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From:	Mission of Switzerland to the European Union
date of receipt:	18 October 2016
To:	General Secretariat of the Council
No. prev. doc.:	PE-CONS 29/1/16 REV 1
Subject:	Regulation of the European Parliament and of the Council on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC

Delegations will find attached the notification from Switzerland regarding the abovementioned Regulation.

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Mission of Switzerland to the European Union

SECRÉTARIAT GÉNÉRAL DU
CONSEIL DE L'UNION EUROPÉENNE
SGE16/10231
Reçu le 18 -10- 2016
DEST. PRINC.
DEST. COPISTES Mme ROGER

796.0-00-SD-183/2016

The Mission of Switzerland to the European Union presents its compliments to the General Secretariat of the Council of the European Union and herewith confirms receipt of the notification of the Council dated 22nd September 2016, issued in accordance with Article 7, paragraph 2 a, first sentence 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 (hereinafter referred to as « association agreement ») signed in Luxembourg on 26 October 2004. The content of the notification is as follows:

> « In accordance with the first sentence of Article 7(2)(a) in conjunction with Article 14(1) of the Agreement associating Switzerland to the Schengen acquis, Switzerland is herewith notified of the adoption of the following act:
>
> Regulation of the European Parliament and of the Council on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC
>
> Document of the Council:
>
> PE-CONS 29/1/16 REV 1 FRONT 268 SIRIS 103 COMIX 478 CODEC 951
>
> Date of adoption: 14 September 2016 »

In accordance with Article 7, paragraph 2 a and 2 b, second sentence of the association agreement, the Mission of Switzerland to the European Union herewith notifies the General Secretariat of the Council of the European Union that Switzerland accepts, subject to the fulfilment of its constitutional requirements, the content of the enclosed appendix to the notification of the Council, which forms an integral part of this reply, and will implement it in its internal legal order.

General Secretariat of the Council of the European Union
Directorate general D
Justice and Home Affairs
Brussels

In accordance with Article 7, paragraph 2 b of the association agreement, Switzerland shall inform the General Secretariat of the Council of the European Union without delay about the fulfilment of its constitutional requirements.

In accordance with Article 7, paragraph 3 of the association agreement, the notification of the Council dated 22nd September 2016 and this reply give rise to rights and obligations between Switzerland and the European Union and thus constitute an agreement between Switzerland and the European Union.

This agreement shall enter into force on the date of notification by Switzerland about the fulfilment of its constitutional requirements. It may be denounced in accordance with the provisions of Articles 7 and 17 of the association agreement.

As from the date of the entry into force of this agreement, the following exchanges of notes shall be terminated:

- Exchange of notes of 28 March 2008 between Switzerland and the European Community regarding the acceptance of the Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing FRONTEX;
- Exchange of notes of 28 March 2008 between Switzerland and the European Community regarding the acceptance of the Regulation (EC) No 863/2007 establishing RABIT;
- Exchange of notes of 28 March 2008 between Switzerland and the European Community regarding the acceptance of the Council Decision 2005/267/EC establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services;
- Exchange of notes of 28 March 2008 between Switzerland and the European Community regarding the acceptance of the Decision C(2005) 5159 final implementing Council Decision 2005/267/EC;
- Exchange of notes of 13 December 2011 between Switzerland and the European Union regarding the acceptance of Regulation (EU) No 1168/2011 amending Regulation (EC) No 2007/2004 establishing FRONTEX.

A copy of the present note is addressed to the European Commission, General Secretariat, SG.A.3, Brussels.

The Mission of Switzerland to the European Union avails itself of this opportunity to renew to the General Secretariat of the Council of the European Union the assurances of its highest consideration.

Brussels, 14 October 2016