

Basic information**2018/0418(NLE)**

NLE - Non-legislative enactments

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

See also [2004/0200\(CNS\)](#)**Subject**

7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)

Geographical areaLiechtenstein
Switzerland

Procedure completed

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	WIŚNIEWSKA Jadwiga (ECR)	24/09/2019
		Shadow rapporteur METSOLA Roberta (EPP) SANTOS Isabel (S&D) VAUTMANS Hilde (Renew) BRICMONT Saskia (Greens/EFA) BJÖRK Malin (GUE/NGL)	
	Former committee responsible	Former rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	KING Julian	

Key events

Date	Event	Reference	Summary
13/12/2018	Preparatory document	COM(2018)0828 	
27/02/2019	Legislative proposal published	15783/2018	
15/07/2019	Committee referral announced in Parliament		
12/11/2019	Vote in committee		
13/11/2019	Committee report tabled for plenary, 1st reading/single reading	A9-0025/2019	Summary
17/12/2019	Decision by Parliament	T9-0088/2019	
17/12/2019	Results of vote in Parliament		
20/01/2020	Act adopted by Council after consultation of Parliament		
04/02/2020	Final act published in Official Journal		
20/02/2020	End of procedure in Parliament		

Technical information	
Procedure reference	2018/0418(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Amendments and repeals	See also 2004/0200(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 087-p2 Treaty on the Functioning of the European Union TFEU 88-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00410

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE642.874	14/10/2019	
Amendments tabled in committee		PE643.008	25/10/2019	
Committee report tabled for plenary, 1st reading/single reading		A9-0025/2019	13/11/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0088/2019	17/12/2019	
Council of the EU				
Document type	Reference	Date	Summary	
Document attached to the procedure	15781/2018	27/02/2019		

Legislative proposal	15783/2018	27/02/2019	
European Commission			
Document type	Reference	Date	Summary
Preparatory document	COM(2018)0828 	13/12/2018	Summary
Document attached to the procedure	COM(2018)0831 	13/12/2018	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 2020/0142 OJ L 032 04.02.2020, p. 0001	Summary

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

2018/0418(NLE) - 13/12/2018

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.

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.

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 WIŚNIEWSKA (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.