

Council Decision of 9 June 2011 on the application of the provisions  
of the Schengen *acquis* relating to the Schengen Information  
System in the Principality of Liechtenstein (2011/352/EU)

COUNCIL DECISION

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on the application of the provisions of the Schengen *acquis* relating to  
the Schengen Information System in the Principality of Liechtenstein  
(2011/352/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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* (the Protocol)<sup>(1)</sup>, which was signed on 28 February 2008<sup>(2)</sup> and entered into force on 7 April 2011, and in particular Article 10(1) thereof,

Whereas:

- (1) Article 10(1) of the Protocol provides that the provisions of the Schengen *acquis* shall be put into effect by the Principality of Liechtenstein only pursuant to a Council decision to that effect after verification that the necessary conditions for the implementation of that *acquis* have been fulfilled by the Principality of Liechtenstein.
- (2) The Council has verified that the Principality of Liechtenstein ensures satisfactory levels of data protection by taking the following steps: a full questionnaire was forwarded to the Principality of Liechtenstein, whose replies were recorded, and verification and evaluation visits were made to the Principality of Liechtenstein, in accordance with the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.)<sup>(3)</sup> (the Decision of the Executive Committee of 16 September 1998), in the area of Data Protection.
- (3) On 9 June 2011, the Council concluded that the Principality of Liechtenstein had fulfilled the conditions in the area of Data Protection. It is therefore possible to set a date from which the Schengen *acquis* relating to the Schengen Information System (SIS) may apply to the Principality of Liechtenstein.
- (4) The entry into force of this Decision should allow for real SIS data to be transferred to the Principality of Liechtenstein. The concrete use of these data should allow the Council, through the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee of 16 September 1998, to verify the correct application of the provisions of the Schengen *acquis* relating to the SIS in the

Principality of Liechtenstein. Once those evaluations have been carried out, the Council should decide on the lifting of checks at internal borders with the Principality of Liechtenstein.

- (5) The Agreement between the Principality of Liechtenstein, the Republic of Iceland and the Kingdom of Norway concerning the implementation, application and development of the Schengen *acquis* and concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Liechtenstein, Iceland or Norway stipulates that it shall be put into effect in respect of the implementation, application and development of the Schengen *acquis* on the same date as the Protocol is put into effect.
- (6) A separate Council Decision should be adopted setting a date for the lifting of checks at internal borders. Until the date set out in that Decision, certain restrictions on the use of the SIS should be imposed,

HAS ADOPTED THIS DECISION:

- (1) Not yet published in the Official Journal.
- (2) Council Decisions 2008/261/EC ([OJ L 83, 26.3.2008, p. 3](#)) and 2008/262/EC ([OJ L 83, 26.3.2008, p. 5](#)).
- (3) [OJ L 239, 22.9.2000, p. 138](#).