



Council of the
European Union

Brussels, 17 November 2014
(OR. en)

Interinstitutional File:
2009/0192 (NLE)

14766/2/14
REV 2

JAI 812
COPEN 266

"A" ITEM NOTE

From: General Secretariat of the Council
To: Council

Subject: Council Decision on the conclusion of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway
– Adoption

1. In accordance with Council Decision [2006/697/EC](#) of 27 June 2006, the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway was signed on 28 June 2006, subject to its conclusion at a later date.
2. On 18 December 2009 the Commission submitted to the Council a proposal for a Decision on the conclusion of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway.

3. On 15 February 2010 the Council decided to forward the draft decision on conclusion as contained in J/L document 5307/10 JAI 36 COPEN 8 + COR 1 as well as the text of the Agreement as contained in J/L document 9644/06 CATS 106 COPEN 59 OC 392 + COR 1 (en) + COR 2 (fi) + COR 3 (da), REV 1 (en), REV 1 COR 1 (en), REV 10 (pl) + REV 11 (fi) + REV 2 (fr) + REV 3 (de) + REV 4 (hu) + REV 5 (mt) + REV 6 (nl) + REV 7 (fi) + REV 8 (lv) + REV 8 COR 1 (lv) + REV 9 (lv) + REV 9 COR 1 (lv) to the European Parliament for its consent.
4. On 17 March 2010, the United Kingdom notified the Council that it intended to participate in the adoption of the decision on conclusion of this Agreement¹.
5. On 16 April 2010, Ireland notified the Council that it intended to participate in the adoption of the decision on conclusion of this Agreement².
6. On 13 September 2011, the European Parliament gave its consent to the conclusion of the Agreement.
7. It is therefore suggested that the Council:
 - adopts, with Germany abstaining, as an "A" item, the Decision on conclusion of the Agreement as set out in 5307/10 JAI 36 COPEN 8 + COR 1; and
 - enters the statement by Germany set out in the Annex to this note, into the minutes of the Council meeting.

¹ 7676/10 JAI 233 COPEN 71.

² 9262/10 JAI 377 COPEN 116 ENFOPOL 117 COASI 83.

STATEMENT BY GERMANY

Germany does not consent to the decision on the conclusion of the Agreement.

Article 38 of the Agreement provides that the Contracting Parties shall notify each other of the completion of the procedures required to express their consent to be bound by this Agreement. When giving their notification the Contracting Parties shall make any of the notifications or declarations provided for in different articles of the Agreement. Some of those declarations cannot be made after this date.

The Decision of the Council aims at giving to a designated person the legal power to give the notification. Neither the Agreement itself nor other legislation of the European Union do provide for time limits to give the notification.

Germany as three other member states did not yet finalize its internal proceedings and therefore is not yet in a position to determine which notifications will be necessary to guarantee an effective use of the Agreement.
