



Council of the
European Union

Brussels, 25 October 2016
(OR. en)

12852/16

Interinstitutional File:
2016/0247 (NLE)

LIMITE

JAI 796
FRONT 370
VISA 305
CADREFIN 79

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion on behalf of the European Union 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

COUNCIL DECISION (EU) 2016/...

of ...

**on the conclusion on behalf of the European Union 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 77(2) and point (a) of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ OJ C ..., ... , p. ...

Whereas:

- (1) In accordance with Council Decision 2016/...^{1*}, 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 ("the Agreement") was signed by the Commission on [...]**, subject to its conclusion at a later date.
- (2) Regulation (EU) No 515/2014² of the European Parliament and of the Council provides that the countries associated with the implementation, application and development of the Schengen acquis participate in the instrument in accordance with its provisions and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors.

¹ OL L ..., ... , p. ...

* OJ: please insert the publication reference of the Decision contained in document st 12833/2016.

** OJ. please insert the date of signature of the Agreement contained in document st 12881/2016.

² Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

- (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 this Decision 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) This Decision 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/EC¹; 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) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC²; 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 Agreement should be approved,

HAS ADOPTED THIS DECISION:

¹ 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).

² 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).

Article 1

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 is hereby approved on behalf of the Union¹.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 19(2) of the Agreement, in order to express the consent of the European Union to be bound by the Agreement².

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President

¹ The Agreement has been published in OJ together with the decision on signature.

² The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.