

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

2018/0418(NLE) - 13/11/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jadwiga WINIEWSKA (ECR, PL) on the draft Council decision on the conclusion of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation 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 access to Eurodac for law enforcement purposes.

The committee recommended that the European Parliament give its consent to conclusion of the agreement.

The 'recast' Eurodac Regulation (Regulation (EU) No. 603/2013) allowed 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.

Since 2004, the Agreement between the European Community and the 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 also covers the application of the 'Dublin-related' parts of Eurodac. This is also the case for Liechtenstein since 2008.

However, law enforcement access, which was a new element of the 'recast' Eurodac Regulation compared to the original Eurodac regime (Council Regulation (EC) No 2725/2000) has not been regulated so far by the said Agreement.

Therefore, Members called on the European Parliament to give its consent to the extension of the law enforcement provisions of the Regulation (EU) No. 603/2013 to Switzerland and Liechtenstein which would enable the law enforcement authorities of Switzerland and Liechtenstein 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.