

Brussels, 22 April 2024
(OR. en)

8986/24

**Interinstitutional File:
2023/0229(NLE)**

**JAI 644
FRONT 124
VISA 54
SIRIS 21**

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
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 Border Management and Visa Policy, as part of the Integrated Border Management Fund for the period 2021 to 2027 - Adoption

1. On 21 February 2022, the Council adopted the Decision authorising the opening of negotiations with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein with a view to concluding agreements between the European Union and those countries on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy (BMVI), as part of the Integrated Border Management Fund, as well as the negotiating directives.
2. The purpose of the agreement is to set the contribution by the Swiss Confederation to the Instrument for Financial Support for Border Management and Visa Policy for the period 2021-2027 and on the supplementary rules necessary for this participation.

3. Negotiations were successfully finalised by the Commission and the Swiss Confederation. On 10 July 2023, the Commission submitted to the Council 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 Border Management and Visa Policy (BMVI), as part of the Integrated Border Management Fund, and a proposal for a Council Decision on the conclusion of the Agreement¹. Delegations confirmed their agreement on the proposals at the JHA Counsellors meeting (Frontiers) on 24 July 2023. The Decision on the signing was adopted by the Council on 28 September 2023 and the Agreement was signed on 28 November 2023 in Brussels, subject to its conclusion at a later date.
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 3 October 2023, the Council forwarded the draft Decision on the conclusion of the Agreement as well as the text of the Agreement to the European Parliament for its consent.
6. 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/EC²; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
7. 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.

¹ 11758/23 + ADD 1 and 11760/23 + ADD 1.

² Council Decision 2002/192/EC of 28 February 2002 concerning the Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

8. On 10 April 2024, the European Parliament gave its consent to the conclusion of the Agreement³ and instructed its president to forward its position to the Council, the Commission and the governments and parliaments of the Member States.
9. In view of the above, the Permanent Representatives Committee is requested to invite the Council to:
 - a) adopt, as an "A" item, the Decision on conclusion as set out in document 12122/23 finalised by the lawyer linguists, and
 - b) decide that the text of the above Decision and the Agreement be published in the 'L' series of the Official Journal in accordance with article 17(1)(d) of the Council's Rules of Procedure.

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

³ P9_TA(2024)0215