

# **EC/Switzerland/Liechtenstein Agreement on establishing the State responsible for examining a request for asylum: access to Eurodac. Protocol**

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

**PROPOSED ACT:** Council Decision.

**ROLE OF THE EUROPEAN PARLIAMENT:** Council may adopt the act only if Parliament has given its consent to the act.

**BACKGROUND:** in accordance with the a Decision, the Protocol between the European Union, Switzerland and Liechtenstein to the Agreement between the European Community and Switzerland concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding the access to Eurodac for law enforcement purposes was signed, subject to its conclusion at a later date.

In order to support and strengthen police cooperation between the competent authorities of the Member States and those of Switzerland and Liechtenstein for the purpose of prevention, detection and investigation of terrorist offences and other serious criminal offences, the involvement of the European Union is required to enable Switzerland and Liechtenstein to participate in the law-enforcement-related aspects of Eurodac.

It is now necessary to approve this Protocol on behalf of the European Union.

**CONTENT:** the objective of the present Protocol is to establish legally binding rights and obligations to ensure the effective participation of Switzerland and Liechtenstein in the law enforcement elements of the [Regulation \(EU\) No. 603/2013](#) 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.

More specifically, the Protocol:

- establishes that all participating States, whether other EU Member States, Associates Countries or Switzerland and Liechtenstein, with access to Eurodac, may also access each other's data for law enforcement purposes;
- establishes the application of Regulation (EU) No 603/2013 to Switzerland and Liechtenstein regarding access to Eurodac for law enforcement purposes. Therefore, it enables the designated law enforcement authorities of the other participating States and Europol to request a comparison of fingerprint data against the data transmitted to the Eurodac Central System by Switzerland and Liechtenstein. It also enables the

designated law enforcement authorities of Switzerland and Liechtenstein to request a comparison of fingerprint data against the data transmitted to the Eurodac Central System by the other participating States;

- 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 Switzerland and Liechtenstein and of the Member States;

- conditions the access to Eurodac for law enforcement purposes by Switzerland and Liechtenstein by prior legal and technical implementation of Decision 2008/615/JHA with regard to dactyloscopic data.