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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. prev. doc.: 13710/16; 13711/16; 13712/16  
No. Cion doc.: 13531/16 VISA 330 FRONT 392 COMIX 681 + ADD 1  
13534/16 VISA 331 FRONT 393 COMIX 682 + ADD 1

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Subject: a) council decision on the signing, on behalf of the union, and provisional application of the agreement between the european union and the kingdom of norway 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 on behalf of the union of the agreement between the european union and the kingdom of norway 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  
- Request for the consent of the european parliament

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1. On 14 October 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 Kingdom of Norway 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

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<sup>1</sup> 13534/16 VISA 331 FRONT 393 COMIX 682.

in the annex to that proposal<sup>1</sup>, and a proposal for a Council Decision on the conclusion of the same Agreement<sup>2</sup>.

2. On 24 October 2016, the delegations of the Visa Working Party were requested to send in any comments, in writing, to the General Secretariat of the Council and to the Presidency, by 4 November 2016. In the absence of comments from the delegations by that date, the texts of the proposals and of the Agreement have been submitted to the Directorate for Quality of Legislation for their legal and linguistic scrutiny with a view to adoption by the Council.
3. The texts, edited by the lawyer-linguists, of the Decision on the signing, of the Agreement and of the Decision on the conclusion are set out respectively in 13712/16 VISA 338 FRONT 406 COMIX 698, 13711/16 VISA 337 FRONT 405 COMIX 697 and 13710/16 VISA 336 FRONT 404 COMIX 696.
4. In accordance with Articles 1 and 2 of 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 signing 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.
5. The Decision on the signing constitutes a further 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>3</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.
6. The Decision on the signing constitutes a further development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC<sup>4</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

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<sup>1</sup> 13534/16 ADD 1 VISA 331 FRONT 393 COMIX 682.

<sup>2</sup> 13531/16 VISA 330 FRONT 392 COMIX 681.

<sup>3</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>4</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).

7. Since the Agreement, with the exception of 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.
8. The Permanent Representatives Committee is therefore invited to recommend that the Council:
  - a) adopt, as an "A" item of the agenda of one of its forthcoming sessions, the Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Kingdom of Norway 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, as set out in 13712/16 VISA 338 FRONT 406 COMIX 698;
  - b) decide to forward the draft Council Decision on the conclusion on behalf of the Union of the Agreement between the European Union and the Kingdom of Norway 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, as set out in 13710/16 VISA 336 FRONT 404 COMIX 696, to the European Parliament for its consent once the Agreement has been signed.

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