

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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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.