PROTOCOL

between the European Union, 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 Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

THE EUROPEAN UNION

and

THE EUROPEAN COMMUNITY

and

THE SWISS CONFEDERATION

and

THE PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'the Contracting Parties',

HAVING REGARD TO the Agreement signed on 26 October 2004 between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* [1] ('the Association Agreement'),

RECALLING that Article 16 thereof provides for the possibility of the Principality of Liechtenstein acceding to the Association Agreement by way of a Protocol,

CONSIDERING the geographical situation of the Principality of Liechtenstein,

CONSIDERING the close ties between the Principality of Liechtenstein and the Swiss Confederation, expressed by an area without internal border controls between the Principality of Liechtenstein and the Swiss Confederation,

CONSIDERING the wish of the Principality of Liechtenstein to maintain and establish an area without border control with all Schengen countries and therefore to be associated with the Schengen *acquis*,

WHEREAS the Agreement concluded on 18 May 1999 by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway [2] associated the latter two States with the implementation, application and development of the Schengen *acquis*,

WHEREAS it is desirable that the Principality of Liechtenstein be associated on an equal footing with Iceland, Norway and Switzerland in the implementation, application and development of the Schengen *acquis*,

WHEREAS a protocol should be concluded between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein providing for Liechtenstein to enjoy rights and obligations similar to those agreed between the Council of the European Union, of the one part, and Iceland and Norway, as well as Switzerland of the other part,

WHEREAS the provisions of Title IV of the Treaty establishing the European Community and the acts adopted on the basis of that Title do not apply to the Kingdom of Denmark pursuant to the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, and whereas the decisions designed to develop the Schengen *acquis* in application of that Title which Denmark has transposed into its domestic law are only liable to create international-law obligations between Denmark and the other Member States,

[1] OJ L 53, 27.2.2008, p. 52.
[2] OJ L 176, 10.7.1999, p. 36.

WHEREAS Ireland and the United Kingdom of Great Britain and Northern Ireland participate in certain provisions of the Schengen *acquis*, in accordance with the decisions taken pursuant to the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community [1],

WHEREAS it is necessary to ensure that the States with which the European Union has established an association for the purpose of implementing, applying and developing the Schengen *acquis* also apply that *acquis* in their relations with each other,

WHEREAS the smooth operation of the Schengen *acquis* requires that this Protocol be applied simultaneously with the agreements between the various parties associated with or participating in the implementation and development of the Schengen *acquis* governing their mutual relations,

HAVING REGARD TO the 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 one of the Member States or in Switzerland [2],

BEARING IN MIND the link between the Schengen *acquis* and the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of the 'Eurodac' system,

WHEREAS that link requires that the Schengen *acquis* be applied simultaneously with the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of the 'Eurodac' system,

HAVE AGREED AS FOLLOWS:

Article 1

In accordance with Article 16 of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ('the Association Agreement'), the Principality of Liechtenstein (hereinafter referred to as 'Liechtenstein') accedes to the Association Agreement under the terms and conditions set out in this Protocol.

This accession creates reciprocal rights and obligations between the Contracting Parties in accordance with the rules and procedures set out herein.

Article 2

1. The provisions of the Schengen *acquis* listed in Annex A and Annex B to the Association Agreement as they apply to the Member States of the European Union shall be implemented and applied by Liechtenstein under the conditions envisaged in those Annexes.

2. In addition, the provisions of the acts of the European Union and of the European Community listed in the Annex to this Protocol which have replaced or developed provisions of the Schengen *acquis* shall be implemented and applied by Liechtenstein.

3. The acts and measures taken by the European Union and the European Community amending or developing the provisions of the Schengen *acquis*, to which the procedures set out in the Association Agreement, in conjunction with this Protocol, have been applied, shall also, without prejudice to Article 5, be accepted, implemented and applied by Liechtenstein.

Article 3

The rights and obligations set out in Article 3(1) to (4), Articles 4 to 6, Articles 8 to 10, Article 11(2), (3) and (4), and Article 13 of the Association Agreement shall apply to Liechtenstein.

Article 4

The office of the President of the Mixed Committee as established by Article 3 of the Association Agreement shall, at the level of experts, be held by the representative of the European Union. At the level of senior officials and Ministers it shall alternately, for a period of 6 months, be held by the representative of the European Union and by the representative of the Government of Liechtenstein or Switzerland, respectively.

Article 5

1. The adoption of new acts or measures related to the matters referred to in Article 2 shall be reserved to the competent institutions of the European Union. Subject to paragraph 2 of this article, such acts or measures shall enter into force simultaneously for the European Union, the European Community and their respective Member States concerned and for Liechtenstein, unless those acts or measures explicitly state otherwise. In this context, due account shall be taken of the period of time indicated by Liechtenstein in the Mixed Committee as being necessary to enable it to fulfil its constitutional requirements.

[1] OJ L 64, 7.3.2002, p. 20 and OJ L 131, 1.6.2000, p. 43, respectively.
[2] See page 39 of this Official Journal.

2. (a) The Council of the European Union ('the Council') shall notify Liechtenstein immediately of the adoption of the acts or measures referred to in paragraph 1 to which the procedures set out in this Protocol have been applied. Liechtenstein shall decide whether to accept their contents and to implement them in its internal legal order. That decision shall be notified to the Council and to the Commission of the European Communities ('the Commission') within thirty days of the adoption of the acts or measures concerned.

(b) If the contents of such an act or measure can become binding on Liechtenstein only after the fulfilment of constitutional requirements, Liechtenstein shall inform the Council and the Commission of this at the time of its notification. Liechtenstein shall promptly inform the Council and the Commission in writing upon fulfilment of all constitutional requirements. Where a referendum is not required, notification shall, at the latest, take place thirty days after the referendum deadline expires. If a referendum is required, Liechtenstein shall have eighteen months from the date of the Council's notification within which to make its notification. From the date laid down for the entry into force of the act or measure for Liechtenstein and until it has given notification that the constitutional requirements have been met, Liechtenstein shall, where possible, implement the act or measure in question on a provisional basis.

If Liechtenstein cannot implement the act or measure at issue on a provisional basis, and if this causes difficulties that disrupt the operation of Schengen cooperation, the situation shall be examined by the Mixed Committee. The European Union and the European Community may take proportionate, appropriate measures against Liechtenstein to ensure that Schengen cooperation operates smoothly.

3. Acceptance by Liechtenstein of the acts and measures referred to in paragraph 2 creates rights and obligations between Liechtenstein, on the one hand, and the European Union, the European Community and the Member States, in so far as they are bound by those acts and measures, and Switzerland on the other hand.

4. Where:

(a) Liechtenstein notifies its decision not to accept the contents of an act or measure referred to in paragraph 2 and to which the procedures set out in this Protocol have been applied; or

(b) Liechtenstein does not carry out notification within the thirty-day time limit referred to in paragraphs 2(a) or 5(a); or

(c) Liechtenstein does not carry out the notification at the latest thirty days after the referendum deadline has expired or, in the case of a referendum, within the eighteen months time limit set out in paragraph 2(b), or does not provide for provisional implementation as envisaged in the same paragraph from the date laid down for the entry into force of the act or measure concerned.

This Protocol shall be considered terminated unless the Mixed Committee, after carrying out a careful examination of ways of continuing the Protocol, decides otherwise within ninety days. Termination of this Protocol shall take effect 3 months after the expiry of the ninety-day period.

5. (a) If provisions of a new act or measure have the effect of no longer allowing Member States to subject compliance with requests for mutual assistance in criminal matters or the recognition of orders from other Member States to search premises and/or to seize items of evidence to the conditions set out in Article 51 of the Convention Implementing the Schengen Agreement [1], Liechtenstein may notify the Council and the Commission within the period of thirty days referred to in paragraph 2, point (a) that it will not accept or implement those provisions in its internal legal order where they apply to search and seizure requests or orders made for the purposes of investigating or prosecuting offences in the field of direct taxation which, if committed in Liechtenstein, would not be punishable under Liechtenstein law with a custodial penalty. In that case this Protocol shall not be considered terminated, contrary to the provisions of paragraph 4.

(b) The Mixed Committee shall convene within 2 months following a request by one of its members and, taking into account international developments, shall discuss the situation resulting from a notification pursuant to point (a).

Once the Mixed Committee has unanimously reached an agreement on the full acceptance and implementation by Liechtenstein of the relevant provisions of the new act or measure, paragraphs 2, point (b), 3 and 4 shall apply. The information referred to in the first sentence of paragraph 2, point (b) shall be provided within thirty days of the agreement reached in the Mixed Committee.

Article 6

In fulfilling its obligation with regard to the Schengen Information System and the Visa Information System, Liechtenstein may use the technical infrastructure of Switzerland for its access to these systems.

[1] Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

Article 7

As regards the administrative costs associated with implementing this Protocol, Liechtenstein shall make an annual contribution to the general budget of the European Union of 0,071 % of an amount of EUR 8 100 000, subject to annual adjustment to reflect inflation in the European Union.

Article 8

1. This Protocol shall not affect the Agreement on the European Economic Area or any other agreement concluded between the European Community and Liechtenstein.

2. This Protocol shall not affect the agreements binding Liechtenstein, of the one part, and one or more Member States, of the other part, in so far as they are compatible with this Protocol. If such agreements are incompatible with this Protocol, the latter shall prevail.

3. This Protocol shall not affect in any respect any future agreements concluded with Liechtenstein by the European Community, or between the European Community and its Member States, of the one part, and Liechtenstein, of the other part, or agreements concluded on the basis of Articles 24 and 38 of the Treaty on European Union.

4. This Protocol shall not affect agreements between Liechtenstein and Switzerland insofar as they are compatible with this Protocol. If such agreements are incompatible with this Protocol, the latter shall prevail.

Article 9

1. This Protocol shall enter into force 1 month after the day on which the Secretary-General of the Council, in his capacity as its depositary, has established that all the formal requirements have been met as regards the expression of consent by, or on behalf of, the Parties to be bound by this Protocol.

2. Articles 1, 4, and Article 5(2)(a) first sentence, of this Protocol and the rights and obligations set out in Articles 3(1) to (4), and Articles 4 to 6 of the Association Agreement shall apply provisionally to Liechtenstein as of the date on which this Protocol is signed.

3. With respect to acts or measures adopted after this Protocol has been signed but before it enters into force, the thirty-day period referred to in Article 5(2)(a), last sentence shall start to run from the day of entry into force of this Protocol.

Article 10

1. The provisions referred to in Article 2 shall be put into effect by Liechtenstein on a date to be fixed by the Council, acting by unanimity of its Members representing the governments of those Member States which apply all the provisions referred to in Article 2 after consulting the Mixed Committee and after having satisfied itself that the preconditions for implementation of the relevant provisions have been fulfilled by Liechtenstein.

The Members of the Council representing the governments of Ireland and the United Kingdom of Great Britain and Northern Ireland respectively shall be involved in taking this decision insofar as it relates to the provisions of the Schengen *acquis* and the acts based on it or related to it in which those Member States participate.

The Members of the Council representing the governments of the Member States to which, in accordance with their Treaty of Accession, only some of the provisions referred to in Article 2 apply shall be involved in taking this decision insofar as it relates to the provisions of the Schengen *acquis* that are already applicable to their respective Member States.

2. Implementation of the provisions referred to in paragraph 1 shall create rights and obligations between Switzerland and Liechtenstein, of the one part and between Liechtenstein, and, the European Union, the European Community and the Member States, as appropriate, insofar as they are bound by these provisions, of the other part.

3. This Protocol shall be applied only if the Agreements to be concluded by Liechtenstein and referred to in Article 13 of the Association Agreement are implemented.

4. Moreover, this Protocol shall be applied only if the 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 is also implemented.

Article 11

1. This Protocol may be denounced by Liechtenstein or by Switzerland or by decision of the Council acting by unanimity of its Members. The depositary shall be notified of denunciation, which shall take effect 6 months after notification.

2. In case of denunciation by Switzerland of this Protocol or of the Association Agreement, or in case of the termination of the Association Agreement with respect to Switzerland, the Association Agreement and this Protocol shall remain in force with respect to the relations between the European Union and

the European Community on the one part and Liechtenstein on the other part. In such a case, the Council shall decide, after consulting Liechtenstein, on the necessary measures. However, those measures shall be binding upon Liechtenstein only if Liechtenstein accepts them.

3. This Protocol shall be considered to have been terminated if Liechtenstein terminates one of the agreements referred to in Article 13 of the Association Agreement that have been concluded by Liechtenstein or terminates the Protocol referred to in Article 10(4).

Article 12

This Protocol shall be drawn up in triplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

In witness whereof, the undersigned plenipotentiaries have hereunto set their hands.

Съставено в Брюксел на двадесет и осми февруари две хиляди и осма година.

Hecho en Bruselas, el veintiocho de febrero de dos mil ocho.

V Bruselu dne dvacátého osmého února dva tisíce osm.

Udfærdiget i Bruxelles den otteogtyvende februar to tusind og otte.

Geschehen zu Brüssel am achtundzwanzigsten Februar zweitausendacht.

Kahe tuhande kaheksanda aasta veebruarikuu kahekümne kaheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι οκτώ Φεβρουαρίου δύο χιλιάδες οκτώ.

Done at Brussels on the twenty-eighth day of February in the year two thousand and eight.

Fait à Bruxelles, le vingt-huit février deux mille huit.

Fatto a Bruxelles, addì ventotto febbraio duemilaotto.

Briselē, divtūkstoš astotā gada divdesmit astotajā februārī.

Priimta du tūkstančiai aštuntų metų vasario dvidešimt aštuntą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-nyolcadik év február huszonnyolcadik napján.

Magħmul fi Brussell, fit-tmienja u għoxrin jum ta' Frar tas-sena elfejn u tmienja.

Gedaan te Brussel, de achtentwintigste februari tweeduizend acht.

Sporządzono w Brukseli dnia dwudziestego ósmego lutego roku dwa tysiące ósmego.

Feito em Bruxelas, em vinte e oito de Fevereiro de dois mil e oito.

Încheiat la Bruxelles, la douăzeci și opt februarie în anul două mii opt.

V Bruseli dňa dvadsiateho ôsmeho februára dvetisícosem.

V Bruslju, dne osemindvajsetega februarja leta dva tisoč osem.

Tehty Brysselissä kahdentenakymmenentenäkahdeksantena päivänä helmikuuta vuonna kaksituhattakahdeksan.

Som skedde i Bryssel den tjugoåttonde februari tjugohundraåtta.

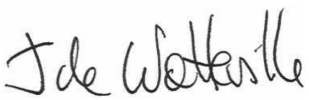
За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
På Europeiska unionens vägnar



За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



За Конфедерация Швейцария
Por la Confederación Suiza
Za Švýcarskou konfederaci
For Det Schweiziske Forbund
Für die Schweizerische Eidgenossenschaft
Šveitsi Konföderatsiooni nimel
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération Suisse
Per la Confederazione svizzera
Šveices Konfederācijas vārdā
Šveicarijos Konfederacijos vardu
A Svájci Államszövetség részéről
Għall-Konfederazzjoni Żvizzera
Voor de Zwitserse Bondsstaat
W imieniu Konfederacji Szwajcarskiej
Pela Confederação Suíça
Pentru Confederația Elvețiană
Za Švajčiarsku konfederáciu
Za Švicarsko konfederacijo
Sveitsin valaliiton puolesta
För Schweiziska edsförbundet



За Княжество Лихтенщайн
Por el Principado de Liechtenstein
Za Lichtenštejnské knížectví
For Fyrstendømmet Liechtenstein
Für das Fürstentum Liechtenstein
Liechtensteini Vürstiriigi nimel
Για το Πριγκιπάτο του Λιχτενστάιν
For the Principality of Liechtenstein
Pour la Principauté de Liechtenstein
Per il Principato del Liechtenstein
Lihtenšteinas Firstistes vārdā
Lichtenšteino Kunigaikštystės vardu
A Liechtensteini Hercegség részéről
Għall-Prinċipat ta' Liechtenstein
Voor het Vorstendom Liechtenstein
W imieniu Księstwa Liechtensteinu
Pelo Principado do Liechtenstein
Pentru Principatul Liechtenstein
Za Lichtenštajnské kniežatstvo
Za Kneževino Lihtenštajn
Liechtensleinin ruhtinaskunnan puolesta
För Furstendömet Liechtenstein



ANNEX

Annex to the protocol on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

Provisions referred to in Article 2(2), to be applied by Liechtenstein from the date set by the Council in accordance with Article 10:

— Council Regulation (EC) No 2007/2004/EC of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1),

— Council Regulation (EC) No 2252/2004/EC of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1); Commission Decision of 28.2.2005 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2005) 409 final) and Commission Decision of 28 June 2006 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2006) 2909 final),

— Council Decision No 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 68, 15.3.2005, p. 44),

— Council Decision 2005/719/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 271, 15.10.2005, p. 54),

— Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273, 19.10.2005, p. 25),

— Council Decision 2006/228/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 81, 18.3.2006, p. 45),

— Council Decision 2006/229/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 81, 18.3.2006, p. 46),

— Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256, 20.9.2006, p. 18),

— Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (OJ L 83, 1.4.2005, p. 48),

— Commission Decision of 15 December 2005 laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (C(2005) 5159 final),

— Council Regulation (EC) No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (OJ L 141, 4.6.2005, p. 3),

— Council Decision 2005/451/JHA of 13 June 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 158, 21.6.2005, p. 26),

— Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (OJ L 191, 22.7.2005, p. 18),

— Recommendation 2005/761/EC of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289, 3.11.2005, p. 23),

— Commission Decision of 29 September 2005 (2005/687/EC) on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (OJ L 264, 8.10.2005, p. 8),

— Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 273, 19.10.2005, p. 26),

— Regulation (EC) No 2046/2005 of the European Parliament and of the Council of 14 December 2005 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games in Turin (OJ L 334, 20.12.2005, p. 1),

— Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1),

— Council Decision (2006/440/EC) of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175, 29.6.2006, p. 77),

— Council Decision (2006/628/EC) of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256, 20.9.2006, p. 15),

— Commission Decision (2006/648/EC) of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System, (OJ L 267, 27.9.2006, p. 41),

— Corrigendum to Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 271, 30.9.2006, p. 85),

— Commission Decision (2006/757/EC) of 22 September 2006 on amending the Sirene Manual (OJ L 317, 16.11.2006, p. 1),

— Commission Decision (2006/758/EC) of 22 September 2006 on amending the Sirene Manual (OJ L 317, 16.11.2006, p. 41),

— Council Decision (2006/684/EC) of 5 October 2006 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa requirements for holders of Indonesian diplomatic and service passports (OJ L 280, 12.10.2006, p. 29),

— Commission Decision (2006/752/EC) of 3 November 2006 establishing the sites for the Visa Information System during the development phase (OJ L 305, 4.11.2006, p. 13),

— Commission Recommendation of 6 November 2006 establishing a common 'Practical Handbook for Border Guards (Schengen Handbook)' to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final),

— Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, (OJ L 386, 29.12.2006, p. 89 and Corrigendum in OJ L 75, 15.3.2007, p. 26),

— Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1),

— Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4),

— Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405, 30.12.2006, p. 1. Corrected version in OJ L 29, 3.2.2007, p. 3),

— Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 405, 30.12.2006, p. 23. Corrected version in OJ L 29, 3.2.2007, p. 10),

— Council Regulation (EC) No 1988/2006 of 21 December 2006 amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 411, 30.12.2006, p. 1. Corrected version in OJ L 27, 2.2.2007, p. 3),

— Council Decision 2006/1007/JHA of 21 December 2006 amending Decision 2001/886/JHA on the development of the second generation Schengen Information System (SIS II) (OJ L 411, 30.12.2006, p. 78. Corrected version in OJ L 27, 2.2.2007, p. 43),

— Commission Decision (2007/170/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (1st pillar) (OJ L 79, 20.3.2007, p. 20),

— Commission Decision (2007/171/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar) (OJ L 79, 20.3.2007, p. 29),

— Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' (OJ L 144, 6.6.2007, p. 22),

— Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63),

— Council Decision 2007/472/EC of 25 June 2007 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 179, 7.7.2007, p. 50),

— Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (OJ L 199, 31.7.2007, p. 30),

— Council Decision 2007/519/EC of 16 July 2007 amending Part 2 of the Schengen consultation network (technical specifications) (OJ L 192, 24.7.2007, p. 26),

— Commission Decision (2007/599/EC) of 27 August 2007 implementing Decision No 574/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2007 to 2013 (OJ L 233, 5.9.2007, p. 3),

— Council Decision (2007/866/EC) of 6 December 2007 amending Part 1 of the Schengen consultation network (technical specifications) (OJ L 340, 22.12.2007, p. 92).

FINAL ACT

The plenipotentiaries

of the EUROPEAN UNION

and

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION

and

of the PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'the Contracting Parties',

meeting in Brussels on the twenty-eighth day of February in the year 2008 for the signature of the Protocol between the European Union, 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 Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, have adopted the Protocol.

The plenipotentiaries of the Contracting Parties have taken note of the following Declarations listed below and annexed to this Final Act:

— Joint Declaration of the Contracting Parties on the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union,

— Joint Declaration of the Contracting Parties on Article 23(7) of the Convention of 29 May 2000 on mutual assistance in criminal matters between Member States of the European Union [1],

— Declaration by the European Community and Liechtenstein on external relations,

— Declaration by Liechtenstein on mutual assistance in criminal matters,

— Declaration by Liechtenstein on Article 5(2)(b),

— Declaration by Liechtenstein on the application of the European Convention on Mutual Assistance in Criminal Matters and the European Convention on Extradition,

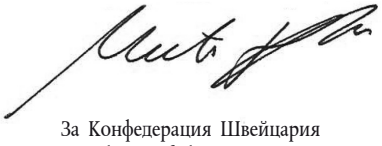
— Declaration by the European Community on the External Borders Fund for the period 2007-2013,

— Declaration by the European Commission on the transmission of proposals,

— Common Declarations on Joint Meetings.

[1] OJ C 197, 12.7.2000, p. 1.

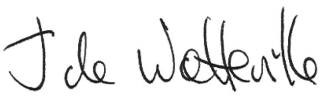
За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā
Europos Sąjungos vardu
Az Európai Unió részéről
Ghall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
På Europeiska unionens vägnar



За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



За Конфедерация Швейцария
Por la Confederación Suiza
Za Švýcarskou konfederaci
For Det Schweiziske Forbund
Für die Schweizerische Eidgenossenschaft
Šveitsi Konföderatsiooni nimel
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération suisse
Per la Confederazione svizzera
Šveices Konfederācijas vārdā
Šveicarijos Konfederacijos vardu
A Svájci Államszövetség részéről
Ghall-Konfederazzjoni Żvizzera
Voor de Zwitserse Bondsstaat
W imieniu Konfederacji Szwajcarskiej
Pela Confederação Suíça
Pentru Confederația Elvețiană
Za Švajčiarsku konfederáciu
Za Švicarsko konfederacijo
Sveitsin valaliiton puolesta
För Schweiziska edsförbundet



За Княжество Лихтенщайн
Por el Principado de Liechtenstein
Za Lichtenštejnské knížectví
For Fyrstendømmet Liechtenstein
Für das Fürstentum Liechtenstein
Liechtensteini Vürstiriigi nimel
Για το Πριγκιπάτο του Λιχτενστάιν
For the Principality of Liechtenstein
Pour la Principauté de Liechtenstein
Per il Principato del Liechtenstein
Lihtenšteinas Firstistes vārdā
Lichtenšteino Kunigaikštystės vardu
A Liechtensteini Hercegség részéről
Ghall-Prinċipat ta' Liechtenstein
Voor het Vorstendom Liechtenstein
W imieniu Księstwa Liechtensteinu
Pelo Principado do Liechtenstein
Pentru Principatul Liechtenstein
Za Lichtenštajnské kniežatstvo
Za Kneževino Lihtenštajn
Liechtensteinin ruhtinaskunnan puolesta
För Furstendömet Liechtenstein



JOINT DECLARATIONS OF THE CONTRACTING PARTIES

JOINT DECLARATION OF THE CONTRACTING PARTIES ON THE EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION

The Contracting Parties take note that further arrangements shall be concluded for the association of Switzerland and Liechtenstein to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union following the example of the arrangements agreed with Norway and Iceland.

JOINT DECLARATION OF THE CONTRACTING PARTIES ON ARTICLE 23(7) OF THE CONVENTION OF 29 MAY 2000 ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN MEMBER STATES OF THE EUROPEAN UNION

The Contracting Parties agree that Liechtenstein may, subject to the provisions of Article 23(1)(c) of the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union, in the circumstances of a particular case, require, unless the Member State concerned has obtained the consent of the data subject, that personal data not be used for the purposes referred to in Article 23(1)(a) and (b) without the prior consent of Liechtenstein in proceedings in which Liechtenstein could have refused or restricted the transmission or use of personal data under the Convention or the instruments referred to in Article 1 thereof.

If, in a particular case, Liechtenstein refuses to give its consent to a request from a Member State pursuant to the above provisions, it must give reasons for its decision in writing.

OTHER DECLARATIONS

DECLARATION BY EUROPEAN COMMUNITY AND LIECHTENSTEIN ON EXTERNAL RELATIONS

The European Community and Liechtenstein agree that the European Community undertakes to encourage third countries or international organisations with which it concludes agreements in areas linked to Schengen cooperation, including the visa policy, to conclude similar agreements with the Principality of Liechtenstein, without prejudice to the latter's competence to conclude such agreements.

DECLARATION BY LIECHTENSTEIN ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Liechtenstein declares that tax offences being investigated by the Liechtenstein authorities may not give rise to an appeal before a court competent, inter alia, to hear criminal matters.

DECLARATION BY LIECHTENSTEIN ON ARTICLE 5(2)(B)

(Time limit for accepting new developments in the Schengen *acquis*)

The maximum time limit of eighteen months laid down in Article 5(2)(b) covers both the approval and the implementation of the act or measure. It includes the following stages:

— the preparatory stage,

— the parliamentary procedure,

— the referendum deadline of thirty days,

— where applicable the referendum (organisation and voting),

— the sanctioning of the ruling prince.

The Government of Liechtenstein shall inform the Council and the Commission without delay of the completion of each of the stages.

The Government of Liechtenstein undertakes to use every means at its disposal to ensure that the abovementioned stages are completed as swiftly as possible.

DECLARATION BY LIECHTENSTEIN ON THE APPLICATION OF THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND THE EUROPEAN CONVENTION ON EXTRADITION

Liechtenstein undertakes to refrain from invoking its reservations and declarations made when ratifying the European Convention on Extradition of 13 December 1957 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 in so far as they are incompatible with this Agreement.

DECLARATION BY THE EUROPEAN COMMUNITY ON THE EXTERNAL BORDERS FUND FOR THE PERIOD 2007-13

The European Community is currently establishing an External Borders Fund for the period 2007-13, for which further arrangements shall be concluded with the third countries associated with the Schengen *acquis*.

DECLARATION OF THE EUROPEAN COMMISSION ON THE TRANSMISSION OF PROPOSALS

When forwarding proposals relating to this Agreement to the Council of the European Union and to the European Parliament, the Commission shall forward copies of such proposals to Liechtenstein.

Participation in Committees that assist the European Commission in the exercise of its executive powers:

The Council authorised the Commission on 1 June 2006 to open negotiations with the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein with a view to concluding an agreement on the latters' association with the work of the committees which assist the European Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen *acquis*.

Until conclusion of such an agreement, the agreement in the form of an Exchange of Letters between the Council of the European Union and the Swiss Confederation on the committees that assist the European Commission in the exercise of its executive powers applies to Liechtenstein taking into account that as far as Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and the free movement of such data [1] is concerned, the participation of Liechtenstein is laid down by Article 100 of the Agreement on the European Economic Area.

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[1] OJ L 281, 23.11.1995, p. 31. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

COMMON DECLARATION ON JOINT MEETINGS

The delegations representing the Governments of the Member States of the European Union,

The delegation of the European Commission,

The delegations representing the Governments of the Republic of Iceland and the Kingdom of Norway,

The delegation representing the Government of the Swiss Confederation,

The delegation representing the Government of the Principality of Liechtenstein,

Note that Liechtenstein accedes to the Mixed Committee established by the Agreement on the association of Switzerland with the implementation, application and development of the Schengen *acquis* by way of a protocol to this Agreement.

Have decided to organise the meetings of the Mixed Committees, established by the Agreement on the association of Iceland and Norway with the implementation, application and development of the Schengen *acquis*, on the one hand, and the Agreement on the association of Switzerland with the implementation, application and development of the Schengen *acquis* as complemented by the Protocol on the association of Liechtenstein, on the other hand, jointly, no matter the level of the meeting.

Note that holding these meetings jointly calls for pragmatic arrangements regarding the office of presidency of such meetings when that presidency is to be held by the associated States according to the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis* as complemented by the Protocol on the association of Liechtenstein or the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*.

Note the wish of the associated States to cede, as necessary, the exercise of their presidencies and rotate it among them in alphabetical order of name as of the entry into force of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis* and as of the entry into force of the Protocol on the association of Liechtenstein.