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- ★ **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** 3

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2020/276

of 17 February 2020

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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) and point (a) of the first subparagraph of Article 88(2), in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2019/394 ⁽²⁾, 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 Protocol') was signed on 24 October 2019, subject to its conclusion at a later date.
- (2) In order to support and strengthen police cooperation between the competent authorities of the Member States and those of Iceland and Norway for the purpose of prevention, detection and investigation of terrorist offences and other serious criminal offences, the involvement of the Union is required to enable Iceland and Norway to participate in the law-enforcement-related aspects of Eurodac.
- (3) The Protocol should be approved.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 603/2013 of the European Parliament and of the Council ⁽³⁾ and are therefore taking part in the adoption of this Decision.

⁽¹⁾ Consent of 15 January 2020 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2019/394 of 7 March 2019 on the signing, on behalf of the European Union, 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 (OJ L 71, 13.3.2019, p. 7).

⁽³⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

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 is hereby approved on behalf of the Union ⁽⁴⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 4(1) of the Protocol.

Article 3

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 17 February 2020.

For the Council

The President

J. BORRELL FONTELLES

⁽⁴⁾ The text of the Protocol is published in OJ L 64 of 3.3.2020, p. 3.

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 EUROPEAN UNION

and

ICELAND

and

THE KINGDOM OF NORWAY,

hereinafter jointly referred to as 'the Parties',

CONSIDERING that on 19 January 2001 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 ⁽¹⁾ (hereinafter referred to as 'the Agreement of 19 January 2001') was signed;

RECALLING that on 26 June 2013 the European Union (hereinafter referred to as 'the Union') adopted Regulation (EU) No 603/2013 of the European Parliament and of the Council ⁽²⁾;

RECALLING that the procedures for comparison and data transmission for law enforcement purposes as laid down in Regulation (EU) No 603/2013 do not constitute a new act or measure related to Eurodac within the meaning of the Agreement of 19 January 2001;

CONSIDERING that a protocol should be signed between the Union and Iceland and the Kingdom of Norway (hereinafter referred to as 'Norway'), to enable Iceland and Norway to participate in the law-enforcement-related aspects of Eurodac and therefore enable designated law enforcement authorities in Iceland and Norway to request the comparison of fingerprint data transmitted to the Central System of Eurodac by the other participating States;

CONSIDERING that the application of Regulation (EU) No 603/2013 for law enforcement purposes to Iceland and Norway should also enable designated law enforcement authorities of the other participating States and Europol to request the comparison of fingerprint data transmitted to the Central System of Eurodac by Iceland and Norway;

CONSIDERING that the processing of personal data by the designated law enforcement authorities of the participating States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences pursuant to this Protocol should be subject to a standard of protection of personal data under their national law which complies with Directive (EU) 2016/680 of the European Parliament and of the Council ⁽³⁾;

CONSIDERING that the further conditions set out in Regulation (EU) No 603/2013 as regards the processing of personal data by the designated authorities of the participating States, as well as by Europol, for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences should also apply;

⁽¹⁾ OJ EU L 93, 3.4.2001, p. 40.

⁽²⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ EU L 180, 29.6.2013, p. 1).

⁽³⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ EU L 119, 4.5.2016, p. 89).

CONSIDERING that access for the designated authorities of Iceland and Norway should be allowed only on condition that comparisons with the national fingerprint databases of the requesting State and with the automated fingerprinting identification systems of all other participating States under Council Decision 2008/615/JHA ⁽⁴⁾ did not lead to the establishment of the identity of the data subject. That condition requires the requesting State to conduct comparisons with the automated fingerprinting identification systems of all other participating States under that Decision which are technically available, unless that requesting State can demonstrate that there are reasonable grounds to believe that it would not lead to the establishment of the identity of the data subject. Such reasonable grounds exist in particular where the specific case does not present any operational or investigative link to a given participating State. That condition requires prior legal and technical implementation of that Decision by the requesting State with regard to dactyloscopic data, as it should not be permitted to conduct a Eurodac check for law enforcement purposes where those above steps have not been first taken;

CONSIDERING that prior to searching Eurodac, designated authorities of Iceland and Norway should also, provided that the conditions for a comparison are met, consult the Visa Information System under Council Decision 2008/633/JHA ⁽⁵⁾;

CONSIDERING that the mechanisms regarding new legislation and new acts or measures as provided for in the Agreement of 19 January 2001, including the role of the Joint Committee established under the Agreement of 19 January 2001, should apply to all new legislation and new acts or measures regarding access to Eurodac for law enforcement purposes,

HAVE AGREED AS FOLLOWS:

Article 1

1. Regulation (EU) No 603/2013 shall be implemented by Iceland as regards the comparison of fingerprint data with those stored in the Central System of Eurodac for law enforcement purposes as defined in point (i) of Article 2(1) of that Regulation, and shall apply in Iceland's relations with Norway and with the other participating States.
2. Regulation (EU) No 603/2013 shall be implemented by Norway as regards the comparison of fingerprint data with those stored in the Central System of Eurodac for law enforcement purposes, and shall apply in Norway's relations with Iceland and with the other participating States.
3. The Member States of the Union except Denmark shall be considered to be participating States within the meaning of paragraphs 1 and 2 of this Article. They shall apply the provisions of Regulation (EU) No 603/2013 which relate to law enforcement access to Iceland and Norway.
4. Denmark, Switzerland and Liechtenstein shall be considered to be participating States within the meaning of paragraphs 1 and 2 to the extent that agreements similar to this Protocol are applied between them and the Union which recognise Iceland and Norway as participating States.

Article 2

This Protocol shall not enter into force before the provisions of Directive (EU) 2016/680 regarding the processing of personal data, as well as the conditions set out in Regulation (EU) No 603/2013 as regards such processing, are implemented and applied by Iceland and Norway in relation to the processing of personal data by their designated authorities for the purposes laid down in Article 1(2) of that Regulation.

Article 3

The provisions of the Agreement of 19 January 2001 regarding new legislation and new acts or measures, including those concerning the Joint Committee established under the Agreement of 19 January 2001, shall apply to all new legislation and new acts or measures related to access to Eurodac for law enforcement purposes.

⁽⁴⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ EU L 210, 6.8.2008, p. 1).

⁽⁵⁾ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ EU L 218, 13.8.2008, p. 129).

Article 4

1. This Protocol shall be ratified or approved by the Parties. Ratification or approval shall be notified to the Secretary-General of the Council of the European Union, who shall be the depositary of this Protocol.
2. This Protocol shall enter into force on the first day of the month following receipt, by the depositary, of the notification referred to in paragraph 1 by the Union and at least one of the other Parties.
3. This Protocol shall not apply with regard to Iceland before Chapter 6 of Decision 2008/615/JHA has been implemented by Iceland and the evaluation procedures under Chapter 4 of the Annex to Council Decision 2008/616/JHA ⁽⁶⁾ have been completed with regard to dactyloscopic data with regard to Iceland.
4. This Protocol shall not apply with regard to Norway before Chapter 6 of Decision 2008/615/JHA has been implemented by Norway and the evaluation procedures under Chapter 4 of the Annex to Decision 2008/616/JHA have been completed with regard to dactyloscopic data with regard to Norway.

Article 5

1. Each Party may withdraw from this Protocol by sending a declaration in writing to the depositary. That declaration shall take effect six months after being deposited.
2. This Protocol shall cease to be effective if either the Union or both Iceland and Norway withdraw from it.
3. This Protocol shall cease to be effective with respect to Iceland if the Agreement of 19 January 2001 ceases to be effective with respect to Iceland.
4. This Protocol shall cease to be effective with respect to Norway if the Agreement of 19 January 2001 ceases to be effective with respect to Norway.
5. A withdrawal from this Protocol by one Party or its suspension or termination with respect to one Party shall not affect the continued application of the Agreement of 19 January 2001.

Article 6

This Protocol shall be drawn up in a single original in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Icelandic and Norwegian languages, each of these texts being equally authentic.

The original shall be deposited with the depositary, who shall establish a certified true copy for each of the Parties.

⁽⁶⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ EU L 210, 6.8.2008, p. 12).

Съставено в Брюксел на двадесет и четвърти октомври две хиляди и деветнадесета година.

Hecho en Bruselas, el veinticuatro de octubre de dos mil diecinueve.

V Bruselu dne dvacátého čtvrtého října dva tisíce devatenáct.

Udfærdiget i Bruxelles den fireogtyvende oktober to tusind og nitten.

Geschehen zu Brüssel am vierundzwanzigsten Oktober zweitausendneunzehn.

Kahe tuhande üheksateistkümnenda aasta oktoobrikuu kahekümne neljandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι τέσσερις Οκτωβρίου δύο χιλιάδες δεκαεννέα.

Done at Brussels on the twenty-fourth day of October in the year two thousand and nineteen.

Fait à Bruxelles, le vingt-quatre octobre deux mille dix-neuf.

Sastavljeno u Bruxellesu dvadeset četvrtog listopada godine dvije tisuće devetnaeste.

Fatto a Bruxelles, addì ventiquattro ottobre duemiladiciannove.

Briselē, divi tūkstoši deviņpadsmitā gada divdesmit ceturtajā oktobrī.

Priimta du tūkstančiai devynioliktų metų spalio dvidešimt ketvirtą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenkilencedik év október havának huszonnegyedik napján.

Magħmul fi Brussell, fl-erbgha u ghoxrin jum ta' Ottubru fis-sena elfejn u dsatax.

Gedaan te Brussel, vierentwintig oktober tweeduizend negentien.

Sporządzono w Brukseli dnia dwudziestego czwartego października roku dwa tysiące dziewiętnastego.

Feito em Bruxelas, em vinte e quatro de outubro de dois mil e dezanove.

Întocmit la Bruxelles la douăzeci și patru octombrie două mii nouăsprezece.

V Bruseli dvadsiateho štvrtého októbra dvetisícdevätnásť.

V Bruslju, dne štiriindvajsetega oktobra leta dva tisoč devetnajst.

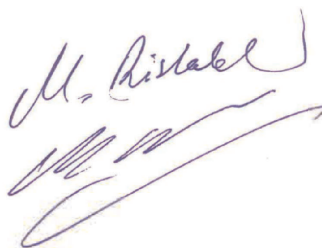
Tehty Brysselissä kahdentenakymmenentenäneljäntenä päivänä lokakuuta vuonna kaksituhattayhdeksäntoista.

Som skedde i Bryssel den tjugofjärde oktober år tjugohundranitton.

Gjört í Brussel 24. október 2019.

Utfærdiget i Brussel den tjuefjerde oktober i år totusen og nitten.

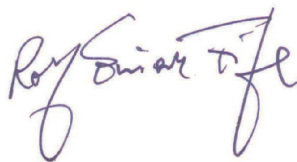
За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejską uniję
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen
 Fyrir hönd Evrópusambandsins
 For Den europeiske union



За Исландия
 Por Islandía
 Za Island
 For Island
 Für Island
 Islandi nimel
 Για την Ισλανδία
 For Iceland
 Pour l'Islande
 Za Island
 Per l'Islanda
 Islandes vārdā –
 Islandijos vardu
 Izland részéről
 Ghall-Iżlanda
 Voor IJsland
 W imieniu Islandii
 Pela Islândia
 Pentru Islanda
 Za Island
 Za Islandijo
 Islannin puolesta
 För Island
 Fyrir hönd Íslands
 For Island



За Кралство Норвегия
 Por el Reino de Noruega
 Za Norské království
 For Kongeriget Norge
 Für das Königreich Norwegen
 Norra Kuningriigi nimel
 Για το Βασίλειο της Νορβηγίας
 For the Kingdom of Norway
 Pour le Royaume de Norvège
 Za Kraljevinu Norvešku
 Per il Regno di Norvegia
 Norvēģijas Karalistes vārdā –
 Norveģijos Karalystės vardu
 A Norvég Királyság részéről
 Ghar-Renju tan-Norveġja
 Voor het Koninkrijk Noorwegen
 W imieniu Królestwa Norwegii
 Pelo Reino da Noruega
 Pentru Regatul Norvegiei
 Za Nórske kráľovstvo
 Za Kraljevino Norveško
 Norjan kuningaskunnan puolesta
 För Konungariket Norge
 Fyrir hönd Konungsríkisins Noregs
 For Kongeriket Norge



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