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#### **EURODAC 3**

#### **COVER NOTE**

From:	Mr Krum GARKOV, Executive Director of eu-LISA
date of receipt:	10 June 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
Subject:	Annual report on the 2013 activities of the Central Unit of Eurodac pursuant to Article 24(1) of Regulation (EC) No 2725/2000

Delegations will find attached a letter from Executive Director of eu-LISA and the above report.

Encl.: -Annual report on the 2013 activities of the Central Unit of Eurodac pursuant to Article 24(1) of Regulation (EC) No 2725/2000

Eurodac Highlight Report

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Mr. Uwe Corsepius Secretary General, Council of the European Union

Tallinn, 28 May 2014 eu-LISA/269

Subject: Annual report on the 2013 activities of the Central Unit of Eurodac pursuant to Article 24(1) of Regulation (EC) No. 2725/2000

Dear Uwe,

As outlined by Article 24(1) of Regulation (EC) No. 2725/2000, I herewith kindly submit for your consideration the Annual report on the 2013 activities of the Central Unit of Eurodac, which was recently adopted by eu-LISA's Management Board following the provisions of Article 12 of the establishing Regulation of the Agency.

The enclosed report includes information on the management and the performance of the system in 2013. It assesses the output and the cost-effectiveness of Eurodac, as well as the quality of its Central Unit's Service.

I am fully available for further requests for clarification regarding the content of the aforementioned report.

Yours sincerely,

Krum GARKON \
Executive Director of eu-LISA

#### Annexes:

- Annual report on the 2013 activities of the Central Unit of Eurodac pursuant to Article 24(1) of Regulation (EC) No. 2725/2000
- Eurodac Highlight Report

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Annual report on the 2013 activities of the Central Unit of Eurodac pursuant to Article 24(1) of Regulation (EC) No 2725/2000

This report has been produced in application of Article 24 (1) of the Council Regulation (EC) No 2725/2000 with the purpose of providing information on the management and performance of Eurodac.

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## 1. Introduction

## 1.1 Scope

Council Regulation (EC) No 2725/2000 of 11 December 2000, concerning the establishment of Eurodac for the comparison of fingerprints for the effective application of the Dublin Convention (hereinafter referred to as "the current Eurodac Regulation")<sup>1</sup>, stipulates that the Commission shall submit to the European Parliament and the Council an annual report on the activities of the Central Unit<sup>2</sup>.

Article 5(a) of Regulation (EU) No 1077/2011 (hereafter referred to as "the eu-LISA Regulation")<sup>3</sup> states that in relation to Eurodac, the Agency shall perform the tasks conferred on the Commission as the authority responsible for the operational management of Eurodac in accordance with Regulations (EC) No 2725/2000 and (EC) No 407/2002.

Pursuant to Article 12(1)(u) of the eu-LISA Regulation, the Management Board of the Agency shall adopt the annual report on the activities of the Central Unit of Eurodac pursuant to Article 24(1) of Regulation (EC) No 2725/2000.

This report, the eleventh annual report on the activities of the Eurodac Central Unit, has been jointly drafted by the Commission and eu-LISA as the operational management was taken over by the latter on 1 June 2013. The report includes information on the management and the performance of the system in 2013. It assesses the output and the cost-effectiveness of Eurodac, as well as the quality of its Central Unit's service.

## 1.2 Legal and policy developments

Thirteen months after the Commission published its fourth proposal<sup>4</sup>, the co-legislators adopted the recast Eurodac Regulation in June 2013<sup>5</sup>. The major change resulting from the recast was the addition of a second scope for Eurodac, namely to permit law enforcement checks under certain limited circumstances. The recast Regulation also made some important changes to the statutory scope of the system and to operational and technical aspects of the Eurodac system's function. Below is a summary of the key changes compared to the current Eurodac Regulation and Implementing Regulation<sup>6</sup>. The recast Regulation is applicable from 20 July 2015.

### 1.2.1 Changes concerning the asylum elements of Eurodac

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<sup>&</sup>lt;sup>1</sup> OJ L 316, 15.12.2000, p.1.

<sup>&</sup>lt;sup>2</sup> Article 24(1) current Eurodac Regulation.

<sup>&</sup>lt;sup>3</sup> OJ L286, 01.11.2011, p.1.

<sup>4</sup> COM(2012) 254 final.

<sup>&</sup>lt;sup>5</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. OJ L 180, 29.6.2013, p. 1.

<sup>6</sup> Council Regulations (EC) No 2725/2000 and 407/2002.

- In line with the other instruments of the Asylum Acquis, the rules that formerly only applied to refugees are extended to persons with subsidiary protection status as defined in the recast Qualification Directive<sup>7</sup>.
- II. The Agency shall ensure, in cooperation with the Member States, that at all times the best available and most secure technology and techniques, subject to a cost-benefit analysis, are used for the Central System.
- III. A new time limit of 72-hours is introduced in which Member States must transmit fingerprint data after an application for international protection is lodged. This can be extended by 48-hours in case of serious technical difficulties.
- IV. An obligation to retake fingerprints where the condition of the fingertips is of insufficient quality, and to transmit the results within 48-hours of successfully taking the fingerprints, is introduced.
- V. Where it is not possible to take fingerprints on health grounds, they must be transmitted within 48-hours after the health grounds no longer prevail.
- VI. Member States must update datasets pursuant to a "take back" or "take charge" request or if a Member States exercises the "discretionary clause" in line with the recast Dublin Regulation<sup>8</sup> or when the data subject is known to have left the territory of the EU. The intention is to avoid the problems noted to date whereby some Member States re-take the fingerprints of persons who are transferred via a Dublin decision.
- VII. An explanation of Eurodac for asylum applicants or third country national apprehended with irregular border crossing or illegally staying in a Member State is included in the leaflets produced pursuant to the recast Dublin Regulation.
- VIII. Following on from concerns previously raised about the Central System generating "false hits" on rare occasions, all Eurodac hits must in future be verified by a fingerprint expert.
- IX. Category 2 data concerning third country nationals or stateless persons apprehended in connection with the irregular crossing of an external border will only be stored for eighteen months rather than the current twenty-four months.
- X. eu-LISA will inform Member States about data erasure. This is so that, where a person's data have been erased by one Member State because, for example, they have become a citizen, all other Member States are informed so that they too can as required erase the datasets pertaining to the same data subject.
- XI. Whereas in the current Regulation the data of persons granted refugee status are retained but blocked, in the recast Regulation the data of all beneficiaries of international protection (including those with subsidiary protection status) will not be blocked but will instead be marked. This is a response to experiences with some who have already been granted protection in one Member State subsequently travelling to another Member State and applying for asylum there. The changes made will make it easier to spot this and determine whether the new application is admissible or whether to request the person to go to the Member State that should have issued a residence document.
- XII. The list of units within authorities in Member States that have access to Eurodac data will be published online by eu-LISA. This list was not publicly available under the current Regulation and it only contained the details of the authorities, rather than the details of each unit.

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<sup>&</sup>lt;sup>7</sup> Directive 2011/95/EU.

<sup>&</sup>lt;sup>8</sup> Regulation 604/2013.

- XIII. Data from the Eurodac Central System cannot be shared with third countries.
- XIV. eu-LISA shall keep records of all data processing operations within the Central System for data protection monitoring as well as to ensure data security (Article 34). As far as records of category 1 and category 2, those must be erased after a period of one year after their respective storage period has expired.
- XV. The European Data Protection Supervisory (EDPS) is to audit eu-LISA data processing activities for Eurodac at least every three years.
- XVI. Member States have various new obligations relating to adopting a security plan. They must prepare contingency plans for the protection of critical infrastructure, provide unique user IDs to staff with access to Eurodac data and inform eu-LISA of security incidents. eu-LISA shall also adopt a Eurodac security plan.
- XVII. By 20 July 2018 and then every four years thereafter, the European Commission will produce an evaluation of Eurodac.

#### 1.2.2 New elements concerning law enforcement access

The rationale for establishing a second scope and legal base for Eurodac to include law enforcement access can be found in the Explanatory Memorandum to the Commission's proposal for a recast Eurodac Regulation<sup>9</sup>. The main provisions and safeguards are as follows:

- I. For the purpose of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, under certain limited circumstances it will be possible for Member States or Europol to compare fingerprints found at a crime scene, for example, with the Eurodac database. As Eurodac contains no names, no photographs, and no other biographical data, Member States / Europol will cooperate using other instruments outside the Eurodac Regulation to obtain further information pertaining to the data subject following the indication of a 'hit' in the database.
- II. The terrorist and criminal offences in question that may lead to a Eurodac check are limited to those punishable by a custodial sentence or a detention order for a maximum period of at least three years under national law as defined by the European Arrest Warrant<sup>10</sup> or the Counter Terrorism Decision<sup>11</sup>.
- III. Prior to making a law enforcement access request to Eurodac, Member States must first check fingerprint databases available under national law; compare the fingerprint dataset with the Automated Fingerprint Databases of other Member States under the Prüm Decision<sup>12</sup>; where applicable, compare the fingerprint data set with the Visa Information System<sup>13</sup>; determine that a comparison with Eurodac data is necessary in a specific case; and determine that there are reasonable grounds to consider that the comparison will substantially contribute to the prevention, detection or investigation of any of the criminal offences in question. There must also be a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls in a category covered by the Eurodac Regulation (i.e. the data subject is an asylum seeker or has been apprehended irregularly crossing a border).

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<sup>9</sup> See COM(2012) 254 final.

<sup>&</sup>lt;sup>10</sup> Framework Decision 2002/584/JHA.

<sup>&</sup>lt;sup>11</sup> Framework Decision 2002/475/JHA as amended by Council Framework Decision 2008/919/JHA.

<sup>&</sup>lt;sup>12</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

<sup>&</sup>lt;sup>13</sup> Council Decision 2008/633/JHA.

- IV. Member States must provide a list of "designated authorities" (e.g. police units) that may request to separate "verifying authorities" (e.g. another authority responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences that acts independently from the designated authority) to make a law enforcement request to Eurodac. In exceptional cases of urgency where early access is necessary to respond to a specific and actual threat related to terrorist offences or other serious criminal offences, the verifying authority should process the request immediately and only carry out the verification afterwards. Each Member State and Europol will present an annual report concerning their use of the law enforcement access. This will cover the exact purpose of the comparison, including the type of terrorist offence or serious criminal offence; the grounds given for reasonable suspicion; details of the Prüm check; the number of requests for comparison; the number and type of cases which have ended in successful identifications; and details about urgent cases.
- V. All data processed under this Regulation are monitored independently, in accordance with its respective national law, by the national supervisory authority in the Member States as well as by the Supervision by the European Data Protection Supervisor.

#### 1.2.3 Variable Geometry

Twenty-five Member States automatically participate in the recast Eurodac Regulation. Pursuant to Protocol No. 21, TFEU, the United Kingdom opted in to the recast Eurodac Regulation. Pursuant to the same Protocol, Ireland did not opt in to the recast Eurodac Regulation, but retains the possibility to request to opt in post-adoption. Pursuant to Protocol No. 22, TFEU, Denmark does not participate in the recast Eurodac Regulation. Denmark and the four Dublin Associated Countries (Norway, Iceland, Switzerland and Liechtenstein) have Agreements with the EU to participate in the Dublin and Eurodac Regulations. Those Agreements require those five States to inform the Commission whether they accept the contents of any reforms of the Eurodac Regulation.

All five States made such notifications by the end of 2013. However, the existing Agreements only contain a legal basis for using the database for asylum-based purposes. Consequently, the law enforcement elements of the recast Eurodac Regulation do not apply to those five States. Prior to the end of 2013, the Commission and Member States met with the Associated Countries at a Joint / Mixed Committee to discuss whether the law enforcement elements of the Eurodac Regulation could be extended to those countries. The Commission has requested to eu-LISA that, prior to such a new Agreement being signed and concluded, data from the Associated Countries should be blocked in the Eurodac Central System for law enforcement purposes, whilst still being made available for asylum purposes.

## 2. Management of the System

As noted in the 2012 Eurodac Annual Report<sup>14</sup>, Article 38 of the eu-LISA 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 was necessary to complete the transfer of the management of Eurodac from the previous sites in Brussels (Belgium) and Luxembourg to the new sites in Strasbourg (France) and

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<sup>14</sup> COM(2013)485 final.

Sankt Johann im Pongau (Austria). A project to ensure the smooth handover of operations from the Commission to eu-LISA was therefore undertaken. The Agency successfully took over the operational tasks on Eurodac; a knowledge transfer and technical set- up were undertaken in order to integrate the system into service model of eu-LISA. The service hand -over of the system was planned in two phases.

As a first step, eu-LISA was granted remote access to the Eurodac servers run by DG DIGIT of the Commission and based in Luxembourg. This meant that eu-LISA managed the day-to-day running of Eurodac from June 2013. No incidents were recorded in connection to the transfer, which went seamlessly from the end-user (Member State) perspective. After a few weeks of overlap planned to ensure that eu-LISA were fully prepared and that there were no unresolved problems, the old Eurodac team in DG HOME of the European Commission was disbanded. As per the eu-LISA Regulation, the operational management of Eurodac shifted entirely to eu-LISA, while the Commission remains responsible for policy developments and monitoring the application of the Eurodac Regulation. Concerning the services provided by DG DIGIT of the European Commission for Eurodac, eu-LISA Agency concluded a Memorandum of Understanding covering the annual costs related to hosting and telecommunication services. In 2013, all technical (general and specific) provisions were delivered following the Service Level Agreement.

The second phase, commenced at the beginning of October 2013 and still on-going, involves a relocation of infrastructure to both Strasbourg and St. Johann im Pongau (effectively creating new Eurodac sites in France and Austria as clones of the existing system) and ensuring the successful timely procurement of new hardware and Commercial off-the-shelf (COTS) software to support this outcome.

The transition of management responsibilities was delivered on time and with no interruption or degradation of the service levels and availability of the system to Member States.

In addition to the relocation of system, planning activities for a significant evolution of the system were started in 2013 in order to implement the functional changes in the system foreseen in the recast Eurodac Regulation (the revised regulation will allow law enforcement authorities to access the database, subject to strict conditions on data protection, for the purposes of fighting terrorism and organised crime – applicable from 20 July 2015).

## 2.1 Quality of service and cost-effectiveness

Prior to and subsequent to June 2013, the European Commission and the eu-LISA respectively have taken the utmost care to deliver a high quality service to the Member States and Associated Countries, who are the end-users of the Eurodac Central System. The Eurodac Central System in itself did not register any unexpected downtime in 2013. Overall, in 2013 the Eurodac Central System was available 99.99% of the time. The 99.94% of requests have been replied to MS within 1 hour. The remaining 0.06% of messages was delayed due to temporary unavailability of European Commission email relay service.

The expenditure for maintaining and operating the Central System in 2013 was  $\in$ 340,669.53 of which  $\in$ 172.022,79 was Commission expenditure and  $\in$ 168,646.74 was eu-LISA expenditure. This represents a decrease in expenditure compared to previous years ( $\in$ 421,021.75 in 2012,  $\in$ 1,040,703.82 in 2011,  $\in$ 2,115,056.51 in 2010,  $\in$ 1,221,183.83 in 2009).

The annual costs are decreasing because the main service contract for the maintenance of the central system is based on a multi-annual warranty service, the cost of which was included in the setup phase.

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As regards the past year, the cost decreased due to the termination of some support contracts following the takeover of the operational management by eu-LISA.

It has to be noted that the cost for the relocation (clone) of the Eurodac System to Strasbourg and to Sankt Johann im Pongau will be charged at the date of project end, in 2014.

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.

## 2.2 Access Rights to own Data

Article 18(2) of the current Eurodac Regulation establishes a category of transaction which provides for the possibility of conducting so-called special searches (category 9 data) on the request of the person whose data is stored in the central database in order to safeguard his/her rights as the data subject to access his/her own data.

In 2013, a total of 49 of these special searches (category 9) were conducted, a decrease of 55.9% from the previous year (in 2012, 111 special searchers were registered) and a decrease of 78.3% from 2011 (when 226 special searchers were carried out).

As was the case in 2012, France registered the majority of such searches, having conducted 69% of the special searches carried out in 2013 15.

Article 29(11) of the Eurodac Recast Regulation shall apply from 20 July 2015. It reinforces the role of the national supervisory body on this matter by foreseeing that the competent authority shall keep a record in the form of a written document that such a special request was made and how it was addressed, and shall make that document available to the national supervisory authorities without delay.

## 2.3 Security

During the first phase of the operational management of the system by the Agency, focus was put on the organisational, procedural and operational IT security controls aimed to guarantee consistent continuity on the security level of the system, required with the switch of security responsibilities between the Commission and eu-LISA.

A comprehensive "ISMS" (Information Security Management System) governs Eurodac Security, and it is constantly kept up to date as reference to IT operators and system administrators when managing the system.

IT Security countermeasures have been implemented to protect the remote management of the system from Strasbourg. In compliance with the Agency establishing Regulation, all the operational management data traffic is

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<sup>&</sup>lt;sup>15</sup> Table XIII - Count of category 9 special searches per Member State in 2013.

sent through a dedicated encrypted VPN (Virtual Private Network) channel between the Agency technical site in Strasbourg and Luxembourg, and eu-LISA is fully responsible for the encryption keys management.

In addition, the Agency took over the responsibility of the physical security of the Central and Backup systems in Luxembourg, fully managing individual access controls required for normal day to day operations, for staff and contractors.

In the context of the second phase of the operational management of the system by the Agency, which consists in the actual relocation of the system to Strasbourg and Sankt-Johann, eu-LISA carefully listed and assessed all the relevant security aspects, in order to protect the data of the system in all of the phases of the related project: system design, preparation and configuration of the new hardware and software applications, migration of data to the new system in accordance with stringent data protection requirements, to finally authorise the operation of the new system in production. To further improve the security posture of the current system, after its relocation, the Agency has already planned to (a) implement pending EDPS recommendations from a recent audit, (b) apply security measures based on the good practices from the other large scale IT systems under its responsibility and (c) perform a security assessment of the relocated system, comprising a vulnerability scan and a penetration test in order to internally verify and validate its baseline security.

# 3. Questionnaire on the application of the Eurodac Regulation organised by Commission

Following the publication of the Recast Eurodac Regulation, in summer 2013 the Commission launched a questionnaire to Member States and the Associated Countries to investigate the application of the current Eurodac regulation.

The questionnaire was sent via the Permanent Representation network and findings were presented in September 2013 to the Eurodac Contact Committee; in October 2013 to the Coordinated Eurodac Supervision Group as well as to EDPS; and in February 2014 to the Eurodac Advisory Group.

The Commission's areas of concern covered advance data erasure; blocking of data; special searches; and delays in transmission of fingerprints. Following on from the questionnaire, several Member States initiated projects to improve their application of the current Eurodac Regulation.

# 3.1 Findings of the Questionnaire

### 3.1.1 Advance Data Erasure

Articles 7, 10 and 15 of the current Eurodac Regulation include provisions relating to advance data erasure. Datasets must be erased when a data subject acquires citizenship of any Member State. The data of category 2 persons must also be erased when the data subject is granted a residence permit or when they are known to have left the territory of the EU.

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The 2013 statistics show a very significant increase in the number of data sets erased by Member States. The total number of data sets erased by Member States in 2013 was 27,424, an increase of 66% on the 16,501 deletions carried out in 2012. The biggest increases from 2012 were in Belgium (from 39 to 3804); Czech Republic (from 2 to 76); Finland (from 471 to 764); France (from 377 to 517); Ireland (from 214 to 1045); Italy (from 35 to 2652); and Norway (from 41 to 4608). It is thought that these increases were due in part to projects undertaken by Member States following the Commission's enquiries, and partly because Croatia became a Member State in 2013 and therefore datasets pertaining to Croatian nationals had to be erased as they were now EU citizens. Most Member States had erased Croatian data sets (and in 2007 had erased Bulgarian and Romanian datasets), but Spain, France, Hungary, Luxembourg had not done so at the time of responding to the Commission's questionnaire and Ireland noted that although it had erased Croatian datasets, it had previously failed to do so for Bulgarian and Romanian datasets and was therefore undertaking a project to remedy the situation. Several Member States noted that it was very difficult to keep track of category 2 data subjects and therefore to erase their data sets once they were granted a residence permit.

#### 3.1.2 Blocking of data

Article 12 of the current Eurodac Regulation requires Member States to block the datasets of persons recognised as refugees. The Commission was again concerned that the levels of blocked data varied widely between Member States and did not tally with the statistics of the number of persons granted refugee status<sup>17</sup>.

In several cases (in Cyprus, Denmark, France, Greece, Iceland, Latvia, Malta, Norway and Slovakia) fewer than 10 data sets had ever been blocked since Eurodac became operational in 2003, whilst in Germany, Sweden and the UK the figure was in the tens of thousands. In most cases where very few data sets had been blocked, the Member States informed the Commission that they intended to undertake projects to apply the Eurodac Regulation correctly in future as well as to conduct retrospective corrections. France informed the Commission that they would need to block around 110,000 cases which would require a fifteen-month project to complete. Having each blocked 0 cases in 2012, in 2013 Belgium blocked 8,072 datasets, Cyprus blocked 15, France blocked 4,417, Greece blocked 76. Norway blocked 16,640 (which, they explained to the Commission, included historic cases that had previously not been blocked). Slovenia blocked 91 and Slovakia blocked 59 – both appearing to have resolved their previous problems concerning the blocking of data.

Denmark informed the Commission that it had incorrectly been erasing the datasets that it should have instead been blocking and informed the Commission that it is looking in to the possibility of sending back to the Eurodac Central system the erased datasets that can then be blocked accordingly. The UK had the opposite situation in that it had much higher numbers of blocked datasets than any other Member State, with a particular spike in 2010. The UK has since corrected these datasets from 2010.

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<sup>&</sup>lt;sup>16</sup> Table XIV – Data sets erased per Member State by year.

<sup>&</sup>lt;sup>17</sup> Table XV – Data sets blocked per Member State by year.

The total number of datasets blocked by Member States increased from 16,573 in 2012 to 56,013 in 2013.

#### 3.1.3 Special Searches

The number of "Category 9" / "special searches" on the basis of Article 18(2) of the current Eurodac Regulation decreased sharply after an investigation launched by the Commission in 2007. Nevertheless, a few anomalies remained in recent years. Where the numbers had been higher than average, the concerned Member States provided adequate reasoning to the Commission.

As already reported above, in 2013 there were only 49 special searches across the EU, 34 of which were from France. France explained to the Commission that the reason for their higher than average number of special searches was due to proactive NGOs in the Calais region encouraging data subjects to request such searches. To put this into perspective, it should be noted that in 2005, across the EU 2310 special searches were made. The 2013 figures are the second lowest since Eurodac commenced operations.

#### 3.1.4 Delays in data transmission

In the 2012 Eurodac Annual Report, the Commission noted that most of the Member States and Associated Countries transmit fingerprints to the Eurodac Central Unit within 0 to 4 days. Exceptions to this average were noted for 6 Member States. The Commission invited those Member States to explain the delays that they had experienced.

Cyprus noted that it would upgrade its communication network; Germany noted that it would automate more of its current national workflow between its Dublin authority (BAMF) and the technical national contact point for Eurodac (BKA). At the moment the workflow still includes a significant number of manual processes. Spain did not provide an explanation of the problem. Finland suggested that there was a problem concerning corrected datasets, which incorrectly appear as delayed transmission.

Greece noted that as of June 2013, they had a system in place to send category 1 transactions on the same day as the asylum application (see, however, the table below). Greece added that for category 2 transactions, there are many islands that are not equipped with Eurodac Stations. There are therefore delays in transmission of these cases, although they planned to install more Eurodac stations in some of these islands in the future.

The UK noted that the problems with category 2 delays concerned registration of paper / ink fingerprints sent in from across the country. The UK noted that it planned to reiterate existing instructions, monitor business activity to identify any trends and if appropriate implement revised procedures for the movement of hard copies of fingerprints.

The following extreme situations should be noted in 2013<sup>18</sup>:

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<sup>&</sup>lt;sup>18</sup> See in the Annex graph VIII Average time in days between the date of taking the fingerprints and their sending to the Eurodac Central Unit for an overview for all Member States.

MS	Month	Category	Delay in days
DE	Dec	1	16.5
ES	Nov	1	13.99
GR	Sep	1	10.89
GR	Apr	2	148.97
UK	Jul	2	22.47

The Commission reminded all Member States that under the recast Eurodac Regulation, applicable from 20 July 2015, the maximum permitted delay for transmission of fingerprint data will be 72 hours.

## 4. Figures and findings

As per Article 3 of the current Eurodac Regulation, the Eurodac statistics are drawn up in relation to the following subjects:

- every applicant for asylum, in a Member State, of at least 14 years of age (category 1 data);
- every alien of at least 14 years of age who is apprehended when irregular crossing the external border of a Member State having come from a third country and who is not turned back (category 2 data);

an alien, of at least 14 years of age, found illegally present within a Member State territory, with a view to check whether the data subject has previously lodged an application for asylum in another Member State (category 3 data).

The Annex of this report includes the statistics for the reporting period o1.01.2013 at 12:00:00 AM until 31.12.2013 at 11:59:59 PM.

Eurodac data on asylum applications are not comparable to those produced by Eurostat, which are based on monthly statistical data provided by the Ministries of Justice and of the Interior of the Member States. There are a number of methodological reasons for the differences. Firstly, the Eurostat data includes all asylum applicants, i.e. of any age (whereas Eurodac data only concern persons older than 14 years). Second, the data are collected with a distinction made between persons applying for asylum during the reference month (which may also include repeat applications) and persons applying for asylum for the first time.

## 4.1 Successful transactions

A successful transaction is a transaction which has been correctly processed by the Eurodac Central Unit, without rejection due to a data validation issue, fingerprint errors or insufficient quality<sup>19</sup>.

In 2013, the Eurodac Central Unit received a total of 508,565 successful transactions, which represents an increase of 23.7% compared with the same data in 2012 (when the total was 411,235). This increase is not in line with the stability

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<sup>&</sup>lt;sup>19</sup> Table & graph II in the Annex, Successful transactions to the Eurodac Central Unit in 2013 contains a breakdown per Member State, whereas Table I - Eurodac Central Unit - content status on 31.12.2013 gives the status of the content in the database at the end of the reporting year.

observed in 2012 (when successful transactions decreased by 0.26% compared to the previous year) but it clearly follows the trend observed in 2011 when successful transactions increased by 37.7%.

It should be noted that Croatia became a Member State of the EU on 1 July 2013 at which point the Eurodac Regulation immediately became applicable to it<sup>20</sup>.

The biggest increase in successful transactions were registered in Hungary (increase of 567% compared to 2012) and Bulgaria (402%), followed by Malta (110%), Italy and Spain (respectively 68% and 61% of increase). The number of successful transactions decreased on the other hand mainly in Romania (-52%), Liechtenstein (-36%) and Luxembourg (-34%), followed by Cyprus (-28%) and Greece (-24%).

With an increase of 54% compared to the previous reporting period (117,695 successful transactions in 2013), Germany sends the largest number of successful transactions to the Eurodac Central Unit, representing 23% of the total transactions registered in 2013. They are followed by Italy and France who each submit 10% of total transactions.

#### 4.1.1 Category 1 data

Category 1 data are defined in Article 4(1) of the current Eurodac Regulation as the fingerprints of every applicant for asylum, in a Member States, of at least 14 years of age.

Following the growing trend already observed in the last couple of years, in 2013 the total number of transactions of data related to asylum seekers (category 1 data) increased by 24% compared to the previous year, registering 354,276 transactions; in 2012 the increase was 4% (with a total of 285,959 transactions related to category 1 data) while in 2011 there was a growth of 28% (275,857 total of category 1 data).

With 23% of the total transactions related to asylum seekers, Germany was the Member State sending the largest number of this type of data to the Eurodac Central Unit, registering an increase compared to the previous reporting period (also in 2012 Germany was the main contributor of category 1 data, with 18% of the total of such category).

### 4.1.2 Category 2 data

Category 2 data are defined in Article 8(1) of the current Eurodac Regulation as the fingerprints of every alien of at least 14 years of age who is apprehended when irregular crossing the external border of a Member State having come from a third country and who is not turned back.

After the decrease experienced in 2012 (39,300 representing -32% compared to 2011), the successful transactions of data related to persons who were apprehended in connection with an irregular crossing of an external border (category 2 data) registered an increase in 2013 of 23% for a total amount of 48,276 transactions for such data.

Following the trend already observed in previous years, in 2013, 8 Member States (Czech Republic, Estonia, Iceland, Liechtenstein, Luxembourg, Latvia, Portugal and Sweden) did not send any category 2 data to the Eurodac Central Unit whereas 7 Member States (Belgium, Switzerland, Denmark, Finland, Ireland, Lithuania and the Netherlands) sent very few transactions (less than 20 transactions per Member State).

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<sup>&</sup>lt;sup>20</sup> On o1 July 2013, Croatian citizens became EU citizens and therefore all data stored in the Eurodac Central Unit related to Croatian citizens had to be deleted by Member States in accordance with Article 7 of current Eurodac Regulation. The Commission wrote to all Member States and Associated Countries to remind them of the need to undertake this duty.

With 22,752 (representing 47% of the total amount of transactions on category 2 data in 2013) Italy was the main contributor for this type of data. In 2012 the main contributor was Greece with 21,951 (representing 56% of the total of transactions on category 2 data for 2012). For the current reporting period Greece was the second biggest contributor of data with 9,294 transactions (registering a substantial decrease of -58% compared to 2012) followed by Bulgaria with 8,785 transactions (an important increase compared to 2012 when it registered 1,518 transactions on category 2 data).

As already noticed in previous years, the discrepancy between the statistics of category 2 data stored in Eurodac and other sources of statistics on the volume of irregular border crossings in Member States is due to the interpretation of Article  $8(1)^{21}$  of the current Eurodac Regulation. It should be noted that Article 14(1) of the Recast Regulation, which shall apply from 20 July 2015, gives a more precise definition in this respect.

#### 4.1.3 Category 3 data

Category 3 data are, as per Article 11(1) of the current Eurodac Regulation, fingerprints that a Member State may transmit to the Eurodac Central Unit with a view to checking whether an alien of at least 14 years of age, found illegally present within a Member State territory, has previously lodged an application for asylum in another Member State.

Following the trend observed in 2011 and 2012, the total amount of transactions on data related to an alien, of at least 14 years of age, found illegally present within a Member State territory<sup>22</sup> (category 3 data) increased by 23% compared to the previous year, to 106,013.

Taking into account that searches with category 3 data are not mandatory<sup>23</sup>, the available data shows that in line with previous years, the largest number of category 3 data transactions was registered by Germany 34,682 (33% of the total), followed by the UK 11,880 (11% of the total) and Switzerland with 9,832 (representing 9% of the total). In 2013, as per previous statistics, Ireland was the only Member State that did not send any category 3 data to the Eurodac Central Unit.

## 4.2 Hits

#### 4.2.1 Multiple asylum applications - category 1 against category 1 hits

Hits generated from category 1 data checked against category 1 data, indicate cases where a person who has applied for asylum in a Member State makes a new application in the same Member State (identified as local hits) or in another Member States (foreign hit)<sup>24</sup>.

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Article 8(1). Each Member State shall, in accordance with the safeguards laid down in the European Convention on Human Rights and in the United Nations Convention on the Rights of the Child, 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.

<sup>&</sup>lt;sup>22</sup> This type of data is not stored in the Eurodac Central Unit but compared, as per Article 11 of the current Eurodac Regulation.

<sup>&</sup>lt;sup>23</sup> Ibid.

<sup>&</sup>lt;sup>24</sup> Table III in the Annex *Hit repartition – category 1 against category 1 – 2013* shows for each Member State the number of applications which corresponded to asylum applications previously registered in either another (foreign hits) or in the same Member State (identified as local hits).

From a total of 354,276 asylum applications recorded in Eurodac in 2013, 29.2% were recorded as multiple asylum applications (i.e. second or more applications). Thus in 103,274 cases, the fingerprints of the same person had already been recorded as a category 1 data in the same or another Member State.

The ratio of multiple asylum applications is steadily increasing over the last three years: in 2011 it represented 22.4% of the whole applications while in 2012 the ratio rose to 27%.

A local hit indicates cases when a person who has applied for asylum in a Member State makes a new application in the same Member State: 26.9% of all multiple applications in 2013 were local hits<sup>25</sup>.

A decreasing trend is observed in the local hits ratio for the last couple of years. In 2012 local hits represented 34.4% of the total of multiple applications whereas in 2011 38.6% of all such applications were local hits. In 2013, the local hits ratio was over 50% for 7 Member States (Belgium, Cyprus, Czech Republic, Greece, Ireland, the Netherlands and Poland).

Foreign hits give an indication of the secondary movements of asylum seekers in the EU, as it shows cases where a person who has applied for asylum in a Member State makes a new application in another Member State.

As in previous years, the statistics show that the secondary movements witnessed do not necessarily follow the logical routes between neighbouring Member States and do not represent a one-way street from the countries with an external land border or those bordering the Mediterranean to the more northerly Member States. For instance, France received the highest number of foreign hits from asylum seekers who previously lodged an application respectively in Poland (1,643 hits representing a decrease compared to 2012 when they were 2,498) and in Hungary (1,516). Hungary, on the other hand, received a high number of asylum seekers who had previously lodged an application in Greece (3,106); whereas Germany continued to receive a high number of asylum seekers who had previously lodged an application in Sweden (4,559 going up from 2,567 in 2012).

### 4.2.2 Category 1 against category 2 hits

These hits give an indication of routes taken by persons who irregularly entered the territories of Member States before applying for asylum.

A total of 26,145 foreign hits, identifying cases of persons apprehended in connection with an irregular border crossing who later decide to lodge an asylum claim in another Member State, were observed in 2013. This represents 54.7% of the total hits triggered when comparing category 1 data against category 2 data. A slight decrease is observed compared to 2012 when this ratio was 65.3%.

The trend observed in the last two years was repeated in 2013: most of this type of (foreign) hits occurred against data sent by Italy (10,597), Greece (10,417), Bulgaria (2,462) and Spain (1,728) $^{26}$ .

The majority of those who entered the EU illegally via Italy and moved on travelled to Germany (4,270), Sweden (1,986) or Switzerland (1,498). Those who moved on after having entered illegally via Greece mainly went to Germany (2,771), Hungary (1,743) or Sweden (1,732). Of those entering via Bulgaria, most moved on to either Hungary (932) or Germany (500).

<sup>26</sup> Table V in the Annex Category 1 hits against category 2 – data set shows the break down per Member State of local and foreign hits.

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<sup>&</sup>lt;sup>25</sup> The statistics concerning local hits shown in the tables may not necessarily correspond to the hit replies transmitted by the Eurodac Central Unit and recorded by the Member States. The reason for this is that Member States do not always use the option, provided by Art. 4(4), which requests the Central Unit to search against their own data already stored in the Central database. However, even when Member States do not make use of this option, the Central Unit must, for technical reasons, always perform a comparison against all data (national and foreign) stored in the Central Unit. In these specific cases, even if there is a match against national data, the Central Unit will simply reply 'no hit' because the Member State did not ask for the comparison of the data submitted against its own data.

It has to be noted that Bulgaria and Italy have a high level of local hits as well, respectively 66% and 57%. In Bulgaria this ratio decrease compared to last year when it was 84.9%. On the other hand, in Italy an increase was registered compared to 2012 when this same ratio was 46%.

### 4.2.3 Category 3 against category 1 hits

These hits give indications as to where irregular migrants first applied for asylum before travelling to another Member State. As already mentioned above, submitting category 3 transactions is not mandatory and not all Member States use the possibility for this check systematically.

The available data indicate that the flows of persons apprehended when illegally present in another Member State from the one in which they claimed asylum mostly end up in a few Member States, in particular Germany (18,002 – up from 10,798 in 2012), Switzerland (4,680 – up from 3,682), Norway (3,668 growing from 2,382 in 2012), the Netherlands (3,182 decreasing from 3,742 in 2012), Austria (3,019, up from 2,111 in the previous reporting period) and France (2,671, increasing from 2,165)<sup>27</sup>. Those same countries were the preferred destinations also in previous reporting periods.

Of the 106,013 category 3 transactions made, 62,124 (58.6% of the total) yielded hits (both foreign and local) against category 1 data. This means that more than half of the irregular migrants who were apprehended when illegally present in a Member State were found via a Eurodac search to have previously claimed asylum. Of those 62,124 hits, 43,900 (70.7%) were foreign hits, i.e. the person had previously applied for asylum in another Member State.

## 4.3 Transaction delay

The transaction delay is the time elapsed between the taking and sending of fingerprints to the Eurodac Central Unit. The current Eurodac Regulation only provides a very vague deadline for the transmission of fingerprints<sup>28</sup>, 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 transaction delays between taking fingerprints and sending them to the Eurodac Central Unit was already pointed out in previous annual reports. This situation should be remedied after 20 July 2015 when the recast Eurodac Regulation will apply, as there will then be a maximum time-limit of 72 hours for Member States to take and transmit fingerprints to the Eurodac Central System.

The average time taken for the transmission of fingerprints to the Eurodac Central Unit in 2013 was 2 days. Most Member States already transmit fingerprints in less than 72 hours, in line with what has been observed in recent reporting periods.

Exceptions to this trend have been noticed for the following Member States: Cyprus category 2 (5.95 days showing a big improvement from 15 days in 2012); Germany category 1 (7.60, slightly higher compared to 2012 when the delay was 5.19 days); Spain category 1 (7.55, a substantial increase as in 2012 it was 4.41); Finland category 1 (4.54, a substantial decrease from 10.16 registered in 2012); Greece category 1 (4.86 stable compared to 2012) and category 2

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 $<sup>^{27}</sup>$  Table VII Category 3 against category 1 – data set shows a breakdown per Member States.

<sup>&</sup>lt;sup>28</sup> Article 4 and Article 8 of the current Eurodac Regulation read "[...] Member State shall promptly transmit [...]".

(45.45, a massive increase compared to the 10.43 in 2012); Portugal category 1 (3.75) and the UK category 2 (8.33, a slight increase compared to 6.01 in 2012)<sup>29</sup>.

As already outlined in previous annual reports, delayed transmission can result in the incorrect designation of the Member State responsible under the Dublin Regulation, by way of two different scenarios: wrong hits<sup>30</sup> and missed hits<sup>31</sup>.

A substantial increase is observed in the number of wrong hits<sup>32</sup> due to the delay in the transmission of fingerprints. In 2013, 258 cases were observed whereas in 2012 the number of wrong hits was 65. In 2013 the majority of wrong hits were detected in Germany (101), Hungary (44) and Austria (37).

The total number of missed hits<sup>33</sup> due to a delay in the transmission of fingerprints also grew substantially in the latest reporting period, going from 18 cases in 2012 to 206 in 2013. This large increase was mainly due to Greece, which on its own has 202 missed hits whereas in 2012 they were 12.

## 4.4 Rejection rate

A transaction may be rejected due to a data validation issue, fingerprint errors or insufficient data quality.

In 2013 the ratio of rejected transactions for all Member States together, considering all types of transaction received by the Eurodac Central Unit, was 10.2% (thus the rate of valid transaction represented 89.8%).

On the other hand, rejection of fingerprints is caused by the low quality of the fingerprint image or a sequence check error. In 2013 the rejection rate for fingerprints (considering only insertions for category 1 and category 2 data) was 5.49%<sup>34</sup>, registering a slight improvement from the 6.63% in 2012.

Rejection rates above 10% was observed in Estonia (33.56%, in 2012 it was 22.4%), France (10.18% stable compare to 2012), Malta (13.55% substantial improvement compare to 2012 when it was 30.47%) and Portugal (15.51% improvement compare to 2012 when it was 19.37%).

## 5. Conclusions

The handover to eu-LISA was smoothly carried out without any degradation of the service. As of 1 June 2013 the Agency has been ensuring the operational management of the Eurodac Central Unit from its operational site in Strasbourg. The overall availability of the system observed in 2013 was of 99.99%.

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<sup>&</sup>lt;sup>29</sup> Graph VIII Average time in days between the date of taking the fingerprints and their sending to the Eurodac Central Unit shows the overview for all Member States. <sup>30</sup> In the scenario of the so-called 'wrong hit', a third-country national lodges an asylum application in Member State (A), whose authorities take his/her fingerprints. While those fingerprints are still waiting to be transmitted to the Central Unit (category 1 transaction), the same person could already present him/herself in another Member State (B) and ask again for asylum. If this Member State B sends the fingerprints first, the fingerprints sent by Member State A would be registered in the Central database later than the fingerprints sent by Member State B and would thus result in a hit from the data sent by Member State B against the data sent by the Member State A. Member State B would thus be determined as being responsible instead of the Member State A where an asylum application had been lodged first. 31 In the scenario of the so-called 'missed hit', a third-country national is apprehended in connection with an irregular border crossing and his/her fingerprints are taken by the authorities of Member State (A) he/she entered. While those fingerprints are still waiting to be transmitted to the Central Unit (category 2 transaction), the same person could already present him/herself in another Member State (B) and lodge an asylum application. On that occasion, his/her fingerprints are taken by the authorities of Member State (B). If this Member State (B) sends the fingerprints (category 1 transaction) first, the Central Unit would register a category 1 transaction first, and Member State (B) would handle the application instead of Member State A. Indeed, when a category 2 transaction arrives later on, a hit will be missed

because category 2 data are not searchable. <sup>32</sup> Table IX Distribution of category 1/category 1 hits in wrong sense because of a delay when sending category 1 data.

<sup>33</sup> Table X Distribution of category 1/category 2 hits missed because of a delay when sending category 2 data.

<sup>&</sup>lt;sup>34</sup> Table XI Quality and sequence check rejection rate in insertions of category 1 and category 2 data – 2013.

A relocation project is on-going aiming at creating new Eurodac sites in France and Austria as clones of the existing system. The project is expected to be completed by mid-2014.

Following on from the questionnaire organised by the Commission in the summer 2013, several Member States initiated projects to improve their application of the current Eurodac Regulation. Improvements have been observed in the areas concerned, namely advance data erasure, blocking of data, special searches and delays in transmission of fingerprints. The Commission will continue to monitor the situation across Member States in order to ensure full compliance with the Regulation.

In 2013 the overall volume of successful transactions increased by 23.7%. A very similar rate was registered also in the increase of category 1 transactions (24%), category 2 and category 3 transactions (23% in each case).

The ratio of multiple asylum applications is steadily increasing over the last three years: in 2011 it represented 22.4% of the whole applications while in 2012 the ratio rose to 27% and in 2013 to 29.2%.

In the reporting period, the average transaction delay observed was 2 days. Most Member States already transmit fingerprints in less than 72 hours — which is a requirement of the recast Eurodac Regulation that has to be applied as of 20 July 2015. The rejection rate for fingerprints attested to 5.49% registered a slight improvement compared to the previous year.

### **Annex**

# Table I – Eurodac Central Unit – content status on 31.12.2013

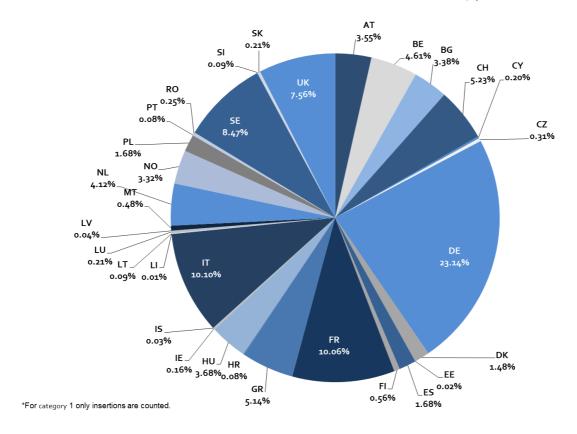
## **Eurodac Central Unit Database content** status 31.12.2013

	CAT <sub>1</sub>	CAT <sub>2</sub>	Blocked CAT <sub>1</sub>
ΑT	118,177	197	7,463
BE	152,615	16	7,972
BG	10,217	9,856	12
CH	82,625	4	5,897
CY	30,272	52	14
CZ	14,935	0	434
DE	334,535	122	19,405
DK	22,953	0	0
EE	283	1	32
ES	32,895	7,645	489
FI	24,687	7	1,062
FR	359,742	796	4,247
GR	121,315	28,888	76
HR	335	38	0
HU	32,659	1,688	302
ΙE	21,666	8	966
IS	478	0	0
IT	189,400	33,883	3,208
LI	81	0	0
LT	2,122	5	57
LU	7,652	2	9
LV	784	0	0
MT	8,096	58	70
NL	90,384	30	4,714
NO	76,601	89	16,558
PL	52,128	48	556
PT	1,632	1	29
RO	8,419	52	622
SE	219,594	0	23,408
SI	3,793	48	98
SK	16,187	64	59
UK	256,692	456	29,712
Total	2,293,954	84,054	127,471

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# Table & graph II - Successful transactions to the Eurodac Central Unit in 2013

#### Total successful transactions\* to the Eurodac Central Unit in 2013 per Member State



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## Successful transactions to the Eurodac Central Unit in 2013

	Category 1*	Category 2	Category 3	Total
AT	13,372	88	4,585	18,045
BE	15,267	13	8,153	23,433
BG	5,499	8,785	2,922	17,206
СН	16,742	5	9,832	26,579
CY	836	49	123	1,008
CZ	557	0	1,016	<b>1,573</b>
DE	82,926	87	34,682	117,695
DK	5,914	3	1,602	7,519
EE	79	0	14	93
ES	3,144	4,544	838	8,526
FI	2,716	13	130	2,859
FR	46,288	442	4,434	51,164
GR	11,426	9,294	5,432	26 <b>,</b> 152
HR	335	89	2	426
HU	15,884	1,543	1,268	18,695
IE	833	3	0	836
IS	129	0	27	156
IT	26 <b>,</b> 875	22,752	1,752	51 <b>,</b> 379
LI	31	0	1	32
LT	262	1	190	453
LU	888	0	164	1,052
LV	164	0	16	180
MT	2 <b>,</b> 359	57	41	2 <b>,</b> 457
NL	11,940	15	9,019	20,974
NO	10,638	74	6,183	16,895
PL	8 <b>,</b> 076	31	431	8,538
PT	346	0	42	388
RO	1,110	50	101	1,261
SE	42,781	0	271	43,052
SI	219	22	223	464
SK	361	48	639	1,048
UK	26,279	268	11,880	38,427
Total	354,276	48,276	106,013	508,565

 $<sup>\</sup>boldsymbol{\star}$  For category 1 only insertions are counted.

# Table III - Hit repartition – Category 1 against category 1 -2013

Hit repartition - CAT 1 against CAT 1 - 2013

Total	10026	14093	349	10733	27	465	50535	5233	37	902	2423	12371	1309	362	8048	297	109	11894	62	243	964	184	166	7494	5284	1992	58	248	18903	118	537	5413	170879
Total Local	2242	9384	89	1823	19	240	8918	574	0	209	461	1765	836	2	912	150	19	3507	2	17	72	12	26	3837	741	1071	3	63	6121	4	241	2576	45936
ž	108	175	20	135	0	1	311	31	0	15	62	234	65	4	66	64	0	501	1	3	16	0	4	92	95	9	2	5	276	4	11	2576	4916 45936
SK	111	36	0	22	0	5	242	31	4	0	7	81	3	0	9	0	0	42	1	7	3	3	0	31	34	14	0	2	85	1	241	32	1077
S	54	16	0	94	0	0	127	7	0	1	7	25	4	2	47	0	0	04	0	0	5	2	0	11	9	1	1	2	33	4	1	15	427
SE	242	364	/τ	165	0	04	4559	1311	12	133	504	245	90	2	208	7	91	809	τ	71	96	14	54	423	696	118	8	18	6121	10	28	170	17222
RO	9/τ	67	TΤ	6/	0	0	239	56	0	7	Οτ	<del>5</del> 6	22	3	259	8	0	154	0	0	3	0	0	11	13	1	0	63	90	0	11	19	1328
Ы	0	11	0	67	0	0	45	1	0	7	0	/τ	0	0	0	0	0	5	0	τ	7	0	0	2	7	0	3	0	10	0	0	1	143
占	299	534	0	285	0	37	7242	290	2	8	20	1643	1	0	10	1	0	14	3	32	15	56	0	190	115	1071	1	14	210	1	9	10	12448
9	157	148	18	317	1	11	823	395	2	27	250	196	20	1	79	7	20	689	6	3	40	4	16	154	741	64	5	7	1991	4	11	98	5948
¥	119	366	12	274	1	11	1474	139	0	74	70	319	14	4	41	5	6	227	2	12	42	6	13	3837	147	52	7	13	720	4	6	135	8161
Η	9	13	0	22	0	0	564	44	0	7	20	36	0	0	0	0	1	127	0	1	0	0	56	28	57	2	0	0	197	0	0	16	900
2	2	10	2	14	0	0	64	3	1	1	1	35	0	0	2	0	0	0	0	5	1	12	0	2	10	2	0	0	13	0	2	2	184
2	30	126	1	98	0	3	408	33	0	4	6	9	1	0	25	3	1	17	1	2	72	0	0	70	24	2	0	2	98	0	0	9	1090
LT	19	33	1	44	0	1	123	7	1	0	0	38	0	0	2	0	0	1	0	17	5	4	0	11	5	12	0	2	31	0	1	11	369
_	8	1	0	6	0	2	14	1	0	0	0	0	0	0	2	0	0	2	2	0	1	0	0	0	3	0	0	0	5	0	0	0	50
н	441	290	6	2483	1	0	4519	499	0	33	240	903	18	4	143	8	13	3507	1	1	55	1	7	260	1048	2	3	2	2649	7	4	581	17732
SI	1	2	0	3	0	0	5	5	0	0	2	2	1	0	0	0	19	3	0	0	0	1	0	0	2	1	0	0	15	0	0	1	63
Ш	τ	ττ	0	7	0	0	20	4	0	0	8	6	8	0	2	υ2τ	τ	7	0	τ	1	2	0	12	15	2	1	0	32	0	1	209	500
₽	2471	227	3	9/5	0	9	3437	63	0	4	31	1516	56	153	912	6	0	1135	1	2	36	8	0	79	96	10	1	13	279	18	7	86	11208
뚲	0	2	0	28	0	0	4	1	0	0	0	3	0	2	1	0	0	6	0	0	2	0	0	2	1	0	0	0	2	4	0	1	62
GR	1037	234	50	395	0	1	2421	173	0	8	135	917	988	95	3106	9	1	910	1	+	15	2	11	237	236	8	1	12	617	17	1	361	11809
Ä.	168	397	2	994	1	14	2233	79	0	84	54	1765	18	0	358	2	7	173	0	7	34	10	1	167	102	95	2	7	290	2	11	167	6656 1
Ε.	38	63	3	104	0	1	274	126	4	13	194	63	6	0	30	0	2	95	0	2	13	1	1	55	87	14	5	1	455	1	9	32	1962
ES	35	9	5	179	0	0	344	19	0	209	13	592	4	0	14	2	0	79	2	0	7	0	0	28	58	4	3	2	139	0	0	21	1480
EE	3	2	0	3	0	0	5	0	0	0	3	0	0	0	0	0	0	1	0	1	0	2	0	2	2	1	0	0	7	0	1	0	33
¥	102	93	5	172	0	10	1003	574	1	28	122	68	14	0	39	3	7	275	0	7	37	0	2	104	201	18	0	3	1202	2	9	31	4150
DE	519	111	22	1017	2	23	8918	559	3	65	114	759	30	5	414	8	1	301	9	32	92	30	7	560	319	132	1	14	1429	6	16	159	16327
Ŋ	35	24	1	23	0	240	88	2	4	4	19	58	0	0	11	1	1	11	0	3	1	2	1	15	13	30	1	2	16	0	13	8	598 16327 4150
Շ	18	7	2.1	6	19	0	67	11	0	2	8	39	10	0	13	0	0	19	0	0	0	0	4	12	21	5	0	5	89	1	1	35	
5	823	374	13	1823	0	11	3721	388	1	93	106	919	11	14	242	12	3	1056	15	56	191	17	11	300	528	31	3	10	933	8	31	133	1514
BG	506	36	89	65	0	1	640	32	0	0	17	32	121	71	532	0	1	33 1	0	0	1	0	1	24	23	0	0	19	95	1	0	17	1854 1
BE	217	9384	19	485	1	10	4717	174	2	83	86	1317	19	1	198	3	2	925	6	15	171	5	5	949	121	108	8	5	593	7	20	305	9673
ΤΑ	2242	243	22	498	1	37	2384	205	0	28	49	729	54	04	1253	9	1	951	7	39	51	56	2	129	185	204	2	25	514	10	98	187	10579 19673 1854 11514 416
HIT countries Sender	AT	BE	BG	Н	CY	CZ	DE	DK	EE	ES	FI	FR	GR	HR	H	IE	SI	±		LT	ΓN	LV	MT	NL	ON	PL	PT	RO	SE	SI	SK	UK	Total

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# Table IV - Hit repartition — Category 1 against category 2 - 2013

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Hit repartition - CAT 1 against CAT 2

Table V — Category 1 hits against category 2 — data set (flows of persons apprehended in connection with the irregular border crossing who later decided to lodge an asylum claim)

	Total	Total Local	Foreign hits (total-local)	% local
AT	73	32	41	43.8%
BE	5	1	4	20.0%
BG	7262	4800	2462	66.1%
СН	0	0	0	
CY	2	2	0	100.0%
CZ	0	0	0	
DE	63	56	7	88.9%
DK	0	0	0	
EE	0	0	0	
ES	2321	593	1728	25.5%
FI	7	7	0	100.0%
FR	328	216	112	65.9%
GR	12240	1823	10417	14.9%
HR	5	2	3	40.0%
HU	890	234	656	26.3%
IE	0	0	0	
IS	0	0	0	
IT	24362	13765	10597	56.5%
LI	0	0	0	
LT	0	0	0	
LU	1	0	1	0.0%
LV	0	0	0	
MT	5	1	4	20.0%
NL	5	1	4	20.0%
NO	16	7	9	43.8%
PL	8	5	3	62.5%
PT	0	0	0	
RO	105	51	54	48.6%
SE	0	0	0	
SI	11	3	8	27.3%
SK	54	29	25	53.7%
UK	53	43	10	81.1%

# Table VI – *Hit repartition – Category 3 against category 1 -* 2013

Total Local ž š S SE 2 Ь ٦ 9 ¥ Ξ > 3 5 = ╘ 2 ш ₹ 뚲 GR 꼾 ES Ш ద Ы CZ Շ 핑 BG BE

Hit repartition - CAT 3 against CAT 1

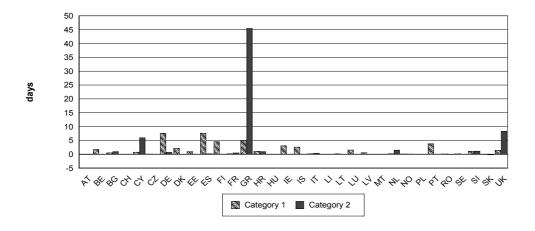
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Table VII – Category 3 against category 1 – data set (flows of persons apprehended when illegally present in another Member States from the one in which they claimed asylum)

	Local	Total	Total minus local
AT	1116	4135	3019
BE	2697	4952	2255
BG	580	931	351
СН	4144	8824	<b>468</b> o
CY	31	31	0
CZ	101	382	281
DE	1798	19800	18002
DK	271	1526	1255
EE	0	11	11
ES	42	820	778
FI	58	181	123
FR	361	3032	2671
GR	1099	1431	332
HR	0	0	0
HU	550	1163	613
IE	0	0	0
IS	3	28	25
IT	302	877	575
LI	0	3	3
LT	7	103	96
LU	42	262	220
LV	0	73	73
MT	0	13	13
NL	1763	4945	3182
NO	1923	5591	3668
PL	197	417	220
PT	0	37	37
RO	37	44	7
SE	91	261	170
SI	53	233	180
SK	62	230	168
UK	896	1788	892
Total	18224	62124	43900

Graph VIII - Average time in days between the date of taking the fingerprints and their sending to the Eurodac Central Unit





# Table IX – Distribution of category 1/category 1 hits in wrong sense because of a delay when sending category 1 data

Distribution of CAT1-CAT1 HIT in wrong sense

	AT	BE	CH	CZ	DE	DK	ES	FI	FR	HR	HU	IT	LU	NL	NO	PL	PT	RO	SE	Total
AT	0	0	0	0	0	0	0	0	0	0	37	0	0	0	0	0	0	0	0	37
BE	2	0	0	1	2	1	1	0	7	0	2	4	0	1	0	2	2	3	1	29
CH	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
DE	0	2	5	0	0	2	0	0	0	0	63	1	0	3	4	4	0	0	17	101
DK	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	7	10
ES	0	0	1	0	2	0	0	0	0	0	0	0	1	2	0	0	0	0	1	7
FI	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
GR	0	0	0	0	2	0	0	1	1	0	2	0	0	2	0	0	0	0	0	8
HR	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
HU	37	1	3	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	44
IT	0	0	0	0	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	4
LU	0	2	0	0	0	2	0	2	0	0	0	0	0	0	2	0	0	0	4	12
NL	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
PL	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
SE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Total	40	5	10	1	6	6	1	6	11	1	109	5	1	8	7	6	2	3	30	258

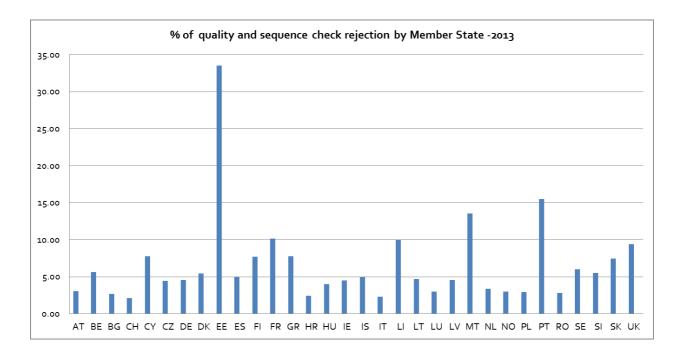
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# Table X — Distribution of category 1/category 2 hits missed because of a delay when sending category 2 data

# Distribution of CAT1/CAT2 HIT missed because a delay when sending the CAT2

	AT	BE	CH	DE	DK	FI	FR	HU	IT	NL	NO	SE	UK	Total
ES	0	0	0	0	0	0	2	0	0	0	0	0	0	2
FR	0	0	0	0	0	0	0	0	0	0	0	0	1	1
GR	13	5	7	37	6	1	3	6	3	10	14	93	4	202
PL	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Total	13	5	7	37	6	1	5	6	3	10	14	93	6	206

# Graph XI — Quality and sequence check rejection rate in insertions of category 1 and category 2 data — 2013

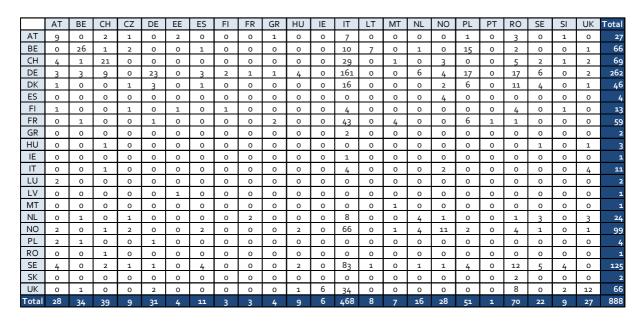


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## Table XII – Distribution of hits against blocked cases

Distribution of hits against blocked cases (art.12 of the EC Regulation 2725/2000) - 2013



## Table XIII - Count of category 9 special searches per Member State in 2013

#### Count of category 9 per Member State in 2013

	JAN	FEB	MAR	APR	MAI	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
BE	1		1							1			3
BG			1										1
DE							1	1	1				3
DK							2			1			3
FI								1					1
FR	2	3	2	5	1	5	8		6	1		1	34
HR											1		1
LI				1									1
LU				1									1
UK							1						1
Total	3	3	4	7	1	5	12	2	7	3	1	1	49

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## Table XIV – Data sets erased per Member State by year

#### Data sets erased per Member State by year

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	<b>TOTAL</b>
AT	127	176	56	179	61	136	138	190	293	372	576	2304
BE	42	20	710	33	1726	54	55	56	10	39	3804	6549
BG	0	0	0	0	56	73	28	30	77	149	315	728
CH	0	0	0	0	0	0	117	141	242	287	206	993
CY	0	34	4	4	5	2	0	11	22	19	14	115
CZ	0	84	36	11	14	11	3	7	10	2	76	254
DE	1015	248	262	72	178	197	154	339	628	1070	1335	5498
DK	0	0	0	32	45	114	44	109	1097	1398	593	3432
EE	0	2	0	3	0	0	0	3	0	0	0	8
ES	19	15	29	26	175	31	46	27	30	29	31	458
FI	21	69	57	55	60	148	350	198	279	471	746	2454
FR	155	411	401	590	485	399	311	329	349	377	517	4324
GR	42	20	18	64	219	309	343	268	161	1399	1407	4250
HR											50	50
HU	0	27	29	17	85	36	116	292	166	139	318	1225
IE	45	31	315	14	1346	68	97	150	325	214	1045	3650
IS	0	0	1	0	0	0	0	0	1	32	5	39
IT	36	32	5	14	100	145	55	25	258	35	2652	3357
LI	0	0	0	0	0	0	0	12	0	0	0	12
LT	0	9	0	3	1	0	8	0	3	1	4	29
LU	0	4	5	2	3	0	0	2	14	10	9	49
LV	0	3	0	1	2	1	8	0	0	0	0	15
MT	0	0	0	0	19	0	0	135	2639	437	188	3418
NL	65	29	42	100	460	346	521	610	1504	452	1207	5336
NO	65	49	29	41	10	26	661	70	43	41	4608	5643
PL	0	28	71	15	53	17	13	14	16	9	4	240
PT	0	0	3	5	14	1		4	5	2	1	35
RO	0	0	0	0	58	25	21	77	11	18	12	222
SE	198	176	148	530	725	2136	484	887	4795	9269	7222	26570
SI	0	0	0	0	0	2	1	1	5	2	25	36
SK	0	7	13	83	87	45	40	56	47	15	64	457
UK	735	185	225	160	1110	86	125	87	106	213	390	3422
TOTAL	2565	1659	2459	2054	7097	4408	3739	4130	13136	16501	27424	85172

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## Table XV – Data sets blocked per Member State by Year

#### Data sets blocked per Member State by year

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL
AT	150	826	1099	1348	1806	1102	1181	755	876	870	510	10523
BE	1		1		3590						8072	11664
BG	0	0	0	0	0	13						13
CH	0	0	0	0	0	0	212	831	2269	1130	1638	6080
CY	0	0	0	0	0	0	0	0	0	0	15	15
CZ	0	0	0	1	1	164	167	34		14	136	5 <del>1</del> 7
DE	388	880	669	721	1182	1938	3622	2950	2829	5217	1118	21514
DK	0	0	0	0	0	0	0	1		0		1
EE	0	0	0	0	1	4	3		13	14	1	36
ES	0	18	69	56	1	177	86	41	106			554
FI	0	0	0	12	50	75	76	130	85	378	357	1163
FR	0	0	0	0	0	1	0	0	0	0	4417	4418
GR	0	0	0	0	0	0	0	0	0	0	76	<del>7</del> 6
HR											0	o
HU		20	49	36	121	85	12					323
IE	29	449	848	530	164	302	111	94	94	83	157	2861
IS	0	0	0	0	0	0	0	0	0	0		0
IT	0	0	0	0	335	367	179	509	416	732	627	3165
LI	0	0	0	0	0	0	0	0	0	0		0
LT	0	0	1	5	10	11	7	1	5	7	10	57
LU	0	18			1	0	2	0	0	0	3	24
LV	0	0	0	0	1	0	0	0	0	0		1
MT	0	0	0	0	0	0	0	0	0	1	71	72
NL	2	0	0	0	2302	1031	288	547	2398	1378	1187	9133
NO	0	0	0	0	2	7	0	0	0	0	16640	16649
PL	0	5	75	186	38	36	11	29	56	9	91	536
PT	0	0	0	0	1				39	0		40
RO	0	0	0	0	86	73	43	65	53	105	209	634
SE	34	382	311	528		904	52	131	2	4526	17837	24707
SI	0	0	0	0	343	0	0	33	0	0	91	467
SK	0	0	0	1	0	0	0	0	0	0	59	60
UK	0	809	1682	1628	2392	3460	4359	14556	4384	2109	2691	38070
TOTAL	604	3407	4804	5052	12427	9750	10411	20707	13625	16573	56013	153373

## Annual report on the 2013 activities of EURODAC\*

May 2014

eu-LISA •European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

#### **EURODAC**

EURODAC is the European Dactyloscopy (fingerprints) database. It helps to determine the country responsible for examining applications for asylum and for looking after asylum seekers. The countries using the system are the EU Member States together with Iceland, Liechtenstein, Norway and Switzerland.

Since its creation in 2003, EURODAC has been used for asylum purposes only. In 2015 following the new EURODAC Recast Regulation (No 603/2013) national police forces and Europol will have access to the system. This will take place under strictly controlled circumstances and only for the purposes of prevention, detection and investigation of serious crimes and terrorism.

#### eu-LISA role

eu-LISA took over the daily operational management of EURODAC on 1 June 2013 after a successful handover from the European Commission.



The transition of management responsibilities was delivered on time and with no interruption or degradation of the service levels and availability of the system to participating countries .

Planning activities for a significant evolution of the system were started in 2013 in order to implement the functional changes in the system foreseen in the Recast EURODAC Regulation. The obligation of regularly reporting to the European Parliament, European Council and the European Commission on the activities of the Central Unit is foreseen in:

- The system's legal basis, Article 24(1) EURODAC Regulation (EC) No 2725/2000
- The Agency's founding Regulation, Article 12(1)(u) eu-LISA Regulation (EU) No 1077/2011

#### The Report

The Annual Report 2013, is the first annual report prepared by eu-LISA but the eleventh annual report on the activities of the EURODAC Central Unit. Reports were previously drafted by the European Commission.

The report includes information on the management and the performance of the system in 2013. It assesses the output and the cost-effectiveness of EURODAC, the quality of its Central Unit's service and presents statistics regarding system usage.

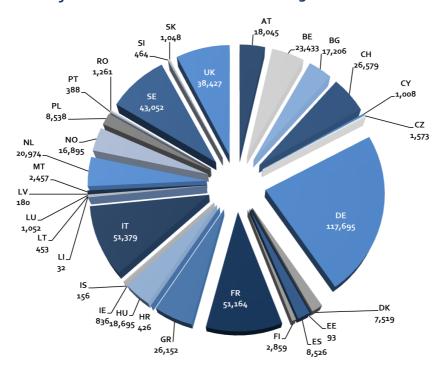
The report touches upon the results and actions taken by participating countries following a questionnaire launched by the European Commission in summer 2013 to investigate the application of the current EURODAC Regulation.

#### Figures and finding

In 2013 the EURODAC Central Unit received a total of 508,565 successful transaction requests. This represents an increase of 23.7% on the data from 2012 (when the total was 411,235). The overall availability of the system observed in 2013 was 99.99%.

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#### Total successful transactions in EURODAC in 2013



EURODAC processes (stores and/or allows comparison of) three categories of data. Category 1 data refers to fingerprints of every applicant for asylum who is at least 14 years old. Category 2 data refers to fingerprints of every alien of at least 14 years of age who is apprehended when irregular crossing the external border of a participating country. Category 3 data refers to fingerprints that a participating country may transmit to Eurodac with a view to checking whether an alien of at least 14 years of age, found illegally present within its territory, has previously lodged an application for asylum in another country.

- Hits generated from comparison of Category 1 data already stored against new Category 1 data indicates cases where a person applies for asylum more than once. From a total of 354,276 asylum applications recorded in EURODAC in 2013, 29.2% were recorded as multiple asylum applications (second or more applications). The percentage of multiple asylum applications is increasing over the last three years.
- A total of 26,145 foreign hits, identifying cases of persons apprehended in connection with an irregular border crossing who later decide to lodge an asylum claim in another participating country, were observed in 2013. This represents 54.7% of the total hits triggered when comparing category 1 data against category 2 data. A slight decrease is observed compared to 2012.
- Of the 106,013 category 3 transactions made, 62,124 (58.6% of the total) yielded hits against category 1 data. This means that more than half of the irregular migrants who were apprehended when illegally present in a participating country were found via a Eurodac search to have previously claimed asylum.

The rejection rate for fingerprints - caused by low quality or a sequence check error - was **5.49%**, a slight improvement compared to the previous year.

#### **About the Agency**

eu-LISA, with its seat in Tallinn, fulfils the operational management tasks for the second generation Schengen Information System (SIS II), Visa Information System (VIS) and EURODAC. The Agency started its operations on 1 December 2012. The headquarters of the Agency is in Tallinn (Estonia), while the operational management of the large-scale systems is carried out in Strasbourg (France) with a backup site in Sankt Johann im Pongau (Austria). www.eulisa.europa.eu

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<sup>\*</sup> This document is meant purely as a documentation tool and it highlights key points in the accompanying "Annual report on the 2013 activities of EURODAC"