



Council of the
European Union

Brussels, 20 January 2020
(OR. en)

5382/20

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

**EURODAC 1
ENFOPOL 14
COMIX 19**

'A' ITEM NOTE

From:	Permanent Representatives Committee (Part 2)
To:	Council
No. prev. doc.:	15219/19
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 - Adoption

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 purposes¹.
2. Following the completion of the negotiations, the Commission submitted on 13 December 2018 proposals for the Council decisions on the signing and on the conclusion of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein regarding access to Eurodac for law enforcement purposes and its Annex².

¹ 14035/15 EU RESTREINT

² 15638/18 and 15626/18 + ADD 1

3. The Council decision on the signing of the Protocol was adopted on 7 March 2019³. The Protocol was signed by the Parties on 27 June 2019.
4. On 7 March 2019, the Council decided to forward the draft decision on conclusion as well as the text of the Protocol to the European Parliament for its consent⁴.
5. On 17 December 2019, the European Parliament gave its consent to the Council Decision on the conclusion of the Protocol.
6. On 15 January 2020, COREPER confirmed the agreement on the conclusion of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein regarding access to Eurodac for law enforcement purposes, and invited the Council to:
 - adopt the 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, and its Annex, as set out in documents 15783/1/18 REV 1 and 15781/18 + COR 1 (it) (texts finalised by the lawyer linguist experts);
 - decide that the text of the above Decision be published in the Official Journal.
7. The United Kingdom has indicated that it will abstain from voting this Council decision.

³ Published in OJ L 71, 13.3.2019, p. 5–6

⁴ 6639/19