



Council of the
European Union

026556/EU XXVI. GP
Eingelangt am 15/06/18

Brussels, 14 June 2018
(OR. en)

10039/18

Interinstitutional File:
2018/0032 (NLE)

JAI 627
FRONT 168
VISA 147
CADREFIN 95
CH 16

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	6222/18
Subject:	Council Decision on the conclusion, 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

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. 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 edited text of the Decision on the signing is set out in 6221/18 JAI 115 FRONT 35 VISA 24 CADREFIN 8 CH 7. The edited text of the Decision on the conclusion is set out in 6222/18 JAI 116 FRONT 36 VISA 25 CADREFIN 9 CH 8. The edited text of the Agreement is set out in 6223/18 JAI 117 FRONT 37 VISA 26 CADREFIN 10 CH 9.
3. On 13 March 2018, the Council authorised the signing of the Agreement with the Swiss Confederation. The Agreement was signed on 15 March 2018.
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 15 March 2018, 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 13 June 2018, 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 Swiss Confederation⁴.
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 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 P8_TA-PROV(2018)0252.

8. 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/EC⁵; 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.
9. 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/EC⁶; Ireland is therefore not taking part in the adoption of this Decision 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 Swiss Confederation 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 as set out in 6222/18 JAI 116 FRONT 36 VISA 25 CADREFIN 9 CH 8;
 - decide that the text of the above Decision and the Agreement be published in the Official Journal, "L" series, in accordance with article 17(1)(d) of the Council's Rules and Procedures.

The European Parliament will be informed in accordance with Article 218(10) TFEU.

⁵ 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).

⁶ 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).