

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

2006/0252(NLE) - 07/03/2011 - Final act

PURPOSE: to conclude a Protocol between the European Community, Switzerland and Liechtenstein allowing Liechtenstein to accede to the Agreement between the 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 (Dublin/EURODAC).

NON-LEGISLATIVE ACT: Council Decision 2011/351/EC on the conclusion of a Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of 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.

BACKGROUND: following the authorisation given to the Commission on 27 February 2006, negotiations with the Swiss Confederation and the Principality of Liechtenstein of a Protocol on the accession of 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, have been finalised. The protocol was signed on behalf of the European Community on 28 February 2008, subject to its final conclusion at a later date.

It is now necessary to approve the Protocol on behalf of the EU (which replaced the "European Community" following the entry into force of the Treaty of Lisbon on 1 December 2009).

CONTENT: with this Decision, the Protocol between the European Community, Switzerland and Liechtenstein on the accession of 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 and the declarations annexed thereto are approved on behalf of the European Union.

To recall, 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 anticipated Liechtenstein's possible association with Switzerland on the Dublin/Eurodac acquis.

The purpose of this Decision is to formally conclude this Agreement.

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

- Liechtenstein accedes to the Dublin/Eurodac agreement with Switzerland and will have to accept the entire Dublin/Eurodac acquis and the development thereof. If Liechtenstein does not accept future developments of the Dublin/Eurodac acquis, the Protocol will cease to operate.
- Liechtenstein will become a member of the Mixed Committee and will have the right to express its opinion within the Mixed Committee and to preside it.
- The putting into effect of the Dublin/Eurodac Protocol is linked to the putting into effect of the Schengen Protocol (see [CNS/2006/0251](#)), as well as to the putting into effect of the Protocol between the European Community, Switzerland and Liechtenstein on the participation of Denmark (see [CNS/2006/0257](#)) and of the Agreement between Liechtenstein and Norway and Iceland on Dublin/Eurodac.
- Specific provisions are laid down for Liechtenstein concerning the time period needed for the implementation of a development of the Dublin/Eurodac acquis, in case constitutional requirements need to be fulfilled by Liechtenstein (18 months) and the financial contribution that Liechtenstein, like Switzerland, has to pay for administrative and operating costs associated with the setting up and operation of the Eurodac central unit. **For Liechtenstein, this amounts to 0.071% of the initial costs of EUR 11 675 000** and from budget year 2004 onwards to an annual contribution of 0.071% of the corresponding budgetary appropriations for the financial year in question. Consequently, there are **no financial implications** for the EU resulting from Liechtenstein's association with the Dublin/Eurodac acquis.

Territorial measures: according to relevant provisions of the Treaty, the United Kingdom and Ireland shall both participate in the adoption and implementation of this Decision. For its part, Denmark shall not participate in the adoption of this Decision and is not bound by or subject to its application.

DATE OF IMPLEMENTATION: the Decision shall enter into force on 7 March 2011. The Protocol shall enter into force on 1 April 2011.