. The Commission has alerted the EDPS and contacted, on a bilateral basis, the Member States concerned.

Security: Following the first phase of the EDPS security audit on the EURODAC Central Unit in 2005, the second phase (specific to IT security) was launched in 2006. It was agreed that the TESTA II connections would not be part of the audit and that the scope of the audit would be limited to the EURODAC Central Unit. Further audit actions are planned for the first quarter of 2007. In addition, the Commission services launched a risk analysis of the EURODAC premises in 2006. The findings of the exercise show that existing measures to protect the EURODAC installations comply with Commission policy.

Conclusions: The 2006 annual report concludes that the EURODAC Central Unit has, once again, performed highly satisfactorily in terms of speed, output, security and cost-effectiveness. The real impact of the EURODAC system on the efficient application of the Dublin Regulation has been assessed in the overall evaluation of the Dublin system, which was adopted on 6 June 2007.

As a logical consequence of the overall decrease of asylum applications in the EU in 2006, the amount of 'category 1' transactions has continued to decrease. On the other hand, 'category 2' and 'category 3' transactions have increased. The number of multiple applications tends to stabilise, with only a 1% increase compared to the previous year.

An analysis of hits between data of irregular entrants and data of asylum applications shows that more than half of those apprehended in connection with an irregular border-crossing and who decide to lodge an asylum claim, so in the same Member State that they entered irregularly.

On a final point, concern remains on the excessive delay for the transmission of data to the EURODAC central Unit, as well as on the low quality of data sent by some Member States. The Commission services insist, as in previous reports, on the proper respect of data protection rules.

## 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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PURPOSE: to establish a fifth annual report from the Commission on the activities of the EURODAC Central Unit in 2007.

CONTENT: Council Regulation (EC) No 2725/2000 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 fifth annual report includes information on the management and the performance of the system in 2007. It assesses the output and the cost-effectiveness of EURODAC, as well as the quality of its Central Unit's service.

On the whole, this report identifies certain issues related to the efficiency of the current legislative provisions and announces measures to be taken in order to improve EURODAC's support to facilitate the application of the Dublin Regulation.

In order to address these issues, the Commission put forward a proposal for amending the Eurodac Regulation on 3 December 2008 (see [COD/2008/0242](#)).

In 2007, important changes in the geographical scope of the EURODAC Regulation took place: Bulgaria and Romania acceded to the European Union and connected to EURODAC on 1st January 2007.

The report's other main conclusions can be summarised as follows:

- 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 due to the accession of new Member States, an upgrading of the EURODAC system has to be carried out, which is planned to be finalised in the second half of 2009. However, the essential upgrades have already been implemented.
- Quality of service and cost-effectiveness: the new sTESTA network (replacing TESTA II) provides a higher level of security and availability. In 2007, the EURODAC Central Unit was available 99.43% of the time. After five years of operation, Community expenditure on all externalised activities specific to EURODAC totalled EUR 8.1 million. The expenditure for maintaining and operating the Central Unit in 2007 was EUR 820 791.05. The increase on this expenditure compared to the previous years is mainly due to increasing system maintenance costs and an essential upgrade of the capacity of the Business Continuity System.
- Data protection and data security: although statistics show a clear decrease in the number of cases where the unique search function of "special searches" were run by Member States, the Commission is still concerned about its use and considers the number of such searches (195 in 2007, varying from zero to 88 (per Member State) still too high. As discussed in previous annual reports as well as in the Evaluation Report, this category of transactions is established by Article 18 paragraph 2 of the EURODAC Regulation. Reflecting the data protection rules to safeguard the rights of the data subject to access his/her own data, this provision provides for a possibility

to conduct such "special searches" on the request of the person whose data are stored in the central database. To better monitor this phenomenon, the Commission has included in its proposal for 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. In consultation with the European Data Protection Supervisor (EDPS), the Commission is committed to taking steps against Member States which persist in misusing this important data-protection related provision.

- Figures and findings: in 2007, the Central Unit received a total of 300 018 successful transactions, which is an overall increase compared to 2006 (270 611). After a drop between 2005 and 2006, the 2007 EURODAC statistics reveal a 19% rise (197 284 compared to 165 958 in 2006) in the number of transactions of data of asylum seekers ("category 1"). Such an increase reflects the general rise in the number of asylum applications in the EU in 2007. The trend regarding the number of persons who were apprehended in connection with an irregular crossing of an external border ("category 2") also changed in 2007. After a significant increase between 2004 and 2006, a drop of 8% was experienced in 2007 (38 173). One can note that Italy (15 053), Greece (11 376) and Spain (9 044) introduce the vast majority of the category 2 fingerprints, followed by Hungary (894), the United Kingdom (480) and Malta (384). However, the problem of Member States' reluctance to systematically send "category 2" transactions pointed out in the Evaluation Report still prevails. Eight Member States (Cyprus, the Czech Republic, Denmark, Estonia, Iceland, Latvia, Luxemburg and Portugal) did not send any "category 2" transactions in 2007. No major changes in the use of the option of sending "category 3" transactions (data of persons apprehended when illegally residing on the territory of a Member State) were noted in 2007. Moreover, the report also details certain so-called "hits" from the comparison of fingerprints in EURODAC. Some of these hits give an indication of the secondary movements of asylum seekers in the EU, of multiple asylum applications (31 910 cases in 2007) representing 16% of the asylum applications in 2007 - although this result must be qualified - and of routes taken by persons who irregularly entered the territory of the European Union, before applying for asylum (63.2% of the persons apprehended in connection with an irregular border-crossing and who decide to lodge an asylum claim, do so in the same Member State they entered irregularly). The majority of those who entered the EU illegally via Greece and then travel further, head mainly to Italy, Sweden and the United Kingdom. Those entering via Italy proceed mainly to the United Kingdom and Sweden and those who entered via Spain most often leave for Italy and Austria. Those who entered via Slovakia travel on mainly to Austria and France. Lastly, EURODAC gives indications as to where illegal migrants first applied for asylum before travelling to another Member State (on average, around 18% of the persons found illegally on the territory of the EU had previously applied for asylum in a Member State).
- Transaction delay: once again, the report notes long delays in the transmission of EURODAC's results. According to the Commission, 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. Therefore, the Commission services again urge the Member States to make all necessary efforts to send their data in accordance with Articles 4 and 8 of the EURODAC Regulation. In its proposal for the amendment of the EURODAC Regulation, the Commission has proposed a deadline of 48 hours for transmitting data to the EURODAC Central Unit.
- Quality of transactions: the average rate in 2007 of rejected transactions for all Member States is 6.13%, which is almost the same as in 2006 (6.03%). It has to be highlighted that the rejection rate does not depend on technology or system weaknesses. The causes of this rejection rate are mainly the low quality of the fingerprints images submitted by Member States, human error or the wrong configuration of the sending Member State's equipment.

## 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 is the sixth annual report presented by the Commission as required by Council Regulation (EC) No 2725/2000 concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Convention ("EURODAC Regulation"). It includes information on the management and the performance of the system in 2008, and assesses the output and the cost-effectiveness of EURODAC, as well as the quality of its Central Unit's service.

The Commission put forward a [proposal for amending the EURODAC Regulation](#) on 3 December 2008. In 2008, the geographical scope of the EURODAC Regulation was expanded to cover Switzerland which connected to EURODAC on 12 December 2008.

### 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 due to the accession of new Member States, an upgrading of the EURODAC system is being carried out and is planned to be finalised in the first quarter of 2010. In 2008, the "secure- Trans European Services for Telematics between Administrations (s-TESTA) network" was completed. As regards the quality, 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 2008 the EURODAC Central Unit was available 99.84% of the time. Only two "false hits", i.e. wrong identification performed by the AFIS, were reported to the Commission in 2008, following the one notified in 2007. However, with a total of three false hits reported out of more than 1.5 million searches and more than 300 000 hits the system can still be considered extremely accurate.
- Data protection and data security: the Commission welcomes the fact that the number of Member States using special searches almost halved (8, compared to 15 of the previous year). However, as discussed in previous annual reports as well as in the Evaluation Report, the Commission is still concerned about the use of such searches and considers its number still too high. To better monitor this phenomenon, the Commission has included in its proposal for 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. In consultation with the European Data Protection Supervisor (EDPS), the Commission is committed to taking steps against Member States which persist in misusing this important data-protection related provision.

Figures and findings: the annex attached to the present annual report contains tables with factual data produced by the Central Unit for the period 01.01.2008 - 31.12.2008. 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 illegally present on the territory of a Member State.

The main findings of this report are as follows:

- Successful transaction: is a transaction which has been correctly processed by the Central Unit. In 2008, the Central Unit received a

total of 357 421 successful transactions, which is an overall increase of 19.1% compared to 2007 (300 018). Regarding the number of transactions of data of asylum seekers ("category 1"), the increasing trend of 2007 continued in 2008: the EURODAC statistics reveal a 11.3% rise (to 219 557) compared to 2007 (197 284). Such an increase reflects the general rise in the number of asylum applications in the EU in 2008. After a drop of 8% between 2006 and 2007, the number of transactions rose by 62.3% in 2008 (to 61 945). Italy (32 052 compared to 15 053 in 2007), Greece (20 012 compared to 11 376 in 2007) and Spain (7 068, compared to 9 044 in 2007) introduce the vast majority of the category 2 fingerprints, followed by Hungary (1 220), the United Kingdom (344) and Bulgaria (307). In 2008, 7 Member States (the Czech Republic, Estonia, Ireland, Iceland, Luxembourg, Norway and Portugal) did not send any "category 2" transactions. The option of sending "category 3" transactions (data of persons apprehended when illegally residing on the territory of a Member State) experienced a significant rise in 2008. After the slight increase between 2006 and 2007 (to 64 561) the number of transactions rose to 75 919 in 2008, meaning an increase of 17.6%.

- "Hits": apart from the 'logical' routes between neighbouring Member States, one can note that a high number of asylum applicants in France and in Belgium previously lodged their application in Poland, or that the highest amount of foreign hits in Greece and in Italy were found against data of asylum applicants previously recorded in the United Kingdom.
- Multiple asylum applications: from a total of 219.557 asylum applications recorded in EURODAC in 2008, 38.445 applications were 'multiple asylum applications', which means that in 38 445 cases, the fingerprints of the same person had already been recorded as a "category 1" transaction (in the same or in another Member State). The first reading of the statistics of the system would therefore suggest that 17.5% of the asylum applications in 2008 were subsequent (i.e. second or more) asylum applications, representing a rise of 1.5% compared to the previous year. 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. The majority of those who entered the EU illegally via Greece and then travel further, head mainly to United Kingdom, Norway, Italy and the Netherlands. Those entering via Italy proceed mainly to the United Kingdom, Norway, Switzerland and Sweden. Those who entered via Spain most often leave for France and Italy, while those who entered via Hungary travel on mainly to Austria.
- "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. The data available suggest that, as during the previous year, persons apprehended when illegally residing in Germany 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. As a recent development, asylum seekers who first applied in Italy are found staying illegally in larger numbers in Norway. It is worth noting that on average around 19.6% of the persons found illegally on the territory had previously applied for asylum in a Member State.

Delays and quality of transactions: the EURODAC Regulation currently only provides a very 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. In 2008, the Central Unit detected 450 "missed hits", which is a 7.5 multiplication of the figure of 2007. On the basis of the above results, the Commission again urges the Member States to make all necessary efforts to send their data as quickly as possible. In its proposal for the amendment of the EURODAC Regulation, the Commission has proposed a deadline of 48 hours for transmitting data to the EURODAC Central Unit. The average rate in 2008 of rejected transactions for all Member States is 6.4%, which is almost the same as in the previous years. The Commission urges Member States to provide specific training of national EURODAC operators, as well as to configure correctly their equipment in order to reduce this rejection rate.

Conclusions: in 2008, the EURODAC Central Unit continued to provide very satisfactory results in terms of speed, output, security and cost-effectiveness. As a logical consequence of the overall increase in asylum applications in the EU in 2008, the amount of 'category 1 transactions' introduced in EURODAC has also increased. The number of 'category 2 transactions' rose by 62.3%, while the number of 'category 3 transactions' increased by 17.6%. Concerns remain about the recently risen excessive delay in the transmission of data to the EURODAC Central Unit.

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

[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 of 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.

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

In accordance with the requirements of Council Regulation EC/2725/2000, the Commission presents the eighth annual report on EURODAC, which includes information on the management and the performance of the system in 2010. 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 11 October 2010, the Commission adopted the [amended proposal for a Regulation of the European](#)

[Parliament and of the Council concerning the establishment of 'EURODAC'](#) which replaced the proposal adopted by the Commission proposal of September 2009, which lapsed with the entry into force of the TFEU and the abolition of the pillar system. However, with a view to progressing on the negotiations on the asylum package and facilitating the conclusion of an agreement on the EURODAC Regulation, the Commission considered it more appropriate not to replace the lapsed September 2009 proposal for a Council Decision. For these reasons, the Commission also withdrew, from the EURODAC proposal, those provisions dealing with access for law enforcement purposes. Furthermore, it considered that a swifter adoption of the new EURODAC Regulation would facilitate the timely set up of the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, since that Agency is intended to be responsible for the management of EURODAC. The amended proposal of October 2010 is currently being discussed by the Council and the European Parliament.

The EURODAC Central Unit.

**Management of the system:** an upgrading of the EURODAC system has been carried out by the Commission. The IT project, called EURODAC PLUS, was aimed at a) replacing the obsolete IT infrastructure, b) increasing the overall system capacity and performance, c) ensuring a faster, more secure and more reliable data synchronisation between the Production System and the Business Continuity System. In 2010, the Provisional Acceptance Tests (PAT) and the Operational Acceptance Test (OAT) were successfully completed. The last phase of the project – the Final Acceptance Test – involved the parallel operations of the old and the new system for 3 consecutive months and the comparison of the results on a daily basis. The Final Acceptance Test started in November and was completed in February 2011.

**Quality of service and cost-effectiveness:** overall, in 2010 the EURODAC Central Unit was available 99.76% of the time. The expenditure for maintaining and operating the Central Unit in 2010 was EUR 2 115 056.61. The increase in the expenditure compared to previous years is explained by the upgrade of the EURODAC system (EURODAC PLUS).

**Data protection and data security:** the EURODAC Regulation establishes a category of transactions which provides for the possibility of conducting '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 the purpose of this functionality by national administrations.

In 2010, a total of 66 such searches were conducted which represents a slight increase in comparison with 2009 (42) and 2008 (56). This figure nevertheless indicates that the volume of special searches seems to have stabilised at an acceptable level when compared with the most recent high in 2007 (195). 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 2010, the Central Unit received a total of 299 459 successful transactions, which represents a decrease of 15.3% compared with 2009 (353 561). The increasing trend of the previous years with regard to the number of transactions of data of asylum seekers ('category 1') was broken in 2010, which saw a decrease to 215 463 (9%) requests compared with 2009 (236 936) and 2008 (219 557).

The trend regarding the number of persons who were apprehended in connection with an irregular crossing of an external border ('category 2') followed the same pattern as in 2009. After reaching 61 945 in 2008, the number of transactions fell to 31 071 in 2009, and in 2010 the number fell to 11 156 transactions. Greece, Italy and Spain continue to be the Member States that introduced by far the most such transactions.

The total number of 'category 3' transactions (data of persons apprehended when illegally residing on the territory of a Member State) fell in 2010 (to 72 840) compared with 2009 (85 554). Ireland remains the only Member State which did not send any 'category 3' transactions.

**'Hits':** the report analysis the figures on multiple asylum applications ('Category 1 against category 1' hits), noting that from a total of 215,463 asylum applications recorded in EURODAC in 2010, 24.16% were recorded as 'multiple asylum applications', which means that in 52 064 cases, the fingerprints of the same person had already been recorded as a 'category 1' transaction in the same or another Member State. It 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. Lastly, it 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 (6 652), Switzerland (2 542), the Netherlands (3 415), France (2 232) and Austria (1 668).

**Transaction delay:** the EURODAC Regulation currently only provides a very 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.

Just as in the previous year, 2010 saw a further overall increase in the average delay of transmissions, i.e. the time elapsed between the taking and sending of fingerprints to the Central Unit of EURODAC. The total number of hits missed because of a delay in the transmission of fingerprints declined between 2009 (1 060) and 2010 (362). 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, namely 353 (97.5%).

**Quality of transactions:** in 2010, the average rate of rejected transactions for all Member States increased to 8.92%, up from 7.87% in 2009. 12 Member States had an above-average rejection rate. The rejection rate did not depend on technology or weaknesses in the system, but mainly relate 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 urges Member States to provide training to national EURODAC operators, as well as to configure their equipment correctly in order to reduce the rejection rate.

**Conclusion:** the EURODAC Central Unit provided satisfactory results throughout 2010 in terms of speed, output, security and cost-effectiveness. In 2010, the overall volume of transaction fell by 15.3% (to 299,459), with decreases in all 3 categories of transactions.

Concerns remain about the persisting and in some cases even increasing delays in the transmission of data to the EURODAC Central Unit.

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

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 Units 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 States 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.

## 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 report concerns the activities of the EURODAC Central Unit in 2012.

To recall: Council Regulation EC/2725/2000 concerning the establishment of 'EURODAC' 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 10th annual report includes information on the management and the performance of the system in 2012. It assesses the output and the cost-effectiveness of EURODAC, as well as the quality of its Central Units service. This is the last Annual Report that will be presented by the Commission future Annual Reports will be presented by the eu-LISA.

Legal and policy developments: the Commission tabled a [new proposal permitting law enforcement access to EURODAC](#), presented on 30 May 2012. It first adopted a Recast of the EURODAC Regulation in 2008 that did not permit for law enforcement. Amended proposals were adopted in 2009 to allow for law enforcement (that lapsed with the entry into force of the Treaty on the Functioning of the European Union (TFEU)); and in 2010 again without law enforcement. It became clear that law enforcement access would be an essential element of the Common European Asylum System for the Council and therefore the Commission adopted its 2012 proposal.

The EURODAC Central Unit:

- Management of the system: the "IT Agency Regulation" states that the new Agency would take over the management of EURODAC from 1 December 2012. However, in order to ensure the continuity of services as foreseen in the Regulation, a transition period is necessary to complete the transfer of the management of EURODAC from the existing sites in Brussels (Belgium) and Luxembourg to the new sites in Strasbourg (France) and Sankt Johann im Pongau (Austria). Consequently, management of EURODAC is expected to move to the Agency over the course of 2013.
- Quality of service and cost-effectiveness: overall, in 2012 the EURODAC Central Unit was available 99.98% of the time. The expenditure for maintaining and operating the Central Unit in 2012 was 421,021.75 and marked a decrease in the expenditure compared to previous years which was, mainly due to the upgrade of the EURODAC system (EURODAC PLUS).
- 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. In terms of cost-effectiveness, the EURODAC system enables Member States to compare both the data originally transmitted by other Member States and the data they themselves originally transmitted in order to establish whether an applicant has previously applied for asylum (either in another State or in their own). Consequently, this permits important savings for national budgets as Member States do not have to procure a national automated fingerprint identification system (AFIS) for the purpose of comparing the fingerprints of asylum applicants within that State.
- Data protection and data security: in 2012, a total of 111 special searches were conducted which represents a 50.9% decrease in comparison with 2011 (226) but is still much higher than the 2010 (66) or 2009 (42). 51 of the special searches in 2012 (46%) were from France. By contrast, in 2011 Spain had 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.

Figures and findings: the annex attached to the present annual report contains tables with factual data produced by the Central Unit for the period 1 January 2012 to 31 December 2012.

The EURODAC statistics are based on records of (1) fingerprints from all individuals aged 14 years or over who have made applications for asylum in the Member States ('category 1'), (2) fingerprints of persons who were apprehended when crossing a Member State's external border irregularly ('category 2'), or (3) persons who were found illegally present on the territory of a Member State (in case the competent authorities consider it necessary to check a potential prior asylum application) ('category 3').

Successful transactions (or correctly processed by the Central Unit): in 2012, the Central Unit received a total of 411,236 successful transactions, which represents a decrease of 0.26% compared with 2011 (412,303). At first glance, this implies remarkable stability compared with the differences in previous years. However, for some Member States the numbers varied very considerably compared with the previous year. The most notable case was Italy, where transactions fell from 96,685 in 2011 to 30,616 (-68.33%) in 2012. Moreover, the number of transactions in Germany, Sweden, Bulgaria, Poland and Greece all increased somewhat. Greece saw the highest percentage increase from 12,469 in 2011 to 34,294 (175%).

- Category 1 : the trend in the number of transactions of data of asylum seekers ('category 1') increased slightly in 2012 to 285,959, up from 275,857 (3.66%) in 2011 and 215,463 in 2010.
- Category 2 : notwithstanding the increase in Greece, there was a general reduction regarding the number of persons who were apprehended in connection with an irregular crossing of an external border ('category 2') from 57,693 in 2011 down to 39,300 in 2012 (-31.88%).
- Category 3 : the total number of 'category 3' transactions (data of persons apprehended when illegally present on the territory of a Member State) rose by 9.17% to 85,976 in 2011.
- 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. Such a search could help establish whether the third country national has applied for asylum in another Member State where he/she should be returned in application of the Dublin Regulation. The largest number of 'category 3' transactions in 2012 was from Germany.

'Hits' (Multiple asylum applications): from a total of 285,959 asylum applications recorded in EURODAC in 2012, 27.48% were recorded as 'multiple asylum applications' (i.e. second or more), which means that in 78,591 cases, the fingerprints of the same person had already been

recorded as a 'category 1' transaction in the same or another Member State. In 2011, the same figure was 61,819 (22.4%). However, 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.

As in previous years, the statistics confirm that the secondary movements witnessed do not necessarily follow the 'logical' routes between neighbouring Member States. For instance, France continued to receive the highest number of foreign hits from asylum seekers who previously lodged an application in Poland (2,498). Germany and Switzerland received a high number of asylum seekers who had previously lodged an application in Sweden (2,567 and 1,050 respectively).

Delays and quality of transactions: as in 2011, the average delay of transmissions i.e. the time elapsed between the taking and sending of fingerprints to the Central Unit of EURODAC was relatively low in 2012. Most of the Member States and Associated Countries delay in transmitting fingerprints to the EURODAC Central Unit is between 0 and 4 days. The Commission must reiterate that a delayed transmission can result in the incorrect designation of a Member State.

New transmission deadlines have been included in the Commission's EURODAC Recast proposal with a view to resolving the issue of delays in transmission.

Conclusions: the EURODAC Central Unit provided good results throughout 2012 in terms of speed, output, security and cost-effectiveness.

In 2012, the overall volume of transactions decreased by 0.26% to 411,236. CAT-1 transactions increased by 3.66% to 285,959; CAT-2 transactions decreased by 31.88% to 39,300 (notwithstanding a massive increase in Greece of 4042% to 21,951); CAT-3 transactions increased by 9.17% to 85,976.

The average rate of rejected transactions for all Member States increased to 6.63% in 2012, from 5.87% in 2011. There was a further general improvement concerning delays in the transmission of data to the EURODAC Central Unit, although further improvements could still be made.

## 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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The Commission's European Agenda on Migration (EAM) adopted on 13 May 2015 highlighted the need to ensure that all Member States comply with their legal obligation to fingerprint under the Eurodac Regulation (Council Regulation (EC) No 2725/2000). In doing so, the Commission emphasised the need to provide guidance to Member States to facilitate systematic fingerprinting in full respect of fundamental rights and more specifically of the right to data protection.

As regards the issue of migrants from Eritrea and Syria: over the past year, it has become apparent that irregular migrants and asylum seekers from certain countries of origin, notably Eritreans and Syrians, have been refusing to cooperate in being fingerprinted by Member State authorities. Consequently, a large number of asylum applications appear then to be made in Member States in circumstances where it was thought likely that the applicant had entered the EU via another Member State (often after being rescued at sea).

In order to establish existing practices the European Commission carried out a long enquiry to find out how Member States were dealing with the fingerprint situation (including how and if they used coercion for this purpose).

Purpose of the report: this paper presents possible best practices for Member States to follow in order to ensure that their obligations under the Eurodac Regulation are fulfilled. It provides guidance to facilitate systematic fingerprinting, in full respect of fundamental rights. The Commission services recommend the following best practices, which are in line with the provisions of the EU Charter of Fundamental Rights. They should serve as a basis for discussions with Member States to agree on a coherent common approach. Depending on the outcome of these discussions, the Commission will reflect on the need to propose additional steps.

Best practices are set out in the document as a graduated approach ranging from cooperation measures to restrictive coercive measures.