



Procedure file

Basic information		
CNS - Consultation procedure Decision	2005/0031(CNS)	Procedure completed
Asylum: state responsible for examining a request lodged in a Member State, Protocol to the EC/Iceland and Norway agreement		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		
Geographical area Norway Iceland		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs		10/05/2005
		PSE ROURE Martine	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
Council of the European Union	 Legal Affairs		13/07/2005
		PPE-DE LÓPEZ-ISTÚRIZ WHITE Antonio	
	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2709	21/02/2006
European Commission	General Affairs	2667	13/06/2005
	Commission DG	Commissioner	
	Justice and Consumers		

Key events			
08/04/2005	Legislative proposal published	COM(2005)0131	Summary
22/06/2005	Committee referral announced in Parliament		
24/11/2005	Vote in committee		Summary
30/11/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0380/2005	
13/12/2005	Results of vote in Parliament		
13/12/2005	Decision by Parliament	T6-0491/2005	Summary

21/02/2006	Act adopted by Council after consultation of Parliament		
21/02/2006	End of procedure in Parliament		
28/02/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0031(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1; EC Treaty (after Amsterdam) EC 063-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27599

Documentation gateway

Legislative proposal		COM(2005)0131	08/04/2005	EC	Summary
Supplementary legislative basic document		08479/2005	20/05/2005	CSL	Summary
Committee opinion	JURI	PE360.257	14/07/2005	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0380/2005	30/11/2005	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0491/2005	13/12/2005	EP	Summary
Commission response to text adopted in plenary		SP(2006)0053	12/01/2006	EC	

Additional information

European Commission	EUR-Lex
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Final act

Decision 2006/167 OJ L 057 28.02.2006, p. 0015-0015 Summary
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Asylum: state responsible for examining a request lodged in a Member State, Protocol to the EC/Iceland and Norway agreement

PURPOSE: to sign and conclude a Protocol to the Agreement between the European Community, 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.

PROPOSED ACT: Council Decision.

CONTENT: on 19 January 2001, the European Community concluded an Agreement with 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. Article 12 of that Agreement states that Denmark may request to participate in the Agreement, and that the conditions for such participation are to be determined by the Community, Norway and Iceland, acting with the consent of Denmark, in a Protocol to the Agreement.

Pursuant to Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark did not take part in the adoption by the Council of Regulation 343/2003/EC (Dublin II) establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council

Regulation 2725/2000/EC concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention. However, Denmark is a party to the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities ('the Dublin Convention'), signed in Dublin on 15 June 1990.

The negotiations for the conclusion of the Protocol to the Agreement with Norway and Iceland culminated in the initialling of the text on 12 January 2005.

The attached proposal is the legal instrument for signing and concluding the Protocol.

The Commission takes the view that the objectives set by the Council in its negotiating directives have been met and that the draft Protocol is acceptable to the Community. The Protocol comprises a total of six articles. It also has an Annex, which forms an integral part of it.

The final contents of the Protocol can be summarised as follows:

- It makes the Dublin II and Eurodac Regulations and their implementing regulations applicable to relations between Denmark, on the one hand, and Iceland and Norway on the other. It also renders future amendments or new implementing measures applicable to these relations.
- It gives Iceland and Norway the right to present written pleadings or observations to the Court of Justice when a court in Denmark applies to the Court of Justice for a preliminary ruling on the interpretation of a provision of the Agreement between the European Community and Denmark.
- It provides for a conciliation mechanism in the event of disagreement between Denmark on the one hand and Iceland or Norway on the other hand on its interpretation or application.
- It lays down provisions relating to the end of its applicability.

In the light of the above considerations, the Commission proposes that the Council:

- decide that the Protocol be signed on behalf of the Community and authorise the President of the Council to appoint the person(s) duly empowered to sign on behalf of the Community;
- after consulting the European Parliament, approve the Protocol to the Agreement between the European Community, 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.

Asylum: state responsible for examining a request lodged in a Member State, Protocol to the EC/Iceland and Norway agreement

The delegations agreed on the definitive text of the Protocol to the Agreement between the European Community, 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.

The text of the Protocol and the Commission's draft decision are in accordance with the initial proposal (please refer to the summary dated 8 April 2005).

Asylum: state responsible for examining a request lodged in a Member State, Protocol to the EC/Iceland and Norway agreement

The committee adopted the report by Martine ROURE (PES, FR) approving the proposal, subject to two amendments related to the legal basis. According to the Committee on Legal Affairs, whose opinion had been requested by the Civil Liberties Committee, the Joint Committee set up under the Agreement between the Community, Iceland and Norway and entrusted with particular powers and responsibilities in relation to the Protocol may be regarded as a 'specific institutional framework' within the meaning of the second subparagraph of Article 300(3) of the EC Treaty. Consequently, the Commission should have taken the aforementioned subparagraph as the legal basis for its proposal, meaning that the assent procedure would therefore apply. MEPs accordingly amended the citations to reflect this change in the legal basis.

Asylum: state responsible for examining a request lodged in a Member State, Protocol to the EC/Iceland and Norway agreement

The European Parliament adopted a resolution drafted by Martine ROURE (PES, FR) and made three amendments to the proposal. (Please refer to the summary of 24/11/2005.)

Asylum: state responsible for examining a request lodged in a Member State, Protocol to the EC/Iceland and Norway agreement

PURPOSE: to conclude a Protocol to the Agreement between the European Community, Iceland and Norway concerning the criteria and mechanisms for establishing the State responsible for a request for asylum.

LEGISLATIVE ACT: Council Decision 2006/167/EC on the conclusion of a Protocol 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.

CONTENT: this act has been agreed in order to allow Denmark to participate in the Agreement between the Community, Iceland and Norway under the condition set out in the Agreement between the European Community and the Protocol.

To recall, in 2001 the EU concluded an Agreement with Iceland and Norway relating to the mechanisms for establishing which State should be responsible for examining a request for asylum lodged in either an EU Member State, Iceland or Norway.

Although Denmark did not participate on Regulation 343/2003/EC (Dublin II) nor on the Eurodac Regulation (2725/2000/EC) it was a signatory to the 1990 Dublin Convention. As a result Denmark has requested that it participate on the 2001 Agreement between the EU, Iceland and Norway.

In effect, this Decision notes that the provisions of the Dublin II Regulation and the provisions of the Eurodac Regulation will apply to relations between Denmark, Iceland and Norway. Any amendments to these Regulations or any implementing legislation stemming from the Regulations will similarly apply. In other measures, Iceland and Norway are entitled to submit statements or written observations to the ECJ in cases where a question has been referred to it by a Danish court. A procedure has been established in cases of dispute between Denmark, Norway and Iceland. Each Contracting Party may terminate this Protocol by written declaration.

ENTRY INTO FORCE: the Protocol enters into force on the first day of the second month following notification by the Contracting Parties of the completion of their respective procedures.