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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 Swiss Confederation 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 EU RESTRICTED + ADD1). This Decision authorised the Commission to negotiate the arrangements on behalf of the European Union 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 Swiss Confederation on the modalities of its participation in the European Asylum Support Office (17760/13). The text of the Arrangement to be signed was attached to this Commission proposal. On the same date, the proposal for a Council Decision on the conclusion of the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office was submitted by the Commission (17761/13).
4. On 11 February 2014, the Council decided to forward the draft Decision on the conclusion of the Arrangement as contained in doc. 18079/13 as well as the text of the Arrangement as contained in doc. 18078/13 to the European Parliament for its consent.
5. The Arrangement was signed by the European Union and the Swiss Confederation in Brussels on 10 June 2014.
6. By letter received on 16 July 2015, it was notified to the Council, in accordance with Article 13(1) of the Arrangement, that the Swiss Confederation had completed its internal procedures necessary for the entry into force of the Arrangement.
7. On 15 December 2015, 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, EASO and the governments and parliaments of the Member States and of the Swiss Confederation.
8. On 21-22 January 2016, the Asylum Working Party agreed to forward the Council Decision on the conclusion of the Arrangement (doc. 18079/13) and the Arrangement (18078/13) to Coreper and Council for adoption.

9. 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.
10. 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.
11. The Permanent Representatives Committee is invited to confirm the agreement reached on the Council Decision on the conclusion of the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support and suggest that the Council:
- adopt, under part "A" of the agenda of a forthcoming session, the Decision (as set out in doc. 18079/13 - text finalised by the Legal Linguistic experts) on the above Arrangement (which is set out in doc. 18078/13 - 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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