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EUROPEAN UNION
THE COUNCIL

Brussels, 2 June 1994 (06.06)
(OR. f)

7057/1/94

REV 1
RESTREINT

ASIM 100
CK4 45

NOTE

from: Article K.4 Committee

to : Permanent Representatives Committee

Subject: Eurodac

– Report on the selection of a consultant

1. Proceedings have continued for the selection of a consultant to study Eurodac users' needs and requirements, as instructed by the Ministers ([1]).

2. In that context the Article K.4 Committee instructed the ad hoc Working Party on Eurodac to consider the possibility of short-listing the three or four best tenders by the consultants competing for selection to carry out the study.

3. The ad hoc Working Party on Eurodac accordingly met on 4 May 1994. Of the eleven tenders, the Working Party focused on four which, from the objective information available, might be classed as the most attractive.

([1]) Conclusions of the Ministers with responsibility for immigration, meeting on 30 November and 1 December 1992 [WGI 1284 REV 2].

4. Those consultants were as follows:

- Andersen Consulting;
- Bossard Consultants, Team Consult and Organotecnica;
- Trasys;
- Cegos, Berenschot.

5. The ad hoc Working Party was unable to establish common ground on all points. It therefore submitted the matter as it stood to Steering Group 1.

6. At its meeting on 16 and 17 May 1994 Steering Group I assessed the potential consultants in the light of the selection criteria in 6027/94 ASIM 69 CK4 32. The criteria are as laid down in Belgian law and in particular those applicable under Article 14 of the Law of 14 July 1976 on public works, supply and service contracts.

7. Steering Group I:

- found that the most advantageous of all the tenders submitted was that of the consortium Bossard Consultants, Team Consult and Organotecnica;

- noted that the Belgian State would conclude the contract on the basis of the terms of reference in Annex II, which were approved on 1 and 2 June 1993 ([1]).

The Presidency also proposed that the Council approve the draft statement in Annex I for the minutes with regard to the financing of expenditure entailed by the contract.

8. At its meeting on 31 May and 1 June 1994 the Article K.4 Committee agreed to the approach described in 7 above.

([1]) WGI 1509 REV 2, page 3. Conclusions of the Ministers with responsibility for immigration, meeting on 1 and 2 June 1993.

At that meeting the Belgian delegation pointed to the importance of drawing up the reasoning for the consultant's selection before the Council took any decision on the subject.

9. The Article K.4 Committee therefore proposes that the Permanent Representatives Committee ask the Council to confirm the agreement reached and to enter in its minutes the statement set out in Annex I.

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DRAFT STATEMENT FOR THE COUNCIL MINUTES

The Council noted that expenditure entailed by the study of the development of the Eurodac system for recording asylum-seekers' fingerprints under the contract to be concluded by the Belgian State would be charged to the Member States.

It agreed to use the following scale of apportionment for the purpose:

Member State	1993 GNP scale ([1])	Apportionment of costs by Member State ([2])
BELGIUM	2,99	3 850,4
DENMARK	1,91	2 459,7
GERMANY	27,01	34 782,1
GREECE	1,16	1 493,8
SPAIN	8,53	10 984,5
FRANCE	18,56	23 900,6
IRELAND	0,60	772,6
ITALY	17,80	22 921,9
LUXEMBOURG	0,19	244,7
NETHERLANDS	4,40	5 666,1
PORTUGAL	1,25	1 609,7
UNITED KINGDOM	15,60	20 088,9
TOTAL	100,00	ECU 128 775,0

([1]) %.
([2]) Based on the estimate in WGI 1271.

DRAFT

terms of reference for the outside consultant to be called in
for the further development of the Eurodac
fingerprinting system for asylum applicants

1. For the purposes of detecting fraudulent or multiple asylum applications, it is planned to introduce a European automatic fingerprint recognition system. Asylum applicants' fingerprints would be taken by the relevant national authorities of the country in which the application was submitted for checking against asylum applicants' fingerprints taken in other Member States of the Community. On the basis of a decision by the Ministers with responsibility for immigration, the ad hoc Group on Immigration has been considering since December 1991 possible arrangements for setting up a common fingerprinting system for asylum applicants.

2. The first stage of proceedings was a feasibility study, which produced a detailed report, submitted in its final form in August 1992 (WGI 1133 REV 1). The technical analysis behind the report was carried out by fingerprint specialists from the Netherlands, Portugal and the United Kingdom.

3. On the basis of the findings of the feasibility study, a progress report submitted to Ministers in November 1992 (WGI 1271) stated in particular that:

   – technology was already in existence capable of meeting, in principle, the technical requirements for Eurodac;

- there were four principal architectural options, ranging from a highly centralized system to one which was fully localized;

- there were no technical barriers to the storage and transmission of fingerprint images, which could be done on paper or electronically, with a further option of live-scan recording.

While identifying the appropriate data-processing options, the feasibility study puts forward proposals for additional information needing to be recorded. The report emerging from the feasibility study endeavours to determine the specifications to be demanded of the system on the basis of accuracy and speed requirements set by the groups. In addition, the report outlines options for conversion of existing records, while pointing out that economic considerations might be decisive in the final choice of options.

Background to the consultant's brief

4. Meeting on 30 November and 1 December 1992, Member States' Ministers with responsibility for immigration took note of the progress report in WGI 1271 and asked the ad hoc Group to expedite consideration of the matter. It is therefore necessary to assess user requirements. This will involve consulting all Member States in order to identify the requirements and needs of all potential users of the system. The determining of user requirements will of necessity have a bearing on the technical options eventually chosen.

5. On the grounds that establishing a set of user requirements is a highly specialized task, it was agreed that the best course would be to entrust the task to an outside consultant shown to possess considerable relevant expertise.

6. According to estimates, establishing the set of user requirements would take about six months. Those user requirements, which will then be compared with the predetermined options, are to serve immediately as a basis for the following stage, viz. preparation of detailed technical specifications.

The various tasks for the consultant

7. The consultant is to carry out the following tasks:

(a) identification of the requirements and needs of each of the system's potential users. The intention is that, in co-operation with Member States' duly authorized representatives, the consultant will take account of existing systems and any constraints under them;

(b) then, on the basis of the options for implementing the system set out in WGI 1133 REV 1, the consultant is to determine whether the various options fulfil the requirements set by users and, if so, to what extent. Since the list given in WGI 1133 REV 1 is not exhaustive, other possible combinations will have to be considered;

(c) the consultant is to draw up an estimate of investment and operating requirements for each of the options included in the study;

(d) he is to state, if possible, which of the options meets users' requirements at lowest cost;

(e) in addition, the consultant is to draw up a general implementation plan covering the resources required and the time scale for activities.

8. Following detailed analysis of these points, the consultant is to submit, by ..... ([1]), a report on the study including a brief narrative description of users' requirements, together with findings and views (see 7 above). Note that the description of user requirements should address in detail, inter alia, the following technical questions:

- the scope and purpose of the system;
- requirements regarding security and access control;
- requirements regarding data protection, verification and control;
- requirements regarding communication;
- requirements regarding entry, updating and deletion of data;
- requirements regarding retrieval;
- requirements regarding capacity and performance;
- requirements regarding storage;
- requirements regarding conversion of existing files;
- requirements regarding location/premises.

9. On the basis of his study and his report in writing, the consultant will report to the Subgroup on Asylum and the ad hoc Group on Immigration.

10. By ..... ([2]), the consultant is to draw up a programme for carrying out the study. The programme will include a mid-term review by the Eurodac Group. The consultant will also have to consider the possibility of amending the programme following that review.

([1]) The consultant will have six months to carry out the study. The precise time limit will be set in the light of the date of conclusion of the contract between the Belgian State and the consultant.

([2]) It is proposed that this deadline to be set by the Belgian State should fall one month after conclusion of the contract.