



---

*Plenary sitting*

---

**A8-0196/2019**

11.4.2019

**\*\*\***

## **RECOMMENDATION**

on the draft Council decision on the conclusion of the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes  
(15822/2018 – C8-0151/2019 – 2018/0423(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Ignazio Corrao

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT .....	6
PROCEDURE – COMMITTEE RESPONSIBLE .....	7
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE .....	8



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision on the conclusion of the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes (15822/2018 – C8-0151/2019 – 2018/0423(NLE))**

### **(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (15822/2018),
  - having regard to the draft Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes (15823/2018),
  - having regard to the request for consent submitted by the Council in accordance with Article 87(2)(a), Article 88(2)(a) and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C8-0151/2019),
  - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0196/2019),
1. Gives its consent to conclusion of the protocol;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Kingdom of Denmark and of the other Member States.

## EXPLANATORY STATEMENT

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. This aims at enabling law enforcement authorities to request the comparison of fingerprint data with those stored in the Eurodac central database when they seek to establish the exact identity of or obtain further information for the purpose of prevention, detection or investigation of terrorist offences or of other serious criminal offences.

In accordance with Articles 1 and 2 of Protocol No 22 on the position of the Kingdom of Denmark, annexed to the TEU and to the TFEU, Denmark does not take part in the adoption of Title V *acquis* and therefore does not participate in the Regulation (EU) No. 603/2013.

Since 2006, the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention 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 and Denmark on the modalities of the participation by Denmark 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 abovementioned Agreement of 8 March 2006, extending the application of the Agreement of 8 March 2006 to law enforcement was initialled.

The extension of the law enforcement provisions of the Regulation (EU) No. 603/2013 to Denmark would enable the law enforcement authorities of Denmark 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. On the other hand, it would enable 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 Denmark and stored in the Eurodac database, for the same purposes.

The Council will decide by qualified majority after the signing of the agreement, on behalf of the Union and only after having obtained the consent of the European Parliament in accordance with Article 218(6), second subparagraph, point (a) (v) and 218(8) TFEU.

In light of the above-mentioned considerations, the rapporteur recommends that the members of Parliament's Committee on Civil Liberties, Justice and Home Affairs support this report and that the European Parliament gives its consent.

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Conclusion of a Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention extending that agreement to law enforcement	
<b>References</b>	15822/2018 – C8-0151/2019 – COM(2018)0835 – 2018/0423(NLE)	
<b>Date of consultation / request for consent</b>	29.3.2019	
<b>Committee responsible</b> Date announced in plenary	LIBE 3.4.2019	
<b>Rapporteurs</b> Date appointed	Ignazio Corrao 7.2.2019	
<b>Discussed in committee</b>	2.4.2019	11.4.2019
<b>Date adopted</b>	11.4.2019	
<b>Result of final vote</b>	+: 24 -: 2 0: 0	
<b>Members present for the final vote</b>	Malin Björk, Caterina Chinnici, Romeo Franz, Kinga Gál, Ana Gomes, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Sophia in 't Veld, Juan Fernando López Aguilar, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Csaba Sógor, Bodil Valero, Marie-Christine Vergiat, Auke Zijlstra	
<b>Substitutes present for the final vote</b>	Livia Járóka, Jeroen Lenaers, Andrejs Mamikins, Axel Voss, Maria Gabriela Zoană	
<b>Substitutes under Rule 200(2) present for the final vote</b>	Francesc Gambús, Susanne Melior, Annie Schreijer-Pierik, Babette Winter	

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

24	+
ALDE	Sophia in 't Veld
ENF	Auke Zijlstra
PPE	Kinga Gál, Francesc Gambús, Monika Hohlmeier, Brice Hortefeux, Livia Járóka, Jeroen Lenaers, Annie Schreijer-Pierik, Csaba Sógor, Axel Voss
S&D	Caterina Chinnici, Ana Gomes, Sylvie Guillaume, Juan Fernando López Aguilar, Andrejs Mamikins, Susanne Melior, Péter Niedermüller, Birgit Sippel, Babette Winter, Maria Gabriela Zoaňă
VERTS/ALE	Romeo Franz, Judith Sargentini, Bodil Valero

2	-
GUE/NGL	Malin Björk, Marie-Christine Vergiat

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention