



Council of the
European Union

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15783/18

**Interinstitutional File:
2018/0418 (NLE)**

**EURODAC 37
ENFOPOL 635
COMIX 732**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

COUNCIL DECISION (EU) 2019/...

of ...

**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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) and point (a) of the first subparagraph of Article 88(2), in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of [date] (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) 2019/...¹⁺, 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 "Protocol") was signed on ...⁺⁺, subject to its conclusion at a later date.
- (2) 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 Union is required to enable Switzerland and Liechtenstein to participate in the law-enforcement-related aspects of Eurodac.

¹ Council Decision (EU) 2019/... of ... on the signing, on behalf of the European Union, 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 (OJ L ..., ..., p. ...).

⁺ OJ: please insert the number of the Decision contained in ST 15779/18 and complete the corresponding footnote.

⁺⁺ OJ: please insert the date of signing of the Protocol.

- (3) The Protocol should be approved.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 603/2013 of the European Parliament and of the Council¹ and are therefore taking part in the adoption of this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

¹ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 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, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

Article 1

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 is hereby approved on behalf of the Union.

The text of the Protocol is attached to this Decision⁺.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 4(1) of the Protocol.

⁺ OJ: please attach document ST 15781/18.

Article 3

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Council

The President
