

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

2018/0418(NLE) - 04/02/2020 - Final act

PURPOSE: to enable Switzerland and Liechtenstein to participate in the law enforcement components of Eurodac in order to strengthen police cooperation between the competent authorities of the Member States and those of Switzerland and Liechtenstein for the purpose of the prevention, detection and investigation of terrorist offences and other serious criminal offences.

NON-LEGISLATIVE ACT: Council Decision (EU) 2020/142 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.

CONTENT: the Council decided to approve, on behalf of the Union, 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 concerning access to Eurodac for law enforcement purposes is approved on behalf of the Union.

It is recalled that the Eurodac Regulation (recast) (EU Regulation 603/2013) allows law enforcement authorities to consult Eurodac for the purpose of the prevention, detection and investigation of terrorist offences and other serious criminal offences.

Since 2004, 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 also covered the application of the Dublin related parts of Eurodac. This has also been the case for Liechtenstein since 2008.

However, access for law enforcement purposes, which is a new element of the Eurodac Regulation (recast) compared to the original Eurodac system, is not currently regulated by the Eurodac Agreement.

The Protocol concluded between the Union and Switzerland and Liechtenstein shall enable Switzerland and Liechtenstein to participate in the law enforcement components of Eurodac and shall therefore allow the designated law enforcement authorities in Switzerland and Liechtenstein to request the comparison of fingerprint data with those transmitted to the Eurodac central system by the other participating States.

The application of Regulation (EU) No 603/2013 to Switzerland and Liechtenstein for law enforcement purposes shall also enable the designated law enforcement authorities of the other participating States and Europol to request the comparison of fingerprint data with those transmitted to the Eurodac Central System by Switzerland and Liechtenstein.

EU Member States, with the exception of Denmark, shall be considered participating States within the meaning of the Protocol. They shall apply the provisions of Regulation (EU) No 603/2013 on access for law enforcement purposes in their relations with Switzerland and Liechtenstein.

ENTRY INTO FORCE: 5.2.2020.