

Basic information

2013/0422(NLE)

NLE - Non-legislative enactments
Decision

Procedure completed

Arrangement EU/Switzerland on the modalities of its participation in the European Asylum Support Office

Subject

6.40.01 Relations with EEA/EFTA countries
7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)
8.40.08 Agencies and bodies of the EU

Geographical area

Switzerland

Key players

European
Parliament

Committee responsible

LIBE

Civil Liberties, Justice and Home Affairs

Rapporteur

METSOLA Roberta (PPE)

Appointed

15/07/2014

Shadow rapporteur

GUILLAUME Sylvie (S&D)

KIRKHOPE Timothy (ECR)

WIKSTRÖM Cecilia (ALDE)

VERGIAT Marie-Christine
(GUE/NGL)

LAMBERT Jean (Verts/ALE)

Former committee responsible

LIBE

Civil Liberties, Justice and Home Affairs

Former rapporteur

Appointed

Committee for opinion

BUDG

Budgets

Rapporteur for opinion

The committee decided not to give an opinion.

Appointed

JURI

Legal Affairs

The committee decided not to give an opinion.

	Former committee for opinion	Former rapporteur for opinion	Appointed
	AFET Foreign Affairs		
	DEVE Development		
	BUDG Budgets		
Council of the European Union	Council configuration	Meetings	Date
	General Affairs	3292	2014-02-11
	Justice and Home Affairs (JHA)	3450	2016-02-25
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	MALMSTRÖM Cecilia	

Key events			
Date	Event	Reference	Summary
10/12/2013	Preparatory document	COM(2013)0862 	Summary
19/03/2014	Legislative proposal published	18079/2013	Summary
03/07/2014	Committee referral announced in Parliament		
23/11/2015	Vote in committee		
30/11/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0345/2015	Summary
15/12/2015	Decision by Parliament	T8-0424/2015	Summary
15/12/2015	Results of vote in Parliament		
25/02/2016	Act adopted by Council after consultation of Parliament		
25/02/2016	End of procedure in Parliament		
11/03/2016	Final act published in Official Journal		

Technical information	
Procedure reference	2013/0422(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision

Legal basis	Treaty on the Functioning of the European Union TFEU 078-p2 Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 074
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/00282

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE541.427	24/10/2014	
Committee report tabled for plenary, 1st reading/single reading		A8-0345/2015	30/11/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0424/2015	15/12/2015	Summary
Council of the EU				
Document type		Reference	Date	Summary
Document attached to the procedure		18078/2013	04/02/2014	
Legislative proposal		18079/2013	19/03/2014	Summary
European Commission				
Document type		Reference	Date	Summary
Preparatory document		COM(2013)0862 	10/12/2013	Summary
Document attached to the procedure		COM(2013)0870 	10/12/2013	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 2016/0350 OJ L 065 11.03.2016, p. 0061	Summary

Arrangement EU/Switzerland on the modalities of its participation in the European Asylum Support Office

2013/0422(NLE) - 10/12/2013

PURPOSE: to conclude the Arrangement with Switzerland on the modalities of its participation in the European Asylum Support Office.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: [Regulation \(EU\) No 439/2010](#) established the European Asylum Support Office to strengthen practical cooperation between Member States on asylum, enhance the implementation of the Common European Asylum System and support Member States whose asylum and reception systems are under particular pressure.

Accordingly, Article 49 (1) of the Regulation stipulates that the Support Office shall be open to the participation of Iceland, Liechtenstein, Norway and **Switzerland** as observers.

Arrangements shall be made, specifying in particular the nature, extent and manner in which those countries are to participate in the Support Office's work.

The participation of associate countries in the Support Office's work is not only a logical step, having regard to their association to the Dublin system, but also has a clear added value to the Support Office's support offer such as:

- the exchange of best practices and expertise,
- the Support Office's permanent and emergency support,
- the Support Office's information gathering and analysis,
- the Support Office's early warning and preparedness system.

On that basis the Commission presented on 1 July 2011, a recommendation to the Council in order to authorise the Commission to open negotiations with Iceland, Norway, Switzerland, and Liechtenstein on international agreements establishing such arrangements.

The Commission received the Council authorisation to open negotiations with Iceland, Norway, Switzerland, and Liechtenstein on arrangements on the modalities of these countries' participation in EASO on 27 January 2012.

The negotiations were held jointly with all associate countries. Four rounds of negotiations took place.

The final text of the draft Arrangement with Liechtenstein was initialled on 28 June 2013.

It is now necessary to approve the Arrangement on behalf of the European Union.

CONTENT: with this proposed Decision, the Council is called upon to approve, on behalf of the Union, the Arrangement with Switzerland on the modalities of its participation in the European Asylum Support Office.

Main provisions of the Arrangement: the draft Arrangement foresees:

- the full participation of Switzerland in the activities of the Support Office,
- representation in the Support Office's Management Board as an observer and without voting rights,
- annual financial contributions of Switzerland, to the budget of the Support Office by an annual sum calculated in accordance with its GDP as a percentage of GDP of all States participating in the Support Office's work. Switzerland accepted provisions concerning a possible increased contribution if the Union contribution is increased.

Institutional provisions: the draft Arrangement foresees the establishment of a committee composed of representatives of the Commission and of the associate countries. For reasons of efficiency, this committee shall meet jointly with the corresponding Committees set up with other associated countries participating on the basis of Article 49 (1) of the Regulation. The committee was not mentioned in the negotiating directives and has been requested by the associate countries in order to allow for an exchange of information and monitor the proper implementation of the Arrangement.

Financial contribution: Switzerland shall contribute to the revenue of the Support Office an annual sum calculated in accordance with its Gross Domestic Product (GDP) as a percentage of the GDP of all participating States in accordance with the formula described in Annex I of the draft Arrangement.

Staff of the Support Office: the Staff Regulations of the European Union should apply to nationals of Switzerland recruited as staff members by the Support Office. Switzerland shall apply to the Support Office and to its staff the Protocol on the Privileges and Immunities of the European Union as well as any rules adopted pursuant to this Protocol relating to staff matters of the Support Office.

Arrangement EU/Switzerland on the modalities of its participation in the European Asylum Support Office

2013/0422(NLE) - 25/02/2016 - Final act

PURPOSE: to conclude the Arrangement with Switzerland on the modalities of its participation in the European Asylum Support Office.

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/350 on the conclusion of the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office.

CONTENT: under this Council Decision, **the Arrangement between the European Union and Switzerland on the modalities of its participation in the European Asylum Support Office** is hereby approved on behalf of the Union. The Arrangement was signed on 11 February 2014, subject to its conclusion.

To recall, [Regulation \(EU\) No 439/2010](#) of the European Parliament and of the Council states that, to fulfil its purpose, the European Asylum Support Office, should be open to participation by countries which have concluded agreements with the EU by virtue of which they have adopted and apply EU law in the field covered by the Regulation, in particular, Iceland, Liechtenstein, Norway and Switzerland (associate countries).

Switzerland has concluded agreements with the EU, by virtue of which it has adopted and applies EU law in the field covered by the Regulation, in particular 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.

Under this Arrangement, Switzerland shall:

- participate fully in the work of the Support Office and be entitled to receive support actions from the Support Office;
- be represented in the Management Board of the Support Office as an observer without the right to vote;
- contribute to the revenue of the Support Office an annual sum calculated in accordance with its Gross Domestic Product (GDP) as a percentage of the GDP of all participating States;
- apply its national rules concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data;
- respect the rules on confidentiality of documents held by the Support Office;
- recognise the jurisdiction of the Court of Justice of the European Union over the Support Office.

A Committee, composed of representatives of the European Commission and Switzerland, shall monitor the proper implementation of this Arrangement and ensure a continuous process of information provision and exchange of views in this respect.

Ireland and the United Kingdom shall participate in this Decision while Denmark shall not take part nor shall it be bound by it or subject to its application.

ENTRY INTO FORCE: 25.2.2016.

Arrangement EU/Switzerland on the modalities of its participation in the European Asylum Support Office

2013/0422(NLE) - 19/03/2014 - Legislative proposal

PURPOSE: to conclude the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: in accordance with a Council Decision, the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office was signed on, subject to its conclusion at a later date.

That Arrangement should now be approved on behalf of the Union.

CONTENT: the proposal invites the Council to adopt the decision concluding the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office, on behalf of the EU.

The President of the Council shall, on behalf of the Union and its Member States, give the notification provided for in the Arrangement.

The content of the Arrangement is in accordance with that proposed by the Commission (please see the summary of 10/12/2013).

Territorial provisions: the United Kingdom and Ireland are participating in this Decision. On the other hand, Denmark is not participating in the Decision.

Arrangement EU/Switzerland on the modalities of its participation in the European Asylum Support Office

PURPOSE: to conclude the Arrangement with Switzerland on the modalities of its participation in the European Asylum Support Office.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: [Regulation \(EU\) No 439/2010](#) established the European Asylum Support Office to strengthen practical cooperation between Member States on asylum, enhance the implementation of the Common European Asylum System and support Member States whose asylum and reception systems are under particular pressure.

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Arrangement EU/Switzerland on the modalities of its participation in the European Asylum Support Office

The committee recommended the European Parliament to give its consent to conclusion of the Arrangement.

Arrangement EU/Switzerland on the modalities of its participation in the European Asylum Support Office

2013/0422(NLE) - 15/12/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 505 votes to 49, with 14 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office.

Parliament **gave its consent** to the conclusion of the arrangement.