



Council of the  
European Union

158218/EU XXVII. GP  
Eingelangt am 19/10/23

**Brussels, 19 October 2023**  
**(OR. en)**

**14116/1/23**  
**REV 1**

**ASILE 103**  
**MIGR 333**

## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION authorising the opening of negotiations on amending the Arrangements between the European Union, on the one part, and, respectively, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, as regards the modalities of the participation by those countries in the European Asylum Support Office, in order for them to be able to participate in the European Union Agency for Asylum

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**COUNCIL DECISION (EU) 2023/...**

**of ...**

**authorising the opening of negotiations  
on amending the Arrangements between the European Union, on the one part,  
and, respectively, the Republic of Iceland, the Kingdom of Norway,  
the Swiss Confederation and the Principality of Liechtenstein, on the other part,  
as regards the modalities of the participation  
by those countries in the European Asylum Support Office, in order for them to be able  
to participate in the European Union Agency for Asylum**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(1) and (2) in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Having regard to the Arrangements between the European Union and, respectively, the Republic of Iceland<sup>1</sup>, the Kingdom of Norway<sup>2</sup>, the Swiss Confederation<sup>3</sup> and the Principality of Liechtenstein<sup>4</sup>, on the modalities of the participation by those countries in the European Asylum Support Office,

Having regard to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010<sup>5</sup> that revised the mandate of the European Union Agency for Asylum and with which the European Asylum Support Office was replaced and succeeded by the European Union Agency for Asylum, with full continuity in all its activities and procedures,

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<sup>1</sup> OJ: Please insert the OJ reference to the Arrangement contained in document ST 18123/13 and complete this footnote.

<sup>2</sup> OJ L 109, 12.4.2014, p. 3.

<sup>3</sup> OJ L 65, 11.3.2016, p. 22.

<sup>4</sup> OJ L 170, 11.6.2014, p. 50.

<sup>5</sup> OJ L 468, 30.12.2021, p. 1.

Whereas:

- (1) In order for the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein to be able to participate in the European Union Agency for Asylum (EUAA), the Arrangements on the modalities of the participation by those countries in the European Asylum Support Office (EASO) should be amended to clarify the nature, extent and manner of the participation by those countries in the EUAA.
- (2) Negotiations should be opened with a view to amending the Arrangements between the European Union, on the one part, and, respectively, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, as regards the modalities of the participation by those countries in the EASO.
- (3) Ireland is bound by Regulation (EU) 2021/2303 and is therefore taking part in the adoption of this Decision.
- (4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union (TFEU), Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

### *Article 1*

1. The Commission is hereby authorised to open negotiations on amending the Arrangements between the European Union, on the one part, and, respectively, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, as regards the modalities of the participation by those countries in the EASO, in order for them to be able to participate in the EUAA.
2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

### *Article 2*

The negotiations shall be conducted in consultation with the Justice and Home Affairs Counsellors, who are the preparatory body hereby designated as the special committee within the meaning of Article 218(4) TFEU.

*Article 3*

This Decision is addressed to the Commission.

Done at ...,

*For the Council*

*The President*

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