

# EC/Switzerland agreement: State responsible for the examination of an asylum application. Dublin Convention on Eurodac

2004/0200(CNS) - 28/01/2008 - Final act

**PURPOSE:** to conclude an Agreement between the European Community and the Swiss Confederation on request for asylum.

**LEGISLATIVE ACT:** Council Decision (2008/147/EC) on the conclusion on behalf of the European Community of 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.

**BACKGROUND:** on 1 June 2002, 7 Agreements involving the European Union and Switzerland entered into force simultaneously. They concerned the essential elements of the internal market but were also aimed at simplifying the free movement of persons between the European Union and this country. In the annex to these Agreements, Switzerland made a declaration on immigration and asylum policy in which it expressed its intention to associate itself with the Schengen acquis in particular as regards the coordination of asylum policies. It also proposed to take part in the negotiations with a view to concluding a parallel convention to the Dublin Convention.

This Agreement and the parallel Agreement on the association of Switzerland to the Schengen Acquis (see [CNS/2004/0199](#)) are the result of this commitment.

**CONTENT:** the purpose of this Council Decision is to conclude and approve an Agreement between the European Community and the Swiss Confederation regarding the criteria and mechanisms establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland. In the Agreement, Switzerland agrees to implement the following Regulations:

- Dublin Regulation;
- Eurodac Regulation;
- Eurodac implementing Regulation; and,
- the Dublin implementing Regulation

The Member States will apply these Regulations to Switzerland. The Swiss authorities will be consulted on any new measure being proposed and informed of any legislative changes that may take place. The Swiss will have the right to put forward any proposal through the **Mixed Committee**.

**Transition period:** Switzerland is granted a two year period for acceptance and implementation of future acquis into its internal legal order in case a referendum is requested. If possible, Switzerland has to apply the development of the acquis on a provisional basis. If Switzerland cannot apply the content of the development on a provisional basis, EU and EC may take proportional and necessary measures against Switzerland in order to ensure the efficient functioning of the Dublin/EURODAC cooperation.

**Budget implications:** with regard to the administrative and operating costs associated with the setting-up and operation of the Eurodac central unit, Switzerland shall make a contribution to the general budget of

the European Communities amounting to 7.286% of an initial reference amount of EUR 11 675 000 and, from the 2004 financial year, an annual contribution amounting to 7,286% of the corresponding budgetary appropriations for the financial year in question.

As for the other administrative and operating costs associated with implementing this Agreement, Switzerland shall contribute to the general budget of the European Communities an annual sum calculated in accordance with its gross domestic product as a percentage of the gross domestic product of all the participating States.

**Simultaneous implementation of the Agreements:** it is provided to create a link between the implementation and the termination of the Schengen Agreement, on the one hand, and, on the other hand, the implementation of and the termination of the Agreement on the mechanisms for determining the state responsible for examining a request for asylum lodged in one of the Member States.

**Bilateral Agreements:** according to Denmark's special position with regard to acts adopted pursuant to Title IV of the Treaty establishing the European Community, Denmark needs to be associated by means of a Protocol to the present Agreement in order to create rights and obligations with Switzerland in relation to the Dublin/EURODAC measures. In addition, Norway and Iceland also need to conclude an Agreement with Switzerland in order to create rights and obligations between all associated partners applying the Dublin/EURODAC acquis. An Article allows Liechtenstein to join the present Agreement.

**Various declarations:** it should be noted that several declarations have been made which state in particular that:

- 1) it commits itself to speed up as much as possible the different procedures in case a referendum is asked;
- 2) the participation in Committees assisting the commission in its exercise of executive powers in accordance with the Iceland and Norway model for their participation in Dublin/Eurodac follows the same structure as that foreseen in article 100 of the EEA Agreement;
- 3) there is an interest to develop, as far as possible, Switzerland's cooperation with Eurojust and with the European Judicial Network.

**ENTRY INTO FORCE** (of the present Agreement and the parallel Agreement): 1 March 2008.