



Council of the
European Union

Brussels, 6 June 2017
(OR. en)

9881/17

Interinstitutional File:
2016/0322 (NLE)

VISA 212
FRONT 252
CADREFIN 67
N 24

'I/A' ITEM NOTE

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

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 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 proposal¹, and a proposal for a Council decision on the conclusion of the same agreement².

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

² 13531/16 VISA 330 FRONT 392 COMIX 681.

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 text of the Decision on the signing is set out in 13712/16 VISA 338 FRONT 406 COMIX 698. The text of the Decision on the conclusion is set out in 13710/16 VISA 336 FRONT 404 COMIX 696. The text of the Agreement is set out in 13711/16 VISA 337 FRONT 405 COMIX 697.
3. On 8 December 2016, the Council authorised the signing of the Agreement with the Kingdom of Norway. The Agreement was signed on 8 December 2016 with a provisional application from the day of its signature³.
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 December 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 16 May 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 Kingdom of Norway⁴.
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.

³ Published in OJ L 75, 21.3.2017, p. 1–2

⁴ See P8_TA(2017)0203/ A8-0174/2017

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 acquis⁵. 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 acquis⁶; 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 Kingdom of Norway 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 the conclusion as set out in 13710/16 VISA 336 FRONT 404 COMIX 696;
 - 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.
-

⁵ OJ L 131, 1.6.2000, p. 43.

⁶ OJ L 64, 7.3.2002, p. 20.