Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	13583/23 + ADD 1,13585/23 + ADD 1
Subject:	Council Decision 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 – Adoption 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 – Request for the consent of the European Parliament

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 Liechtenstein 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 Liechtenstein. On 29 September 2023, the Commission submitted to the Council a proposal for a Council Decision 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 (BMVI), as part of the Integrated Border Management Fund, and a proposal for a Council Decision on the conclusion of the Agreement[1]. Delegations confirmed their agreement on the proposals at the JHA Counsellors meeting on 9 October 2023.

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[2]; 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 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.

6. The Agreement should be signed.

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1 13583/23 + ADD 1 and 13585/23 + 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).

7. It is suggested, therefore, that the Permanent Representatives Committee recommend that the Council, at a forthcoming session:

   a) adopt, as an "A" item, the Decision authorising the signing and the provisional application of the Agreement. The texts of the Decision and the Agreement, following finalisation by the legal linguists, are set out in documents 13932/23 and 13935/23, respectively;

   b) decide that the text of the above Decision together with the text of the Agreement be published in the Official Journal;

   c) decide to forward the draft Decision on the conclusion of the Agreement, as set out in document 13936/23 finalised by the legal linguists, to the European Parliament for its consent.

8. The European Parliament will be informed in accordance with Article 218(10) TFEU and the decision on the signing will be forwarded to the EP.