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European Union

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ENFOPOL 91
COMIX 116**

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Council decision on the signing, on behalf of the European Union, of a 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 the access to Eurodac for law enforcement purposes

Council decision on the signing, on behalf of the European Union, of a Protocol between the European Union, the Republic of Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes

Council decision on the signing, on behalf of the European Union, of a 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

- Adoption

Draft Council decision on the conclusion of a 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 the access to Eurodac for law enforcement purposes and its Annex

Draft Council decision on the conclusion of a Protocol between the European Union, the Republic of Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes and its Annex

Draft Council decision on the conclusion of a 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 and its Annex

- Request for the consent of the European Parliament

1. On 14 December 2015, the Council adopted a Decision authorising the Commission to open negotiations on agreements between the European Union, on the one part, and the Kingdom of Denmark, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, on the modalities of the participation by those States in Eurodac for law enforcement purposes (14035/15 EU RESTREINT). This Decision authorised the Commission to negotiate on behalf of the Union and gave the Commission the necessary negotiating directives for that purpose.
2. The negotiations have been finalised and draft Protocols to the existing Agreements with these countries on their participation in the Dublin and Eurodac Regulations of 2001 (Agreement with the Republic of Iceland and the Kingdom of Norway), 2004 (Agreement with the Swiss Confederation and the Principality of Liechtenstein), and 2006 (Agreement with the Kingdom of Denmark), extending the application of these Agreements to law enforcement, were initialled.
3. On 13 and 14 December 2018, the Commission submitted to the Council:
 - a proposal for a Council decision on the signing, on behalf of the European Union, of a 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 the access to Eurodac for law enforcement purposes (15638/18)
 - a proposal for a Council decision on the signing, on behalf of the European Union, of a Protocol between the European Union, the Republic of Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes (15658/18)

- a proposal for a Council decision on the signing, on behalf of the European Union, of a 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 (15680/18)
- a proposal for a Council decision on the conclusion of a 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 the access to Eurodac for law enforcement purposes, and its Annex (15626/18 + ADD 1)
- a proposal for a Council decision on the conclusion of a Protocol between the European Union, the Republic of Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes, and its Annex (15653/18 + ADD 1)

- a proposal for a Council decision on the conclusion of a 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, and its Annex (15676/18 + ADD 1).
4. The proposals for the Council decisions on the signing and conclusion of the abovementioned Protocols and their Annexes were examined by the JHA Counsellors at their meeting on 16 January 2019.
 5. In accordance with the provisions of the Treaty, the consent of the European Parliament is required before the Council adopts the Decisions on the conclusion of the Protocols.
 6. In the light of the above, COREPER is asked to confirm the agreement on the abovementioned Protocols setting out the modalities of the participation by the Swiss Confederation, the Principality of Liechtenstein, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Denmark in Eurodac for law enforcement purposes and invite the Council to:
 - adopt the Council Decisions on the signing, on behalf of the Union, of the Protocols as set out in documents 15779/18, 15793/18 and 15825/18 (texts finalised by the lawyer linguist experts);
 - decide to forward the draft Council Decisions on the conclusion of the Protocols, as set out in documents 15783/18, 15791/18 and 15822/18, as well as the texts of the Protocols as set out in documents 15781/18, 15792/18 and 15823/18 (texts finalised by the lawyer linguist experts), to the European Parliament for its consent.