

# **EC/Switzerland/Liechtenstein agreement: protocol to the EC/Switzerland agreement on the criteria to determine the state responsible for the examination of an asylum application, participation of Denmark. Dublin Convention on Eurodac**

2006/0257(CNS) - 24/10/2008 - Final act

**PURPOSE:** to conclude a protocol between the European Community, Switzerland and Liechtenstein aimed at enabling Liechtenstein to accede to the agreement between the Community and Switzerland on the Dublin/Eurodac acquis in relation to the participation of Denmark.

**LEGISLATIVE ACT:** Council Decision 2009/487/EC on the conclusion of a Protocol between the European Community, 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.

**CONTENT:** on 26 October 2004, the European Community signed an Agreement with the Swiss Confederation regarding criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (Dublin/Eurodac agreement with Switzerland, see [CNS/2004/0200](#)). That agreement provided for the possibility for Liechtenstein to accede to the agreement at a later stage, in the form of a protocol to the existing agreement aimed at enabling Liechtenstein to accede to the Dublin/Eurodac agreement with Switzerland ([CNS/2006/0252](#)).

In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty of the European Union and the Treaty establishing the European Community, Denmark is not participating in Council Regulation 343/2003/EC 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 (the Dublin Regulation) and Council Regulation 2725/2000/EC concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (the Eurodac Regulation). The Dublin/Eurodac agreement with Switzerland provides for the possibility that Denmark may ask to participate. In that event, the Agreement provides that the contracting parties, with the consent of Denmark, set out the conditions for Denmark's participation in a protocol to the Agreement.

Given that Denmark asked to participate in the Dublin/Eurodac Agreement with Switzerland and bearing in mind the forthcoming accession of Liechtenstein to this agreement, this Decision provides for the conclusion of a protocol to the Dublin/Eurodac agreement with Switzerland authorising **the participation of Denmark in that agreement**.

Therefore, in addition to the conclusion of a protocol on the association of Liechtenstein to the agreement with Switzerland on the Dublin/Eurodac acquis, the Council approves a Decision formalising the conclusion of this protocol.

**The content of the Protocol** can be summarised as follows:

- it makes the Dublin and Eurodac regulations and their implementing rules applicable to the relations between Denmark, on the one hand, and the Confederation of Switzerland and the Principality of Liechtenstein on the other. It also renders future amendments or new implementing measures applicable to these relations;
- it gives Switzerland and Liechtenstein 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 Switzerland or Liechtenstein on the other hand on its interpretation or application;
- it lays down provisions relating to the end of its applicability.

**ENTRY INTO FORCE:** the Protocol shall not enter into force until Denmark formally assents to the provisions contained in the Protocol, notably the provisions referred to in Article 2 on its mutual relations with Switzerland and Liechtenstein.