



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 10 July 2012
(OR. en)**

11796/12

**SIRIS 49
VISA 134
EURODAC 8
SCHENGEN 52
AELE 46
EEE 86
OC 369**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION authorising the opening of negotiations on an arrangement between the European Union, on the one part, and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, on the modalities of the participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

COMMON GUIDELINES

Consultation deadline for Croatia: 17.7.2012

COUNCIL DECISION

of

**authorising the opening of negotiations on an arrangement
between the European Union, on the one part,
and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation
and the Principality of Liechtenstein, on the other part,
on the modalities of the participation by those States in the European Agency
for the operational management of large-scale IT systems
in the area of freedom, security and justice**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 74, 77(2)(a) and (b), 78(2)(e), 79(2)(c), 82(1)(d), 85(1), 87(2)(a), 88(2) and Article 218(3) and (4) thereof,

Having regard to Article 37 of Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice¹,

Having regard to the recommendation from the European Commission,

¹ OJ L 286, 1.11.2011, p. 1.

Whereas:

- (1) In accordance Article 37 of Regulation (EU) No 1077/2011, arrangements are to be made in order to specify, inter alia, the nature and extent of, and the detailed rules for, the participation by countries associated with the implementation, application and development of the Schengen *acquis* and Eurodac-related measures in the work of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ("the Agency"), including provisions on financial contributions, staff and voting rights.
- (2) Negotiations should be opened with a view to concluding such an arrangement between the European Union on the one part, and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part.
- (3) As specified in recital 32 of Regulation (EU) No 1077/2011, Denmark is not taking part and is not bound by that Regulation. Denmark is therefore not taking part in this Decision.

- (4) As specified in recital 34 of Regulation (EU) No 1077/2011, subject to Article 4 of Protocol (No 19) on the Schengen *acquis* integrated into the framework of the European Union and to Articles 1 and 2 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland is not taking part and is not bound by that Regulation. Similarly, and without prejudice to its rights under those Protocols, Ireland is therefore not taking part in this Decision.
- (5) As specified in recital 33 of Regulation (EU) No 1077/2011, the United Kingdom is taking part and is bound by that Regulation. It should therefore give effect to Article 37 of the Regulation by taking part in this Decision. The United Kingdom is therefore taking part in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations, on behalf of the Union, for an international agreement on the modalities of the participation by the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

Article 3

The negotiations shall be conducted in consultation with the Special Committee provided for in the third subparagraph of Art 207(3) of the TFEU.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President
