



Council of the  
European Union

Brussels, 7 November 2023  
(OR. en)

13936/23

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**Interinstitutional File:  
2023/0334 (NLE)**

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**JAI 1282  
FRONT 304  
VISA 198  
SIRIS 93**

## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Principality of Liechtenstein 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

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**COUNCIL DECISION (EU) 2023/...**

**of ...**

**on the conclusion, on behalf of the Union,  
of the Agreement between  
the European Union and the Principality of Liechtenstein  
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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), in conjunction with Article 218(6), second subparagraph, point (a), and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

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<sup>1</sup> Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) On 21 February 2022, the Council authorised the Commission, by Council Decision (EU) 2022/442<sup>1</sup>, to open negotiations with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein for the arrangements on the financial contributions of those countries and the supplementary rules necessary for their participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors, to be concluded pursuant to Regulation (EU) 2021/1148 of the European Parliament and of the Council<sup>2</sup>. The negotiations with the Principality of Liechtenstein were successfully concluded by the initialling of an Agreement on 16 June 2023.

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<sup>1</sup> Council Decision (EU) 2022/442 of 21 February 2022 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, as part of the Integrated Border Management Fund (OJ L 90, 18.3.2022, p.116).

<sup>2</sup> Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021, p. 48).

- (2) In accordance with Council Decision (EU) 2023/...<sup>1+</sup>, the Agreement between the European Union and the Principality of Liechtenstein 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 (the ‘Agreement’) was signed on ...<sup>++</sup>, subject to its conclusion at a later date.
- (3) Pursuant to Article 218(7) of the Treaty on the Functioning of the European Union (TFEU), it is appropriate for the Council to authorise the Commission to approve modifications to the Agreement that are necessary with a view to adjusting references to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>2</sup> whenever that Regulation is updated.

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<sup>1</sup> Council Decision (EU) 2023/... of ... on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Principality of Liechtenstein 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 (OJ L, ..., ELI: ...).

<sup>+</sup> OJ: Please insert the number of the Decision contained in ST 13932/23 in the text and number, date and OJ reference in the corresponding footnote.

<sup>++</sup> OJ: Please insert the date of signature of the Agreement contained in ST 13935/23.

<sup>2</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (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 the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (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<sup>1</sup>. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> 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).

### *Article 1*

The Agreement between the European Union and the Principality of Liechtenstein 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<sup>1+</sup> (the ‘Agreement’) is hereby approved on behalf of the Union.

### *Article 2*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 13(1) of the Agreement<sup>2</sup>.

### *Article 3*

For the purposes of Article 2, paragraph 2, point (b), of the Agreement, modifications of Article 2 paragraph 1, second subparagraph, point (a), of the Agreement to take into account any amendment, repeal, replacement or recast of Regulation (EU, Euratom) 2018/1046 shall be approved by the Commission on behalf of the Union.

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<sup>1</sup> The text of the Agreement is published in OJ L, ..., ELI: ... .

<sup>+</sup> OJ: please insert in the footnote the OJ reference for the publication of the Agreement contained in document ST 13935/23.

<sup>2</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

*Article 4*

This Decision shall enter into force on the day of its adoption.

Done at ...,

*For the Council*

*The President*

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