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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

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No. Cion doc.: 11720/16 JAI 704 FRONT 322 VISA 268 CADREFIN 53 + ADD 1  
(COM(2016) 503 final)  
11719/16 JAI 703 FRONT 321 VISA 267 CADREFIN 52 + ADD 1  
(COM(2016) 504 final)

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Subject: a) Council Decision on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020  
- Adoption  
b) Council Decision on the conclusion of the same Agreement  
- Request for the consent of the European Parliament

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1. On 12 August 2016, the Commission submitted a proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020<sup>1</sup>, together with the draft text of the said Agreement in the annex to that proposal<sup>2</sup>, and a proposal for a Council Decision on the conclusion of the same Agreement<sup>3</sup>.

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<sup>1</sup> 11720/16 JAI 704 FRONT 322 VISA 268 CADREFIN 53

<sup>2</sup> 11720/16 JAI 704 FRONT 322 VISA 268 CADREFIN 53 ADD 1

<sup>3</sup> 11719/16 JAI 703 FRONT 321 VISA 267 CADREFIN 52

2. Following the presentation of the proposals by the Commission on 30 September 2016 at the meeting of the JHA Counsellors and in absence of comments by delegations, the Presidency sent, as agreed, the text of the proposals and of the Agreement to the Directorate for Quality of Legislation for their legal and linguistic finalisation with a view to their swift adoption by the Council.
3. In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of the Decision on the signature and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
4. The Decision on the signature constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC<sup>1</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
5. The Decision on the signature constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC<sup>2</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
6. The Decision on the signature and the text of the Agreement have been edited by the Legal-Linguistic experts. The edited texts are set out respectively in 12833/16 JAI 795 FRONT 369 VISA 304 CADREFIN 78 and 12881/16 JAI 799 FRONT 375 VISA 309 CADREFIN 81.
7. The Decision on the conclusion has also been edited by the Legal-Linguistic experts. The edited text is set out in 12852/16 JAI 796 FRONT 370 VISA 305 CADREFIN 79.

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<sup>1</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>2</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

8. Since the Agreement, except for Article 5, is due to be provisionally applicable as from the day following that of its signature, the Presidency will subsequently confirm as soon as possible to Member States that the agreement has duly been signed.
9. The Permanent Representatives Committee is accordingly invited to recommend that the Council:
  - a) adopt, as an "A" item of the agenda of one of its forthcoming sessions, the Decision on the signature as set out in 12833/16 JAI 795 FRONT 369 VISA 304 CADREFIN 78;
  - b) decide to forward the draft Decision on conclusion as set out in 12852/16 JAI 796 FRONT 370 VISA 305 CADREFIN 79 to the European Parliament for its consent once the Agreement has been signed.

The Decision on the signature together with the text of the Agreement will be published in the OJ in accordance with the applicable rules.

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