








Procedure file

Basic information	
NLE - Non-legislative enactments	2018/0418(NLE)
EC/Switzerland/Liechtenstein Agreement on establishing the State responsible for examining a request for asylum: access to Eurodac. Protocol	
See also 2004/0200(CNS)	
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	
Geographical area Switzerland Liechtenstein	

Procedure completed

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 WIŚNIEWSKA Jadwiga	24/09/2019
Council of the European Union	Former committee responsible	Shadow rapporteur	
		 METSOLA Roberta	
		 SANTOS Isabel	
		 VAUTMANS Hilde	
		 BRICMONT Saskia	
		 BJÖRK Malin	
European Commission	Commission DG Migration and Home Affairs	Commissioner KING Julian	

Key events			
13/12/2018	Preparatory document	COM(2018)0828	
27/02/2019	Legislative proposal published	15783/2018	
15/07/2019	Committee referral announced in Parliament		
12/11/2019	Vote in committee		
13/11/2019	Committee report tabled for plenary, 1st reading/single reading	A9-0025/2019	Summary
	Results of vote in Parliament		

17/12/2019			
17/12/2019	Decision by Parliament	T9-0088/2019	
20/01/2020	Act adopted by Council after consultation of Parliament		
04/02/2020	Final act published in Official Journal		
20/02/2020	End of procedure in Parliament		

Technical information

Procedure reference	2018/0418(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
	See also 2004/0200(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 087-p2; Treaty on the Functioning of the EU TFEU 88-p2; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00410

Documentation gateway

Document attached to the procedure	COM(2018)0831	13/12/2018	EC	
Preparatory document	COM(2018)0828	13/12/2018	EC	
Legislative proposal	15783/2018	27/02/2019	CSL	
Document attached to the procedure	15781/2018	27/02/2019	CSL	
Committee draft report	PE642.874	14/10/2019	EP	
Amendments tabled in committee	PE643.008	25/10/2019	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0025/2019	13/11/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T9-0088/2019	17/12/2019	EP	

Final act

[Decision 2020/142](#)
[OJ L 032 04.02.2020, p. 0001](#) Summary

EC/Switzerland/Liechtenstein Agreement on establishing the State responsible for examining a request for asylum: access to Eurodac. Protocol

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jadwiga WIŚNIEWSKA (ECR, PL) on the draft 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.

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

The recast Eurodac Regulation (Regulation (EU) No. 603/2013) allowed for the consultation of Eurodac by law enforcement authorities for the purpose of prevention, detection and investigation of terrorist offences and other serious criminal offences.

Since 2004, the Agreement between the European Community and the Switzerland concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland also covers the application of the Dublin-related parts of Eurodac. This is also the case for Liechtenstein since 2008.

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.

Therefore, Members called on the European Parliament to give its consent to the extension of the law enforcement provisions of the Regulation (EU) No. 603/2013 to Switzerland and Liechtenstein which would enable the law enforcement authorities of Switzerland and Liechtenstein 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.

EC/Switzerland/Liechtenstein Agreement on establishing the State responsible for examining a request for asylum: access to Eurodac. Protocol

PURPOSE: to enable Switzerland and Liechtenstein to participate in the law enforcement components of Eurodac in order to strengthen police cooperation between the competent authorities of the Member States and those of Switzerland and Liechtenstein for the purpose of the prevention, detection and investigation of terrorist offences and other serious criminal offences.

NON-LEGISLATIVE ACT: Council Decision (EU) 2020/142 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.

CONTENT: the Council decided to approve, on behalf of the Union, the Protocol between the European Union, Switzerland and Liechtenstein to the Agreement between the European Community and Switzerland concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland concerning access to Eurodac for law enforcement purposes is approved on behalf of the Union.

It is recalled that the Eurodac Regulation (recast) (EU Regulation 603/2013) allows law enforcement authorities to consult Eurodac for the purpose of the prevention, detection and investigation of terrorist offences and other serious criminal offences.

Since 2004, the Agreement between the European Community and Switzerland concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland also covered the application of the Dublin related parts of Eurodac. This has also been the case for Liechtenstein since 2008.

However, access for law enforcement purposes, which is a new element of the Eurodac Regulation (recast) compared to the original Eurodac system, is not currently regulated by the Eurodac Agreement.

The Protocol concluded between the Union and Switzerland and Liechtenstein shall enable Switzerland and Liechtenstein to participate in the law enforcement components of Eurodac and shall therefore allow the designated law enforcement authorities in Switzerland and Liechtenstein to request the comparison of fingerprint data with those transmitted to the Eurodac central system by the other participating States.

The application of Regulation (EU) No 603/2013 to Switzerland and Liechtenstein for law enforcement purposes shall also enable the designated law enforcement authorities of the other participating States and Europol to request the comparison of fingerprint data with those transmitted to the Eurodac Central System by Switzerland and Liechtenstein.

EU Member States, with the exception of Denmark, shall be considered participating States within the meaning of the Protocol. They shall apply the provisions of Regulation (EU) No 603/2013 on access for law enforcement purposes in their relations with Switzerland and Liechtenstein.

ENTRY INTO FORCE: 5.2.2020.