

EURODAC:

Progress Report to Ministers by the ad hoc Group on immigration

Introduction

16. EURODAC - Progress report to Ministers by the Ad Hoc Group on Immigration (SN 4683/92 WGI 1271, dated 16 November 1992). An early report on the feasibility of establishing an automated fingerprint recognition system for asylum applicants to detect concurrent and consecutive applications in the member states, now well on the way to implementation.

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Progress Report to Ministers by the ad hoc Group on immigration

1. At its meeting on 12 and 13 November 1992, the ad hoc Group on immigration finalized the progress Report of the feasibility of establishing an automated fingerprint recognition system for asylum applicants (EURODAC).
2. The ad hoc Group suggests that the Ministers with responsibility for immigration note progress with this work.

EURODAC

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Introduction

Immigration Ministers meeting in the Hague in December 1991 agreed that a study should be undertaken of the feasibility of establishing amongst the Member States an automated fingerprint recognition system for asylum applicants in order to assist in deterring and detecting those applicants making multiple applications in different Member States and to assist in the operation of the Dublin Convention. This report informs Ministers of progress- on this work; recommends that the next stage should be the engagement of consultants to undertake a user requirement; and summarises a number of legal issues on which further work will be required.

Feasibility Study

1. The feasibility study was undertaken by fingerprint experts from the Netherlands, Portugal and United Kingdom. This study was not

the subject of consensus between the Member States but it allowed the main issues and options to be identified. It made the following observations:

- (i) It noted that technology is already in existence capable of meeting in principle the technical requirements for EURODAC.
- (ii) It concluded there are four principal architectural options ranging from a highly centralized system at one extreme to one which is fully localized at the other.
- (iii) It concluded that there are no technical barriers to the storage and transmission of fingerprint images, which may be done on paper or electronically, with a further option to live scan recording.
- (iv) it identified the associated data options and made some suggestions for additional information which needed to be stored.
- (v) It sought to identify the performance standards to be required of the system based on accuracy and speed requirements set by the users.
- (vi) It described options for conversion of existing records and noted that financial considerations may weight on the final choice of option.

User Requirement

- 2. The ad hoc Group considers that, given the feasibility of the proposal at a technical level, the next step must be to produce a comprehensive user requirement. This will require detailed consultation with all Member States to establish exactly the individual needs and requirements of all potential users of the system, which will affect the eventual technical options chosen.
- 3. The production of a user requirement is a highly specialized task and the ad hoc Group considers that the work could most satisfactorily be undertaken by independent expert consultants. It is estimated that the basic cost of the consultancy will be ECU 109 000 (= £85 000) plus travel expenses. The terms of reference of this consultancy should be discussed further in the Asylum Sub-Group. It is important that the question of this study should be resolved as soon as possible.
- 4. it is estimated that the user requirement will require some six months to complete. Subject to satisfactory progress the next stage would be the drafting of detailed technical specifications, a process which would take a further six months, before commercial tenders could be sought.

Other-interests

- 5. Ministers will wish to note the interest in "EURODAC" by non-Community States. In particular Switzerland has expressed an interest in joining in the proposed system. The ad hoc Group considers that involvement of other countries in "EURODAC" should inter alia be contingent upon their accession to a Convention parallel to the Dublin Convention. The ad hoc Group is convinced that there can be no question of a linking between EURODAC and the European Information System (EIS).

Legal issues

6. There are, inter alia, a number of legal issues which will require further consideration. These are:
- (i) Does Article 15 of the Dublin Convention provide a sufficient legal basis for EURODAC or is there a need for additional legal bases;
 - (ii) The nature of the legal instrument leading to the establishment of EURODAC;
 - (iii) What specific data protection measures - if any - would be needed to accompany the system;
 - (iv) The legal basis and consequences arising from the identification of two similar sets of fingerprints;
 - (v) Advice on how any existing systems in individual States could be legally incorporated in "EURODAC";
 - (vi) The examination of lists of data which may be recorded at the same time as a fingerprint.

Conclusions

7. Ministers are therefore invited to note progress with this work.