



| Basic information | |
|---|---------------------|
| <p>2004/0200(CNS)</p> <p>CNS - Consultation procedure Decision</p> <p>EC/Switzerland agreement: State responsible for the examination of an asylum application. Dublin Convention on Eurodac</p> <p>See also 2006/0252(NLE) See also 2006/0257(CNS) See also 2018/0418(NLE)</p> <p>Subject</p> <p>6.40.11 Relations with industrialised countries 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)</p> <p>Geographical area</p> <p>Switzerland</p> | Procedure completed |


| Key players | | | | |
|-------------------------------|---|--|---|------------------|
| European Parliament | Committee responsible | | Rapporteur | Appointed |
| | LIBE Civil Liberties, Justice and Home Affairs | | KIRKHOPE Timothy (PPE-DE) | 25/11/2004 |
| | Committee for opinion | | Rapporteur for opinion | Appointed |
| | AFET Foreign Affairs | | The committee decided not to give an opinion. | 08/12/2004 |
| | Committee for opinion on the legal basis | | Rapporteur for opinion | Appointed |
| | JURI Legal Affairs | | MEDINA ORTEGA Manuel (PSE) | 21/09/2004 |
| Council of the European Union | Council configuration | | Meetings | Date |
| | General Affairs | | 2711 | 2006-02-27 |
| | Transport, Telecommunications and Energy | | 2625 | 2004-11-29 |
| European Commission | Commission DG | | Commissioner | |
| | External Relations | | | |

| Key events | | | |
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| Date | Event | Reference | Summary |
|------------|---|--|---------|
| 14/09/2004 | Initial legislative proposal published | COM(2004)0593  | |
| 22/10/2004 | Legislative proposal published | 13049/2004 | Summary |
| 14/12/2004 | Committee referral announced in Parliament | | |
| 13/06/2005 | Vote in committee | | Summary |
| 20/06/2005 | Committee report tabled for plenary, 1st reading/single reading | A6-0201/2005 | |
| 06/07/2005 | Debate in Parliament | CRE link | |
| 07/07/2005 | Decision by Parliament | T6-0292/2005 | Summary |
| 13/10/2005 | Decision by Parliament | T6-0374/2005 | Summary |
| 13/10/2005 | Results of vote in Parliament |  | |
| 27/02/2006 | Act adopted by Council after consultation of Parliament | | |
| 27/02/2006 | End of procedure in Parliament | | |
| 27/02/2007 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|---|
| Procedure reference | 2004/0200(CNS) |
| Procedure type | CNS - Consultation procedure |
| Procedure subtype | International agreement |
| Legislative instrument | Decision |
| | See also 2006/0252(NLE) See also 2006/0257(CNS) See also 2018/0418(NLE) |
| Legal basis | EC Treaty (after Amsterdam) EC 300-p2/3-a1 EC Treaty (after Amsterdam) EC 063-p1 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/6/23889 |

| Documentation gateway | | | | |
|---|--|---|------------|---------|
| European Parliament | | | | |
| Document type | Committee | Reference | Date | Summary |
| Committee opinion | JURI | PE355.790 | 06/04/2005 | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0201/2005 | 20/06/2005 | |
| Text adopted by Parliament, partial vote at 1st reading /single reading | | T6-0292/2005 OJ C 157 06.07.2006, p. 0405-0463 E | 07/07/2005 | Summary |
| Text adopted by Parliament, 1st reading/single reading | | T6-0374/2005 OJ C 233 28.09.2006, p. 0016-0090 E | 13/10/2005 | Summary |
| Council of the EU | | | | |
| Document type | Reference | Date | Summary | |

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|--|--|-------------|----------------|
| Legislative proposal | 13049/2004 | 22/10/2004 | Summary |
| European Commission | | | |
| Document type | Reference | Date | Summary |
| Initial legislative proposal | COM(2004)0593  | 14/09/2004 | |
| Commission response to text adopted in plenary | SP(2005)4593 | 24/11/2005 | |

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| Additional information | | |
| Source | Document | Date |
| European Commission | EUR-Lex | |

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| Final act | |
| Decision 2008/0147 OJ L 053 27.02.2008, p. 0003 | Summary |

EC/Switzerland agreement: State responsible for the examination of an asylum application. Dublin Convention on Eurodac

2004/0200(CNS) - 28/01/2008 - Final act

PURPOSE: to conclude an Agreement between the European Community and the Swiss Confederation on request for asylum.

LEGISLATIVE ACT: Council Decision (2008/147/EC) on the conclusion on behalf of the European Community of 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: on 1 June 2002, 7 Agreements involving the European Union and Switzerland entered into force simultaneously. They concerned the essential elements of the internal market but were also aimed at simplifying the free movement of persons between the European Union and this country. In the annex to these Agreements, Switzerland made a declaration on immigration and asylum policy in which it expressed its intention to associate itself with the Schengen acquis in particular as regards the coordination of asylum policies. It also proposed to take part in the negotiations with a view to concluding a parallel convention to the Dublin Convention.

This Agreement and the parallel Agreement on the association of Switzerland to the Schengen Acquis (see [CNS/2004/0199](#)) are the result of this commitment.

CONTENT: the purpose of this Council Decision is to conclude and approve an Agreement between the European Community and the Swiss Confederation regarding the criteria and mechanisms establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland. In the Agreement, Switzerland agrees to implement the following Regulations:

- Dublin Regulation;
- Eurodac Regulation;
- Eurodac implementing Regulation; and,
- the Dublin implementing Regulation

The Member States will apply these Regulations to Switzerland. The Swiss authorities will be consulted on any new measure being proposed and informed of any legislative changes that may take place. The Swiss will have the right to put forward any proposal through the **Mixed Committee**.

Transition period: Switzerland is granted a two year period for acceptance and implementation of future acquis into its internal legal order in case a referendum is requested. If possible, Switzerland has to apply the development of the acquis on a provisional basis. If Switzerland cannot apply the content of the development on a provisional basis, EU and EC may take proportional and necessary measures against Switzerland in order to ensure the efficient functioning of the Dublin/EURODAC cooperation.

Budget implications: with regard to the administrative and operating costs associated with the setting-up and operation of the Eurodac central unit, Switzerland shall make a contribution to the general budget of the European Communities amounting to 7.286% of an initial reference amount of EUR 11 675 000 and, from the 2004 financial year, an annual contribution amounting to 7,286% of the corresponding budgetary appropriations for the financial year in question.

As for the other administrative and operating costs associated with implementing this Agreement, Switzerland shall contribute to the general budget of the European Communities an annual sum calculated in accordance with its gross domestic product as a percentage of the gross domestic product of all the participating States.

Simultaneous implementation of the Agreements: it is provided to create a link between the implementation and the termination of the Schengen Agreement, on the one hand, and, on the other hand, the implementation of and the termination of the Agreement on the mechanisms for determining the state responsible for examining a request for asylum lodged in one of the Member States.

Bilateral Agreements: according to Denmark's special position with regard to acts adopted pursuant to Title IV of the Treaty establishing the European Community, Denmark needs to be associated by means of a Protocol to the present Agreement in order to create rights and obligations with Switzerland in relation to the Dublin/EURODAC measures. In addition, Norway and Iceland also need to conclude an Agreement with Switzerland in order to create rights and obligations between all associated partners applying the Dublin/EURODAC acquis. An Article allows Liechtenstein to join the present Agreement.

Various declarations: it should be noted that several declarations have been made which state in particular that:

- 1) it commits itself to speed up as much as possible the different procedures in case a referendum is asked;
- 2) the participation in Committees assisting the commission in its exercise of executive powers in accordance with the Iceland and Norway model for their participation in Dublin/Eurodac follows the same structure as that foreseen in article 100 of the EEA Agreement;
- 3) there is an interest to develop, as far as possible, Switzerland's cooperation with Eurojust and with the European Judicial Network.

ENTRY INTO FORCE (of the present Agreement and the parallel Agreement): 1 March 2008.

EC/Switzerland agreement: State responsible for the examination of an asylum application. Dublin Convention on Eurodac

2004/0200(CNS) - 13/10/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Timothy **KIRKHOPE** (EPP-ED, UK) and approved the proposal for a Council decision as amended by Parliament on 7 July 2005 (please refer to the relevant summary) and approved conclusion of the agreement.

EC/Switzerland agreement: State responsible for the examination of an asylum application. Dublin Convention on Eurodac

2004/0200(CNS) - 07/07/2005 - Text adopted by Parliament, partial vote at 1st reading/single reading

The report drafted by Timothy **KIRKHOPE** (EPP-ED, UK) approving the proposed Council decision subject to two amendments concerning the legal basis has been referred back to the Civil Liberties Committee for further analysis.

EC/Switzerland agreement: State responsible for the examination of an asylum application. Dublin Convention on Eurodac

2004/0200(CNS) - 22/10/2004 - Legislative proposal

PURPOSE : to conclude provisional application of certain provisions of the Agreement between the European Union 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.

PROPOSED ACT : Council Decision (Conclusion of an Agreement).

CONTENT : negotiations between the European Community and the Swiss Confederation on Seven Agreements were concluded in June 1999. All those Agreements entered simultaneously into force on 1 June 2002 (please refer to AVC/1999/0103 to 1999/0109). Attached to the agreements, the Swiss Confederation made a declaration on migration and asylum policy declaring its intention to participate in the EU system for coordinating asylum policies and proposing that negotiations be entered into for the conclusion of a convention parallel to the Dublin Convention.

Following the authorization given to the Commission on 17 June 2002, negotiations were held with the Swiss Confederation on its association with the implementation, application and development of the Schengen Acquis as well as with the legislation establishing Eurodac and the legislation on the State responsible for examining requests for asylum (which has been adopted subsequently and which will be referred to as "Dublin" Regulation). According to the negotiating directives, the agreements follow the model of the agreements with Norway and Island - concerning the latter's association with the implementation, application and development of the Schengen acquis (CNS/2004/0199) and concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway - adapted to the specific constitutional requirements of Switzerland.

Lastly, it is considered that the texts are in accordance with the negotiating directives adopted by the Council on 17 June 2002. The sole exception to the principle of full acceptance of the current and future Schengen acquis is the derogation granted to Switzerland in respect of the acceptance of future acquis related to requests for search and seizure in respect of offences in the field of direct taxation (refer to CNS/2004/0199). COREPER approved this derogation on 17.5.2004 as part of an overall compromise with Switzerland in a wide range of sectors, which was agreed upon in the EU /Switzerland summit on 19.5.2004.

The two agreements on Schengen and Dublin/EURODAC are linked and should therefore be signed simultaneously.

The following points are highlighted in order to show the differences with or adaptations to the corresponding Agreements concluded with Norway and Iceland:

- Transition period : Switzerland is granted a two year period for acceptance and implementation of future acquis into its internal legal order in case a referendum is requested. If possible, Switzerland has to apply the development of the acquis on a provisional basis. If Switzerland cannot apply the content of the development on a provisional basis, EU and EC may take proportional and necessary measures against Switzerland in order to ensure the efficient functioning of the Dublin/EURODAC cooperation.

- Participation of the costs : the calculation of the contribution of Switzerland to the costs of the central unit of Eurodac is based on the relevant Norwegian and Icelandic contributions, in relation to the GDP of these three countries;

- Bilateral agreements : according to Denmark's special position with regard to acts adopted pursuant to Title IV of the Treaty establishing the European Community, Denmark needs to be associated via a protocol to the present Agreement in order to create rights and obligations between Denmark and Switzerland in relation to the provisions of Dublin/Eurodac;

In addition, Norway and Iceland need to conclude an agreement with Switzerland in order to create rights and obligations between all associated partners applying the Dublin/Eurodac acquis.

An Article allows Liechtenstein to join the present Agreement.

- Comitology : a Mixed Committee will be established in order to address all Council items relevant for the implementation, application and development of the Dublin/EURODAC acquis. The creation of the Joint Committee, are provisionally applied upon signature. This provisional application (and a similar provisional application is provided for in Schengen) will allow Switzerland to prepare itself for the technical implementation of the Agreement during the period of ratification;

- Simultaneous application : a necessary link between the implementation and termination of the agreement on Dublin/Eurodac and the implementation and termination of the Schengen agreement has been created.

It should be noted that several declarations have been made which state in particular that:

- 1) it commits itself to speed up as much as possible the different procedures in case a referendum is asked;
- 2) the participation in Committees assisting the commission in its exercise of executive powers in accordance with the Iceland and Norway model for their participation in Dublin/Eurodac follows the same structure as that foreseen in article 100 of the EEA Agreement;
- 3) there is an interest to develop, as far as possible, Switzerland's cooperation with Eurojust and with the European Judicial Network.