

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, Luxemburg, 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.