

Basic information	
<p><b>2006/0252(NLE)</b></p> <p>NLE - Non-legislative enactments Decision</p>	Procedure completed
<p>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</p> <p>See also <a href="#">2004/0200(CNS)</a></p> <p><b>Subject</b></p> <p>6.40.11 Relations with industrialised countries 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)</p> <p><b>Geographical area</b></p> <p>Liechtenstein Switzerland</p>	

Key players					
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>	
	 Civil Liberties, Justice and Home Affairs		HOHLMEIER Monika (PPE)	02/09/2009	
	<b>Former committee responsible</b>		<b>Former rapporteur</b>	<b>Appointed</b>	
	 Civil Liberties, Justice and Home Affairs		KLAMT Ewa (PPE-DE)	19/12/2006	
	<b>Former committee for opinion on the legal basis</b>		<b>Former rapporteur for opinion</b>	<b>Appointed</b>	
	 Legal Affairs		MEDINA ORTEGA Manuel (PSE)	26/02/2007	
	Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
		Justice and Home Affairs (JHA)		2853	2008-02-28
		Justice and Home Affairs (JHA)		2899	2008-10-24
Employment, Social Policy, Health and Consumer Affairs		3073	2011-03-07		
European Commission	<b>Commission DG</b>		<b>Commissioner</b>		
	Justice and Consumers		MALMSTRÖM Cecilia		

## Key events

Date	Event	Reference	Summary
04/12/2006	Legislative proposal published	<a href="#">COM(2006)0754</a> 	<a href="#">Summary</a>
13/03/2008	Committee referral announced in Parliament		
29/05/2008	Vote in committee		<a href="#">Summary</a>
09/06/2008	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0247/2008</a>	
08/07/2008	Decision by Parliament	<a href="#">T6-0322/2008</a>	<a href="#">Summary</a>
08/07/2008	Results of vote in Parliament		
26/04/2010	Amended legislative proposal for reconsultation published	<a href="#">06242/2010</a>	<a href="#">Summary</a>
28/05/2010	Formal reconsultation of Parliament		
26/01/2011	Vote in committee		<a href="#">Summary</a>
01/02/2011	Committee report tabled for plenary, reconsultation	<a href="#">A7-0013/2011</a>	
15/02/2011	Decision by Parliament	<a href="#">T7-0048/2011</a>	<a href="#">Summary</a>
07/03/2011	Act adopted by Council after consultation of Parliament		
07/03/2011	End of procedure in Parliament		
18/06/2011	Final act published in Official Journal		

## Technical information

<b>Procedure reference</b>	2006/0252(NLE)
<b>Procedure type</b>	NLE - Non-legislative enactments
<b>Procedure subtype</b>	Consent by Parliament
<b>Legislative instrument</b>	Decision
<b>Amendments and repeals</b>	See also <a href="#">2004/0200(CNS)</a>
<b>Legal basis</b>	Treaty on the Functioning of the European Union TFEU 078-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	LIBE/7/03066 LIBE/6/43492

## Documentation gateway

### European Parliament

Document type	Committee	Reference	Date	Summary

Committee opinion	<a href="#">JURI</a>	<a href="#">PE390.621</a>	12/06/2007	
Committee draft report		<a href="#">PE404.818</a>	18/04/2008	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0247/2008</a>	09/06/2008	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0322/2008</a>	08/07/2008	<a href="#">Summary</a>
Committee draft report		<a href="#">PE452.676</a>	24/11/2010	
Committee final report tabled for plenary, reconsultation		<a href="#">A7-0013/2011</a>	01/02/2011	
Text adopted by Parliament after reconsultation		<a href="#">T7-0048/2011</a>	15/02/2011	<a href="#">Summary</a>

#### Council of the EU

Document type	Reference	Date	Summary
Amended legislative proposal for reconsultation	<a href="#">06242/2010</a>	26/04/2010	<a href="#">Summary</a>

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2006)0754</a> 	04/12/2006	<a href="#">Summary</a>
Commission response to text adopted in plenary	<a href="#">SP(2008)4891</a>	27/08/2008	

#### Additional information

Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

#### Final act

<a href="#">Decision 2011/0351</a> <a href="#">OJ L 160 18.06.2011, p. 0037</a>	<a href="#">Summary</a>
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## 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.

## **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.

## **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) - 08/07/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 621 votes to 13 with 50 abstentions

under the consultation procedure, a legislative resolution approving the proposal for a Council decision 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 on implementing the Dublin Regulation in this country (establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland). The report had been tabled for consideration in plenary by Ewa **KLAMT** (EPP-ED, DE) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

Parliament adopted one amendment to the proposal, indicating that the agreement requires the assent, and not merely a consultation, of the European Parliament. Therefore, they amended the legal basis of the proposal and indicated that they reserve the right to defend the prerogatives as conferred by the Treaty to the European Parliament in this matter.

## **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) - 15/02/2011 - Text adopted by Parliament after reconsultation

The European Parliament adopted a legislative resolution in which it gives its consent to the conclusion of a Protocol between the European Union, 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.

## **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) - 26/04/2010 - Amended legislative proposal for reconsultation

By this Decision, the European Parliament has been once again consulted on the proposal for a Council Decision 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.

To recall, on 27 February 2006, negotiations with Liechtenstein and Switzerland on the conclusion of the protocol were finalised. In accordance with a Council Decision, the Protocol was signed on behalf of the European Union on 28 February 2008, subject to its conclusion at a later date.

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

It is therefore necessary to approve the protocol **on behalf of the European Union** on the basis of the new legal basis set out in the Treaty on the Functioning of the European Union (TFEU).

A new provision has been included stipulating that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the Protocol as well as in the Agreement are, where appropriate, to be understood as to "the European Union".

New territorial provisions have also been laid down.

The European Parliament's consent is also required.