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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	Council Implementing Decision on repealing Implementing Decision (EU) 2022/2459 on the application of an increased visa fee with respect to The Gambia – Adoption

1. On 28 September 2023, the Commission submitted a proposal for a Council Implementing Decision on repealing Implementing Decision (EU) 2022/2459 on the application of an increased visa fee with respect to The Gambia¹.
2. At the Visa Working Party meeting on 23 October 2023, the Commission presented the proposal and the first exchange of views was held on the proposal. The proposal was further discussed at the Visa Working Party meeting on 16 November 2023 and subsequently approved at the Visa Working Party meeting on 19 December 2023.

¹ 13574/23.

3. The adoption of the proposal was, however, interrupted by decreased readmission cooperation by The Gambia with respect to organisation of return flights and operations. Once this issue has been resolved, Integration, Migration and Expulsion (IMEX Expulsion) working party on 12 March 2024 decided to invite the Visa Working Party to again approve the proposal, which was subsequently approved at the Visa Working Party meeting on 26 March 2024.
4. 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 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.
5. This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
6. In view of the above, the Permanent Representatives Committee is invited to suggest that the Council adopt, the abovementioned Implementing Decision as finalised by the legal/linguistic experts and set out in document 16980/23 + COR 1 as an "A" item on the agenda of a forthcoming meeting.

The Implementing Decision will be published in the Official Journal in accordance with the applicable rules.