Council of the European Union

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**VISA 199**
**MIGR 196**
**RELEX 787**
**COAFR 247**
**COMIX 458**

**'I/A' ITEM NOTE**

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee/Council |
| Subject: | Council implementing decision on the suspension of certain provisions of Regulation (EC) 810/2009 of the European Parliament and of the Council with respect to The Gambia<br>- Adoption |

1. On 15 July 2021, the Commission submitted a proposal for a Council implementing decision on the suspension of certain provisions of Regulation (EC) 810/2009 of the European Parliament and of the Council with respect to The Gambia[1].

2. On 22 July and 8 September 2021, the Visa Working Party discussed the proposal and approved a slightly revised version of the draft Council implementing decision[2], which includes a derogation to the temporary suspension of the provisions of the Visa Code to allow Member States to comply with their obligations under international law.

[1] 10859/21.
[2] 11670/21.

3. 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.

4. 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.

5. 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 11748/21 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.