

EC/Iceland/Norway Agreement: 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. Protocol

2018/0419(NLE) - 11/12/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jadwiga WINIEWSKA (ECR, PL) on the draft Council decision on the conclusion of the Protocol between the European Union, 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 access to Eurodac for law enforcement purposes.

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

As a reminder, the Eurodac Regulation (recast) (Regulation (EU) No 603/2013) enables law enforcement authorities to consult Eurodac in order to prevent, detect and investigate terrorist offences and other serious criminal offences.

Since 2001, the Agreement between the European Community and Iceland and 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 also covers the application of the 'Dublin-related' parts of Eurodac. 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.

The negotiations on an agreement between the European Union, on the one part, and Iceland and Norway, on the other part, on the modalities of the participation by Iceland and Norway to the procedure for comparison and data transmission for law enforcement purposes foreseen in chapter VI of the 'recast' Eurodac Regulation have been finalised and an Agreement in the form of a Protocol to the Agreement of 19 January 2001, extending the application of the Agreement of 19 January 2001 to law enforcement was initialled.

The extension of the law enforcement provisions of the Regulation (EU) No. 603/2013 to Iceland and Norway would:

- enable the law enforcement authorities of Iceland and Norway 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;

- 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 Iceland and Norway and stored in the Eurodac database, for the same purposes.