

# **EC/Iceland/Norway Agreement: criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes. Protocol**

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**PURPOSE:** to conclude the Protocol between the European Union, Iceland and Norway to the Agreement between the European Community, Iceland, and Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes.

**PROPOSED ACT:** Council Decision.

**ROLE OF THE EUROPEAN PARLIAMENT:** the Council can adopt the act only if the European Parliament has approved it.

**BACKGROUND:** on 19 January 2001, the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway was concluded.

On 14 May 2014, Denmark, Switzerland, Liechtenstein, Norway and Iceland confirmed their interest in entering into negotiations with the European Union to extend the law enforcement provisions of the Regulation (EU) No. 603/2013 to them via an international agreement. Regulation (EU) No. 603/2013 (which recasts Regulation No 2725/2000) allows for the consultation of Eurodac by law enforcement authorities for the purpose of prevention, detection and investigation of terrorist offences and other serious criminal offences.

The negotiations have been finalised and an Agreement in the form of a Protocol to the Agreement of 19 January 2001, extending the application of the Agreement of 19 January 2001 to law enforcement was initialled.

In order to support and strengthen police cooperation between the competent authorities of the Member States and those of Norway and Iceland for the purpose of prevention, detection and investigation of terrorist offences and other serious criminal offences, the involvement of the EU is required to enable Norway and Iceland to participate in the law-enforcement-related aspects of Eurodac. The Protocol should now be approved on behalf of the European Union.

**CONTENT:** the Commission proposes that the Council decide to approve, on behalf of the Union, the Protocol between the European Union, Iceland and Norway to the Agreement between the European Community, Iceland, and Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes.

The extension to Iceland and Norway of the application of the provisions governing access for law enforcement purposes to Regulation (EU) No 603/2013 will

- enable the law enforcement authorities of Iceland and Norway to request a comparison of fingerprint data against the data entered by other participating States and stored in the Eurodac database when they seek to establish the identity or get further information concerning a person who is suspected of a serious crime or terrorism or concerning a victim;

- enable the law enforcement authorities of all other participating States, whether other EU Member States or Associates Countries, to request a comparison of fingerprint data against the data entered by Iceland and Norway and stored in the Eurodac database, for the same purposes.

The objective of the Protocol is to establish legally binding rights and obligations to ensure the effective participation of Iceland and Norway in the law enforcement elements of the Regulation (EU) No. 603 /2013. The Protocol establishes that all participating States, whether other EU Member States, Associates Countries or Iceland and Norway, with access to Eurodac, may also access each other's data for law enforcement purposes. It guarantees that the current EU level of protection of personal data is applicable to the processing of personal data pursuant to the Protocol by the authorities of Iceland and Norway and of the Member States.