Basic information

2018/0423(NLE) NLE - Non-legislative enactments	Procedure completed
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 **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.30 Police, judicial and customs cooperation in general **Geographical area** Denmark	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CORRAO Ignazio (EFDD)	07/02/2019
	Shadow rapporteur METSOLA Roberta (PPE) BEŇOVÁ Monika (S&D) BJÖRK Malin (GUE/NGL) SARGENTINI Judith (Verts/ALE)	

Council of the European Union

Council configuration	Meetings	Date
Foreign Affairs	3688	2019-05-13

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
14/12/2018	Preparatory document	COM(2018)0835	
27/02/2019	Legislative proposal published	15822/2018	Summary

03/04/2019	Committee referral announced in Parliament		
11/04/2019	Vote in committee		
11/04/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0196/2019	Summary
17/04/2019	Decision by Parliament	T8-0394/2019	Summary
17/04/2019	Results of vote in Parliament		
13/05/2019	Act adopted by Council after consultation of Parliament		
13/05/2019	End of procedure in Parliament		
24/05/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0423(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 088-p2-a1 Treaty on the Functioning of the European Union TFEU 087-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/15224

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE634.718	20/02/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0196/2019	11/04/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0394/2019	17/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	15822/2018	27/02/2019	Summary
Document attached to the procedure	15823/2018	27/02/2019	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2018)0835	14/12/2018	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2019/0836 OJ L 138 24.05.2019, p. 0003	Summary

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

2018/0423(NLE) - 11/04/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Ignazio CORRAO (EFDD, IT) on the draft Council decision on the conclusion of the Protocol to the Agreement between the European Community and the Kingdom of 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 regarding access to Eurodac for law enforcement purposes.

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

It is recalled that on 8 March 2006, the Agreement between the European Community and the Kingdom of Denmark concerning the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged by a third-country national in Denmark or any other Member State of the European Union and the 'Eurodac' system for the comparison of fingerprints for the effective application of the Dublin Convention was concluded. However, access to Eurodac for law enforcement purposes does not fall within the scope of that agreement.

The negotiations on an agreement between the European Union and Denmark on the modalities of the participation by Denmark to the procedure for comparison and data transmission for law enforcement purposes foreseen in chapter VI of the ‘recast’ Eurodac Regulation (recast) (EU Regulation No 603/2013) have been finalised and an Agreement in the form of a Protocol to the abovementioned Agreement of 8 March 2006 was initialled.

The extension, in Denmark, of the application of the provisions governing access for law enforcement purposes of the Eurodac Regulation:

- it would enable the law enforcement authorities of Denmark 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;

- it would 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.

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

2018/0423(NLE) - 24/05/2019 - Final act

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/836 on the conclusion of the Protocol to the Agreement between the European Community and the Kingdom of 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 regarding access to Eurodac for law enforcement purposes.

CONTENT: the Council decided to approve, on behalf of the Union, the Protocol to the Agreement between the European Community and Denmark concerning the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged by a third-country national in Denmark or any other Member State of the European Union and the 'Eurodac' system for the comparison of fingerprints for the effective application of the Dublin Convention concerning access to Eurodac for law enforcement purposes.

The Protocol was signed on 27 March 2019, subject to its conclusion at a later date. It enables the extension to Denmark of the application of the provisions governing access for law enforcement purposes of the Eurodac Regulation (Regulation (EU) No 603/2013).

In concrete terms, the protocol:

- shall allow Danish law enforcement authorities to request the comparison of fingerprint data with those entered by other participating States and stored in the Eurodac database, when attempting to establish the identity of a terrorist suspect or a serious crime suspect, or a victim, or to obtain more information about that person;

- shall allow law enforcement authorities of all other participating States, whether other Member States of the Union or associated countries, to request the comparison of fingerprint data with those entered by Denmark and stored in the Eurodac database for the same purpose.

ENTRY INTO FORCE: 25.5.2019.

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

2018/0423(NLE) - 14/12/2018

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.

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

2018/0423(NLE) - 27/02/2019 - Legislative proposal

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

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 Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark does not take part in the adoption of Title V acquis and therefore does not participate in the Regulation (EU) No. 603/2013, which allows law enforcement authorities to consult Eurodac for the purpose of preventing, detecting and investigating terrorist offences and other serious criminal offences.

On 8 March 2006, the Agreement between the European Community and Denmark concerning the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged by a third-country national in Denmark or any other Member State of the European Union and the 'Eurodac' system for the comparison of fingerprints for the effective application of the Dublin Convention was concluded. However, access to Eurodac for law enforcement purposes does not fall within the scope of that agreement.

At a meeting on 14 May 2014 with representatives of the Commission, Denmark and the associated 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 via an international agreement.

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.

CONTENT: the draft Council Decision aims to approve, on behalf of the Union, the Protocol to the Agreement between the European Community and the Kingdom of 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 Protocol establishes the application of Regulation (EU) No 603/2013 to Denmark regarding access to Eurodac for law enforcement purposes.

The Protocol:

- 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 Denmark when trying to establish the identity of, or obtain more information on, a terrorist or serious crime suspect;;

- enables the designated law enforcement authorities of Denmark 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 Denmark and of the Member States;

- conditions the access to Eurodac for law enforcement purposes by Denmark by prior legal and technical implementation of Decision 2008/615/JHA with regard to dactyloscopic data.

The Protocol provides that the mechanisms regarding amendments provided for in the Agreement of 8 March 2006 should apply to all amendments regarding the access to Eurodac for law enforcement purposes.

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

2018/0423(NLE) - 27/02/2019 - Document attached to the procedure

Protocol to the Agreement between the European Community and the Kingdom of 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 regarding access to Eurodac for law enforcement purposes.

The objective of the present Protocol is to establish legally binding rights and obligations to ensure the effective participation of Denmark in the law enforcement elements of the Regulation (EU) No. 603/2013.

In concrete terms, the Protocol:

- 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 Denmark when trying to establish the identity of, or obtain more information on, a terrorist or serious crime suspect;

- enables the designated law enforcement authorities of Denmark 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 Denmark and of the Member States;

- conditions the access to Eurodac for law enforcement purposes by Denmark by prior legal and technical implementation of Decision 2008/615/JHA with regard to dactyloscopic data.

The Protocol provides that the mechanisms regarding amendments provided for in the Agreement of 8 March 2006 should apply to all amendments regarding the access to Eurodac for law enforcement purposes.

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

2018/0423(NLE) - 17/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 588 votes to 52, with 17 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Protocol to the Agreement between the European Community and the Kingdom of 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 regarding access to Eurodac for law enforcement purposes.

The European Parliament gave its consent to the conclusion of the protocol.