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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 8934/17+ADD1; 9059/17+ADD1
No. Cion doc.: COM(2017) 207 final; COM(2017) 199 final

Subject: a) COUNCIL DECISION on the signing, on behalf of the European Union, of the Agreement between the European Union and Iceland 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

1. On 8 May 2017 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 Iceland 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 8934/17 JAI 400 FRONT 201 VISA 161 CADREFIN 55 ISL 23

² 8934/17 ADD1 JAI 400 FRONT 201 VISA 161 CADREFIN 55 ISL 23

³ 9059/17 JAI 408 FRONT 207 VISA 165 CADREFIN 56 ISL24

2. On 16 May 2017, delegations were requested to send in any comments in writing on those proposals and on the text of the Agreement to the General Secretariat of the Council and to the Presidency by 24 May 2017. In the absence of comments from 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/EC⁴; 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/EC⁵; 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 9227/17 JAI 430 FRONT 219 VISA 177 CADREFIN 57 ISL 25 and 9253/17 JAI 453 FRONT 221 VISA 179 CADREFIN 59 ISL 27.

⁴ 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).

⁵ 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. The Decision on the conclusion has also been edited by the Legal-Linguistic experts. The edited text is set out in 9228/17 JAI 431 FRONT 220 VISA 178 CADREFIN 58 ISL 26.
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 9227/17 JAI 430 FRONT 219 VISA 177 CADREFIN 57 ISL 25;
 - b) decide to forward the draft Decision on conclusion as set out in 9228/17 JAI 431 FRONT 220 VISA 178 CADREFIN 58 ISL 26 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.
