



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General (acting)

Brussels
HOME.C.3/ Article 4(1)(b)

Dear Ambassador,

In December 2023 the Council of the European Union and the European Parliament reached a political agreement on the Pact on Migration and Asylum which was confirmed by the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament (LIBE Committee) and by the Committee of the Permanent Representatives of the Governments of the Member States to the European Union (Coreper II) in February 2024. The Pact includes legal acts that represent new legislation in the field covered by the Dublin Associate Agreement between the European Community and the Swiss Confederation¹ (the new Asylum and Migration Management Regulation repealing the Dublin III Regulation, the new Crisis Regulation and Force Majeure and the new Eurodac Regulation) as well as legislative acts that constitute developments of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded with the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis*² (Screening Regulation and Return Border Procedure Regulation).

Once the new legislation is formally adopted by the European Parliament and the Council of the EU, the Commission will notify you in accordance with Article 4(2) of the Dublin Associated Agreement mentioned above. The necessary notifications will be done also in accordance with Article 7(2) of the Agreement concluded by the Council of the European Union and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*.

Ahead of the official notification procedure and the respective timelines for Switzerland to decide whether to accept the content of the new measures and to implement them into the

¹ 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 (OJ L 53, 27.2.2008, p. 5).

² 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* (OJ L 53, 27.2.2008, p. 52)

HE Ms Rita ADAM

Ambassador Extraordinary and Plenipotentiary Head of Mission

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national legal order, I would like to inform you that the new Asylum and Migration Management Regulation envisages the development of EU Implementation and National Implementation Plans in the Member States bound by the Regulation. The Commission services have started the preparation of the Common Implementation Plan in order to ensure that the EU and the countries bound by the Regulation are adequately prepared by the entry into application of the Pact. The Commission is working in close cooperation with the Belgian Presidency, and in this regard I very much welcome the Presidency's intention to convene a Ministerial conference on Pact implementation, scheduled for 29 April.

Naturally, the dialogue on developing a national implementing plan will be initiated only in case of a positive decision received from Switzerland under the mentioned above Article 4(2) of the Dublin Associate Agreement. Given the short timelines in the Regulation for the preparation of the EU and national plans, I believe it will be mutually beneficial if we start informal preparatory work in parallel to the process of formal notification under the Agreement

Article 4(1)(b) will be your main contact point for the Pact implementation. I invite you, if you agree with the suggestion to start informal dialogue ahead of the formal process for notification, to similarly identify a counterpart at senior level. We would appreciate if your authorities would communicate the counterpart from your side to **Article 4(1)(b)**, preferably ahead of the Ministerial Conference on the Implementation and Operationalisation of the Pact on 29 April.

I take this opportunity to thank you for the letters sent about the future application of the Asylum and Migration Management Regulation and Eurodac Regulation. We are reflecting on those questions, and you will soon receive an invitation for a bilateral meeting at expert level to discuss these in detail.

I look forward to working with you during this important next phase, so that we deliver on the full potential presented by the adoption of the Pact.

Yours faithfully,

Beate GMINDER