



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council
Subject: Adoption of the Council Decision on the conclusion of the Arrangement between the European Union and the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office

1. On 27 January 2012, the Council adopted a Decision authorising the Commission to open negotiations for the conclusion of Arrangements between the European Union, on the one part, and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, on the modalities of the participation by those States in the European Asylum Support Office (5301/12 + ADD1). This Decision authorised the Commission to negotiate on behalf of the Community and gave the Commission the necessary negotiating directives for that purpose.

2. The draft Arrangements on the modalities of the participation of the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein in the European Asylum Support Office, transmitted by the Commission to the authorities of those States, were examined in several rounds of negotiations and initialled on 28 June 2013.
3. On 13 December 2013, the Commission submitted a proposal for a Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office (17766/13). The text of the Arrangement to be signed was attached to this Commission proposal for a Council Decision.
4. On 11 February 2014, the Council decided to forward the draft Decision on conclusion as contained in doc. 18141/13 as well as the text of the Arrangement as contained in doc. 18140/13 (texts finalised by the legal linguist experts) to the European Parliament for its consent.
5. The Arrangement was signed by the European Union and the Kingdom of Norway in Brussels on 19 March 2014.
6. By letter received on 19 March 2014, it was notified to Council that the Kingdom of Norway approved the Arrangement and that it shall apply the Arrangement provisionally as from the day following that of its signature.
7. On 17 April 2014, the European Parliament gave its consent to the conclusion of the Arrangement 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 Norway.

8. In accordance with Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish, by letters of 18 May 2009 to take part in the adoption and application of the Regulation (EU) 439/2010 of the European Parliament and the Council of 19 May 2010 establishing a European Asylum Support Office. As specified in recital 21 of Regulation (EU) No 439/2010, the United Kingdom and Ireland are taking part and are bound by that Regulation. They should therefore give effect to Article 49 (1) of the Regulation by taking part in the Council Decision on signing. The United Kingdom and Ireland are therefore taking part in this Decision.
 9. The provisions of this Arrangement, which falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union, do not apply to the Kingdom of Denmark, in accordance with Protocol 22 on the position of Denmark Annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union.
 10. The Permanent Representatives Committee is invited to confirm the agreement reached on the Decision on the conclusion of the Arrangement between the European Union and the Kingdom of Norway on the modalities of the participation in the European Asylum Support and to suggest that the Council:
 - adopt, under part "A" of the agenda of a forthcoming session, the Decision (as set out in doc. 18141/13 - text finalised by the Legal Linguistic experts) on the above Arrangement (which is set out in doc. 18140/13 - text finalised by the Legal Linguistic experts);
 - decide that the text of the above Decision and of the Arrangement be published in the Official Journal, "L" series, in accordance with Article 17(1)(d) of the Council's Rules of Procedures.
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