Council of the European Union

Brussels, 4 November 2026
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COVER NOTE

From:	Mission of Switzerland to the European Union
date of receipt:	29 October 2026
To:	General Secretariat of the Council
No. prev. doc.:	PE 40/26
Subject:	Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC - notification from Switzerland

Delegations will find attached the notification from Switzerland regarding the above-mentioned Regulation.

E-MAIL

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Mission of Switzerland to the European Union

IM 6448 2026
03-11-2026

Reçu le
29. 10. 2026

853-01-4-10-SD-506/2026-143

The Mission of Switzerland to the European Union presents its compliments to the General Secretariat of the Council of the European Union and herewith confirms receipt of the notification of the Council dated 1 October 2026, issued in accordance with Article 7, paragraph 2, letter a, first sentence 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 (hereinafter referred to as «association agreement») signed in Luxembourg on 26 October 2004. The content of the notification is as follows:

> « In accordance with the first sentence of Article 7(2)(a) in conjunction with Article 14(1) of the Agreement associating Switzerland to the Schengen acquis, Switzerland is herewith notified of the adoption of the following act:
>
> Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC
>
> Council Document: PE-CONS 40/26
>
> Date of adoption: 1 October 2026 »

In accordance with Article 7, paragraphs 2, letters a and b of the association agreement, the Mission of Switzerland herewith notifies the General Secretariat of the Council of the European Union that Switzerland accepts, subject to the fulfilment of its constitutional requirements, the content of the enclosed appendix to the notification of the Council, which forms an integral part of this reply, and will implement it in its internal legal order.

In accordance with Article 7, paragraph 2, letter b of the association agreement, Switzerland shall inform the General Secretariat of the Council of the European Union without delay about the fulfilment of its constitutional requirements.

General Secretariat of the Council of the European Union
Directorate general
Justice and Home Affairs
Brussels

In accordance with Article 7, paragraph 3 of the association agreement, the notification of the Council dated 1 October 2026 and this reply give rise to rights and obligations between Switzerland and the European Union and thus constitute an agreement between Switzerland and the European Union.

This agreement shall enter into force on the date of notification by Switzerland about the fulfilment of its constitutional requirements. It may be terminated in accordance with the provisions of Articles 7 and 17 of the association agreement.

As from the date of the entry into force of this agreement, the exchange of notes of 30 January 2009 between Switzerland and the European Community regarding the acceptance of the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals[1] shall be terminated.

A copy of the present note is addressed to the European Commission, General Secretariat, SG.B.2, Brussels.

The Mission of Switzerland to the European Union avails itself of this opportunity to renew to the General Secretariat of the Council of the European Union the assurances of its highest consideration.

Brussels, 29 October 2026

MISSION DE LA SUISSE AUPRÈS DE L'UNION EUROPÉENNE

[1] RS 0.362.380.042