

Council Regulation (EC) No 343/2003 of 18 February 2003  
establishing the criteria and mechanisms for determining the Member  
State responsible for examining an asylum application lodged in  
one of the Member States by a third-country national (repealed)

CHAPTER VI

ADMINISTRATIVE COOPERATION

*Article 21*

- 1 Each Member State shall communicate to any Member State that so requests such personal data concerning the asylum seeker as is appropriate, relevant and non-excessive for:
  - a the determination of the Member State responsible for examining the application for asylum;
  - b examining the application for asylum;
  - c implementing any obligation arising under this Regulation.
- 2 The information referred to in paragraph 1 may only cover:
  - a personal details of the applicant, and, where appropriate, the members of his family (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth);
  - b identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);
  - c other information necessary for establishing the identity of the applicant, including fingerprints processed in accordance with Regulation (EC) No 2725/2000;
  - d places of residence and routes travelled;
  - e residence documents or visas issued by a Member State;
  - f the place where the application was lodged;
  - g the date any previous application for asylum was lodged, the date the present application was lodged, the stage reached in the proceedings and the decision taken, if any.
- 3 Furthermore, provided it is necessary for the examination of the application for asylum, the Member State responsible may request another Member State to let it know on what grounds the asylum seeker bases his application and, where applicable, the grounds for any decisions taken concerning the applicant. The Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm the essential interests of the Member State or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for asylum.
- 4 Any request for information shall set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means asylum seekers enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. It is understood that such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to the individual asylum seeker.

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*Status: Point in time view as at 04/12/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 343/2003 (repealed), CHAPTER VI. (See end of Document for details)*

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5 The requested Member State shall be obliged to reply within six weeks.

6 The exchange of information shall be effected at the request of a Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission, which shall inform the other Member States thereof.

7 The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with:

- a the determination of the Member State responsible for examining the application for asylum;
- b examining the application for asylum;
- c implementing any obligation arising under this Regulation.

8 The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that that Member State has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall be obliged to correct such information or to have it erased.

9 The asylum seeker shall have the right to be informed, on request, of any data that is processed concerning him.

If he finds that this information has been processed in breach of this Regulation or of Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(1)</sup>, in particular because it is incomplete or inaccurate, he is entitled to have it corrected, erased or blocked.

The authority correcting, erasing or blocking the data shall inform, as appropriate, the Member State transmitting or receiving the information.

10 In each Member State concerned, a record shall be kept, in the individual file for the person concerned and/or in a register, of the transmission and receipt of information exchanged.

11 The data exchanged shall be kept for a period not exceeding that which is necessary for the purposes for which it is exchanged.

12 Where the data is not processed automatically or is not contained, or intended to be entered, in a file, each Member State should take appropriate measures to ensure compliance with this Article through effective checks.

## *Article 22*

1 Member States shall notify the Commission of the authorities responsible for fulfilling the obligations arising under this Regulation and shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information, requests to take charge of and requests to take back asylum seekers.

2 Rules relating to the establishment of secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting requests and ensuring that senders automatically receive an electronic proof of delivery shall be established in accordance with the procedure referred to in Article 27(2).

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 343/2003 (repealed), CHAPTER VI. (See end of Document for details)*

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### *Article 23*

1 Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details of the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to:

- a exchanges of liaison officers;
- b simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back asylum seekers;

2 The arrangements referred to in paragraph 1 shall be communicated to the Commission. The Commission shall verify that the arrangements referred to in paragraph 1(b) do not infringe this Regulation.

**Status:** Point in time view as at 04/12/2008.

**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 343/2003 (repealed), CHAPTER VI. (See end of Document for details)

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- (1) [OJ L 281, 23.11.1995, p. 31.](#)

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