

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 Unit's 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.