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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 9228/17 + COR 1

Subject: Council Decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and Iceland 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 8 May 2017 the Commission submitted a proposal for a Council Decision on the signing¹, on behalf of the European Union, and provisional application of the Agreement between the European Union and Iceland 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, together with a 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 8934/17 JAI 400 FRONT 201 VISA 161 CADREFIN 55 ISL 23
² 8934/17 JAI 400 FRONT 201 VISA 161 CADREFIN 55 ISL 23 ADD 1
³ 9059/17 JAI 408 FRONT 207 VISA 165 CADREFIN 56 ISL 24

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 9227/17 JAI 430 FRONT 219 VISA 177 CADREFIN 57 ISL 25 + COR 1. The edited text of the Decision on the conclusion is set out in 9228/17 JAI 431 FRONT 220 VISA 178 CADREFIN 58 ISL 26 + COR 1. The edited text of the Agreement is set out in 9253/17 JAI 453 FRONT 221 VISA 179 CADREFIN 59 ISL 27 + COR 1.
3. On 12 June 2017, the Council authorised the signing of the Agreement with Iceland. The Agreement was signed on 2 March 2018 with a provisional application from the day following that of its signature⁴.
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 12 June 2017, 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 Iceland⁵.
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 signature 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 Published in OJ L 72, 15.3.2018, p. 3–11.

⁵ See P8_TA-PROV(2018)0251.

8. The Decision on the signature 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/EC⁶; 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 signature constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC⁷; 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 Iceland 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 9228/17 JAI 431 FRONT 220 VISA 178 CADREFIN 58 ISL 26 + COR 1;
 - decide that the text of the above Decision 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.

⁶ 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).

⁷ 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).