EC/Denmark Agreement on the establishment of the State responsible for examining a request for asylum and 'Eurodac' for the comparison of fingerprints for law enforcement purposes. Protocol

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PURPOSE: to conclude a Protocol to the Agreement between the European Community and Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention extending that agreement to law enforcement.

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 8 March 2006, the Agreement between the European Community and Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention was concluded.

On 14 May 2014, Denmark and the Associate Countries 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 through 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 8 March 2006, extending the application of the Agreement of 8 March 2006 to law enforcement was initialled.

In order to support and strengthen police cooperation between the competent authorities of the Member States and those of Denmark 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 Denmark 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 approve the Protocol to the Agreement between the European Community and Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention extending that agreement to law enforcement.

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

- enable Denmark’s law enforcement authorities 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 Denmark 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 Denmark’s effective participation 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 Denmark, 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 Denmark and of the Member States.