


Procedure file

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

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		02/09/2009
		PPE HOHLMEIER Monika	
	Former committee responsible		
	LIBE Civil Liberties, Justice and Home Affairs		19/12/2006
		PPE-DE KLAMT Ewa	
Council of the European Union	Former committee for opinion on the legal basis		
	JURI Legal Affairs		26/02/2007
		PSE MEDINA ORTEGA Manuel	
Council of the European Union	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs3073		07/03/2011
	Justice and Home Affairs (JHA)	2899	24/10/2008
	Justice and Home Affairs (JHA)	2853	28/02/2008
European Commission	Commission DG Justice and Consumers	Commissioner MALMSTRÖM Cecilia	


Key events			
03/12/2006	Legislative proposal published	COM(2006)0754	Summary
13/03/2008	Committee referral announced in Parliament		

29/05/2008	Vote in committee		Summary
09/06/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0247/2008	
08/07/2008	Results of vote in Parliament		
08/07/2008	Decision by Parliament	T6-0322/2008	Summary
25/04/2010	Amended legislative proposal for reconsultation published	06242/2010	Summary
28/05/2010	Formal reconsultation of Parliament		
26/01/2011	Vote in committee		Summary
31/01/2011	Committee report tabled for plenary, reconsultation	A7-0013/2011	
15/02/2011	Decision by Parliament	T7-0048/2011	Summary
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

Procedure reference	2006/0252(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 2004/0200(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 078-p2; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/43492; LIBE/7/03066

Documentation gateway

Legislative proposal		COM(2006)0754	04/12/2006	EC	Summary
Committee opinion		PE390.621	12/06/2007	EP	
Committee draft report		PE404.818	18/04/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0247/2008	09/06/2008	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0322/2008	08/07/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)4891	27/08/2008	EC	
Amended legislative proposal for reconsultation		06242/2010	26/04/2010	CSL	Summary

Committee draft report		PE452.676	24/11/2010	EP	
Committee final report tabled for plenary, reconsultation		A7-0013/2011	01/02/2011	EP	
Text adopted by Parliament after reconsultation		T7-0048/2011	15/02/2011	EP	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Decision 2011/351](#)
[OJ L 160 18.06.2011, p. 0037](#) Summary

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

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

The Committee on Civil Liberties, Justice and Home Affairs adopted the consultation report by Ewa KLAMT (EPP-ED, DE) 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).

MEPs approved one single amendment to the proposal of a legal nature. They believe that this agreement requires the assent, and not merely a consultation, of the European Parliament. Therefore, they are amending the legal basis of the proposal and indicate 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

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

By this Decision, the European Parliament has been once again been 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 on 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.

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

The Committee on Civil Liberties, Justice and Home Affairs adopted the report drafted by Monika HOHLMEIER (EPP, DE) recommending the European Parliament to give 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

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

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.