

COUNCIL DECISION

of 28 January 2008

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

(2008/147/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(1)(a), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Following the authorisation given to the Commission on 17 June 2002, negotiations with the Swiss Authorities, regarding 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 concluded;
- (2) In accordance with a Council Decision of 25 October 2004, and subject to its final conclusion at a later date, 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 has been signed on behalf of the European Community on 26 October 2004;
- (3) The Agreement should now be approved;
- (4) The Agreement establishes a Mixed Committee with decision-making powers in certain areas and it is thus necessary to specify who represents the Community within this Committee;
- (5) It is further necessary to provide for a procedure laying down how a Community position is adopted;
- (6) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty

on European Union and the Treaty establishing the European Community, the United Kingdom and Ireland are taking part in the adoption and application of this Decision;

- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

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, and the related documents consisting of the Final Act and the Joint Declaration on joint meetings of the Mixed Committees are hereby approved on behalf of the European Community.

The texts of the Agreement, the Final Act, and the Joint Declaration are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to deposit on behalf of the European Community the Instrument of approval provided for in Article 12 of the Agreement, in order to express the consent of the Community to be bound.

Article 3

The Commission shall represent the Community in the Mixed Committee established by Article 3 of the Agreement.

Article 4

1. The position of the Community within the Mixed Committee with regard to the adoption of its Rules of Procedure as required under Article 3(2) of the Agreement shall be taken by the Commission after consultation of a special committee designated by the Council.

2. For all other Mixed Committee decisions, the position of the Community shall be adopted by the Council, acting by qualified majority, on a proposal by the Commission.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 January 2008.

For the Council

The President

D. RUPEL
