

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

1999/0116(CNS) - 26/01/2009 - Follow-up document

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.