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) - 04/12/2006 - Legislative proposal

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

PROPOSED ACT: Council Decision.

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 anticipated Liechtenstein's possible association with the Dublin/Eurodac acquis and made provision in its Article 15 for Liechtenstein to accede to the Agreement by means of a protocol determining the rights and obligations of each of the contracting parties.

Following the authorisation given by the Council to the Commission in February 2006, negotiations were held with Liechtenstein and Switzerland and in June 2006 negotiations were finalised and the draft protocol on Liechtenstein's accession to the Dublin/Eurodac agreement with Switzerland was initialled.

This proposal aims to conclude the legal basis for the decision on the conclusion of the Protocol. The legal basis of this Protocol is Article 63(1)a, in conjunction with the first sentence of the first subparagraph of Article 300(2) of the Treaty establishing the European Community.

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 and of the Agreement between Liechtenstein and Norway and Iceland on Dublin /Eurodac (see CNS/2006/0257);

§ 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.