Asylum: agreement extending to Denmark the criteria for determining the state responsible for examining applications for asylum and establishment of the Eurodac system (Regulations (EC) No 343/2003 and (EC) No 2725 /2000)

2004/0205(CNS) - 17/09/2004 - Legislative proposal

PURPOSE : to conclude the Agreement between the EC and Denmark extending to Denmark the provisions of council Regulation 343/2003/EC and Council Regulation 2725/2000/EC.

PROPOSED ACT : Council Decision.

CONTENT : By Decision of 6 May 2003 the Council authorised the Commission to negotiate an

Agreement between the EC and Denmark extending to Denmark the provisions of Council Regulation 343 /2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, and Council Regulation 2725/2000/EC concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention.

The final contents of the Agreement can be summarised as follows:

- the Agreement consists of 11 articles in total. It also has an Annex, which forms an integral part of it;

- it makes the provisions determining the State responsible for examining applications for asylum lodged in Denmark or in another Member State by a third-country national applicable in Denmark;

- it makes the Court of Justice responsible for ensuring the uniform interpretation and validity of the provisions of the Agreement and the Regulations to which it refers;

- it confers on the Court of Justice jurisdiction to hear and determine questions referred for a preliminary ruling by the Danish courts regarding the interpretation of the provisions of the Agreement under the same arrangements as those applicable to the courts and tribunals of the other Member States;

- it confers on the Court of Justice jurisdiction to give a ruling, at Denmark's request, on questions concerning the interpretation of the provisions governed by the Agreement, under the same circumstances and with the same effects as in respect of the other Member States, the Council or the Commission on questions concerning the interpretation of the Regulations adopted pursuant to Article 63 TEC;

- the infringement procedures established by the TEC apply;

- under the Agreement Denmark is bound to accept any amendments to the Regulations to which it refers and their implementing measures;

- the Agreement regulates the mutual obligations of the contracting parties in cases where one contracting party wishes to conclude an international agreement which affects the provisions governed by the Agreement;

- the Agreement contains provisions obliging Denmark to make an annual contribution to the operational costs associated with the establishment and operation of the Central Unit of Eurodac based on its gross national product as a percentage of the overall gross national product of all the Member States;

- the recitals of the Agreement provide for the Dublin Convention to be replaced by the Agreement as regards relations between Denmark and the other Member States;

- the Agreement contains provisions concerning its termination.

The Council will act by qualified majority and the European Parliament will have to be consulted officially on the conclusion of the Agreement.