



Brussels, 28 February 2018
(OR. en)

6535/18

Interinstitutional Files:

2018/0031 (NLE)

2018/0032 (NLE)

JAI 168
FRONT 41
VISA 30
CADREFIN 12
CH 11

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 6180/18, 6182/18

Subject: a) Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation 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 14 February 2018, the Commission submitted a proposal for a Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation 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 2020¹, together with the 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 6180/18 JAI 109 FRONT 31 VISA 21 CADREFIN 6 CH 5

² 6180/18 JAI 109 FRONT 31 VISA 21 CADREFIN 6 CH 5 ADD 1

³ 6182/18 JAI 111 FRONT 32 VISA 22 CADREFIN 7 CH 6

2. Following the presentation of the proposals by the Commission on 19 February 2018 at the meeting of the JHA Counsellors, 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 signing 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 signing 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 signing 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 signing and the text of the Agreement have been edited by the Legal-Linguistic experts. The edited texts are set out respectively in 6221/18 JAI 115 FRONT 35 VISA 24 CADREFIN 8 CH 7 and 6223/18 JAI 117 FRONT 37 VISA 26 CADREFIN 10 CH 9.

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 6222/18 JAI 116 FRONT 36 VISA 25 CADREFIN 9 CH 8.
8. 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 signing as set out in 6221/18 JAI 115 FRONT 35 VISA 24 CADREFIN 8 CH 7;
 - b) decide to forward the draft Decision on conclusion as set out in 6222/18 JAI 116 FRONT 36 VISA 25 CADREFIN 9 CH 8 to the European Parliament for its consent once the Agreement has been signed.

The Decision on the signing will be published in the OJ in accordance with the applicable rules.
