

Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2013/0422(NLE) 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	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 METSOLA Roberta	15/07/2014
		Shadow rapporteur	
		 GUILLAUME Sylvie	
		 KIRKHOPE Timothy	
		 WIKSTRÖM Cecilia	
		 LAMBERT Jean	
	Former committee responsible		
	 Civil Liberties, Justice and Home Affairs		
	Committee for opinion	Rapporteur for opinion	Appointed
 Budgets	The committee decided not to give an opinion.		
 Legal Affairs	The committee decided not to give an opinion.		
Former committee for opinion			
 Foreign Affairs			
 Development			
 Budgets			
Council of the European Union	Council configuration	Meeting	Date

European Commission	Justice and Home Affairs (JHA)	3450	25/02/2016
	General Affairs	3292	11/02/2014
	Commission DG	Commissioner	
	Migration and Home Affairs	MALMSTRÖM Cecilia	

Key events

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	Results of vote in Parliament		
15/12/2015	Decision by Parliament	T8-0424/2015	Summary
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 EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 078-p2; Treaty on the Functioning of the EU TFEU 074
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/00282

Documentation gateway

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

Additional information

European Commission

[EUR-Lex](#)**Final act**

[Decision 2016/350](#)
[OJ L 065 11.03.2016, p. 0061](#) Summary

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.

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

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

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Roberta METSOLA (EPP, MT) 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 (EASO).

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

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.

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.

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.