



Council of the
European Union

136693/EU XXV. GP
Eingelangt am 15/03/17

Brussels, 14 March 2017
(OR. en)

7259/17

Interinstitutional File:
2016/0246 (NLE)

JAI 235
FRONT 121
VISA 98
CADREFIN 30

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	12852/16 JAI 796 FRONT 370 VISA 305 CADREFIN 79
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

1. On 12 August 2016 the Commission submitted a proposal for a Council Decision on the signing¹, 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 to external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020, together with a draft text of the said agreement in the annex to that proposal², and a proposal for a Council decision on the conclusion of the same agreement³.

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

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

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

2. With a view to their adoption by the Council, the texts of the said Decisions and the text of the Agreement have been edited by the Legal-Linguistic experts. The edited text of the Decision on the signing is set out in 12833/16 JAI 795 FRONT 369 VISA 304 CADREFIN 78 + COR 1. The edited text of the Decision on the conclusion is set out in 12852/16 JAI 796 FRONT 370 VISA 305 CADREFIN 79. The edited text of the Agreement is set out in 12881/16 JAI 799 FRONT 375 VISA 309 CADREFIN 81 + COR 1 + COR 2.
3. On 8 November 2016, the Council authorised the signing of the Agreement with the Principality of Liechtenstein. The Agreement was signed on 5 December 2016 with a provisional application from the day of its signature⁴.
4. In accordance with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union, the Council shall adopt the Decision concluding the Agreement after obtaining the consent of the European Parliament.
5. On 8 November 2016, the Council decided to forward the draft Decision on conclusion as well as the text of the Agreement to the European Parliament for its consent.
6. On 2 March 2017, the European Parliament gave its consent to the conclusion of the Agreement and instructed its president to forward its position to the Council, the Commission and the governments and parliaments of the Member states and the Principality of Liechtenstein⁵.
7. 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 Published in OJ L 7, 12.1.2017, p. 4–13.

⁵ See P8_TA(2017) 0058/A8-0025/2017.

8. 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/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 acquis⁶. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
9. This Decision constitutes a development of the provision of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2001 concerning Ireland's request to take part in some provisions of the Schengen acquis⁷; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
10. The Permanent Representatives Committee is invited to confirm the agreement reached on the Decision on conclusion of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support to external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020, and to suggest that the Council:
- Adopt, under part "A" of the agenda of the forthcoming session, the Decision as set out in 12852/16 JAI 796 FRONT 370 VISA 305 CADREFIN 79;
 - Decide that the text of the above Decision be published in the Official Journal, "L" series, in accordance with article 17(1)(d) of the Council's Rules and Procedures.
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⁶ OJ L 131, 1.6.2000, p. 43.

⁷ OJ L 64, 7.3.2002, p. 20.