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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL IMPLEMENTING DECISION on repealing Implementing Decision (EU) 2022/2459 on the application of an increased visa fee with respect to The Gambia

COUNCIL IMPLEMENTING DECISION (EU) 2024/...

of ...

on repealing Implementing Decision (EU) 2022/2459

on the application of an increased visa fee with respect to The Gambia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)¹, and in particular Article 25a(6) thereof,

Having regard to the proposal from the European Commission,

¹ OJ L 243, 15.9.2009, p. 1.

Whereas:

- (1) Cooperation on readmission with The Gambia was assessed as insufficient in accordance with Article 25a(2) of Regulation (EC) No 810/2009. Taking into account the steps taken by the Commission to improve the level of cooperation, and the Union's overall relations with The Gambia, it was considered that The Gambia's cooperation with the Union on readmission matters was not sufficient and action by the Union was therefore necessary.
- (2) In accordance with Article 25a(5), point (a), of Regulation (EC) No 810/2009, Council Implementing Decision (EU) 2021/1781² was adopted on 7 October 2021, temporarily suspending the application of certain provisions of Regulation (EC) No 810/2009 with respect to nationals of The Gambia.
- (3) The assessment of the cooperation on readmission with The Gambia, following the adoption of Implementing Decision (EU) 2021/1781, indicated that no significant improvements had taken place, as cooperation on identification, issuance of travel documents and return operations remained challenging. Despite some limited developments, cooperation on readmission remained insufficient, and substantial and sustained improvements were still needed. Therefore, Council Implementing Decision (EU) 2022/2459³, adopted on 8 December 2022, introduced an increased visa fee with respect to nationals of The Gambia.

² Council Implementing Decision (EU) 2021/1781 of 7 October 2021 on the suspension of certain provisions of Regulation (EC) No 810/2009 of the European Parliament and of the Council with respect to The Gambia (OJ L 360, 11.10.2021, p. 124).

³ Council Implementing Decision (EU) 2022/2459 of 8 December 2022 on the application of an increased visa fee with respect to The Gambia (OJ L 321, 15.12.2022, p. 18).

(4) The Commission's continuous assessment of the cooperation on readmission by The Gambia following Implementing Decision (EU) 2022/2459 indicates that a substantial and sustained improvement in the cooperation on readmission was established with regard to the organisation of return flights and operations. Therefore, it is no longer necessary to apply an increased visa fee to nationals of The Gambia and Implementing Decision (EU) 2022/2459 should be repealed.

(5) The Commission's continuous assessment of the cooperation on readmission by The Gambia also shows that the cooperation on readmission with The Gambia remains insufficient with regard to the assistance provided in the identification of Gambian nationals illegally staying on the territory of all Member States, the timely issuance of travel documents, and the capacity and frequency of charter flights to allow for a sustainable reduction of the number of Gambian nationals illegally staying in the Member States. Implementing Decision (EU) 2021/1781 should therefore remain in force.

(6) In accordance with Articles 1 and 2 of 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 this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark is to, 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.

(7) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC⁴; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(8) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen *acquis*⁵ which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC⁶.

⁴ 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).

⁵ OJ L 176, 10.7.1999, p. 36.

⁶ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

(9) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁷ which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁸.

⁷ OJ L 53, 27.2.2008, p. 52.

⁸ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

(10) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁹ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU¹⁰.

(11) This Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession and Article 4(2) of the 2005 Act of Accession,

HAS ADOPTED THIS DECISION:

⁹ OJ L 160, 18.6.2011, p. 21.

¹⁰ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

Article 1

Implementing Decision (EU) 2022/2459 is repealed.

Article 2

This Decision shall take effect on the date of its notification.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, and the Kingdom of Sweden.

Done at ..., ...

For the Council

The President