COUNCIL OF THE EUROPEAN UNION

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Arrangement between the European Union and the Republic of Iceland on the modalities of its participation in the European Asylum Support Office

ARRANGEMENT
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF ICELAND
ON THE MODALITIES OF ITS PARTICIPATION
IN THE EUROPEAN ASYLUM SUPPORT OFFICE

THE EUROPEAN UNION, hereinafter referred to as the "EU",

of the one part, and

THE REPUBLIC OF ICELAND, hereinafter referred to as "Iceland",

of the other part,

Having regard to Article 49(1) of Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office[1], hereinafter referred to as the "Regulation",

WHEREAS

(1) The Regulation states that, to fulfil its purpose, the European Asylum Support Office, hereinafter referred to as the "Support Office", should be open to participation by countries which have concluded agreements with the EU by virtue of which they have adopted and apply EU law in the field covered by the Regulation, in particular, Iceland, Liechtenstein, Norway and Switzerland, hereinafter referred to as the "associate countries",

[1] OJ EU L 132, 29.5.2010, p. 11.

(2) Iceland has concluded agreements with the EU, by virtue of which it has adopted and applies EU law in the field covered by the Regulation, in particular the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway[1],

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Extent of participation

Iceland shall participate fully in the work of the Support Office and be entitled to receive support actions from the Support Office as described in the Regulation and in accordance with the terms set out by this Arrangement.

[1] OJ EC L 93, 3.4.2001, p. 40.

ARTICLE 2

Management Board

Iceland shall be represented in the Management Board of the Support Office as an observer without the right to vote.

ARTICLE 3

Financial contribution

1. Iceland shall contribute to the revenue of the Support Office an annual sum calculated in accordance with its Gross Domestic Product (GDP) as a percentage of the GDP of all participating States in accordance with the formula laid down in the Annex.

2. The financial contribution referred to in paragraph 1 shall be incurred as from the day following the entry into force of this Arrangement. The first financial contribution shall be reduced proportionally to the remaining time in the year after the entry into force of this Arrangement.

ARTICLE 4

Data Protection

1. In applying this Arrangement, Iceland shall process data in line with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data[1].

2. For the purpose of this Arrangement, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data[2] shall apply to the processing of personal data carried out by the Support Office.

3. Iceland shall respect the rules on confidentiality of documents held by the Support Office, as set out in the Rules of Procedure of the Management Board.

[1] OJ EC L 281, 23.11.1995, p. 31.
[2] OJ EC L 8, 12.1.2001, p. 1.

ARTICLE 5

Legal status

The Support Office shall have legal personality under the law of Iceland and shall enjoy in Iceland the most extensive legal capacity accorded to legal persons under the law of Iceland. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings.

ARTICLE 6

Liability

The liability of the Support Office shall be governed by Article 45 (1), (3) and (5) of the Regulation.

ARTICLE 7

Court of Justice of the European Union

Iceland shall recognise the jurisdiction of the Court of Justice of the European Union over the Support Office, as provided for in Article 45 (2) and (4) of the Regulation.

ARTICLE 8

Staff of the Support Office

1. In accordance with Articles 38 (1) and 49 (1) of the Regulation, the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, the rules adopted jointly by the EU institutions for the purpose of applying those Staff Regulations and Conditions of Employment and the implementing measures adopted by the Support Office according to Article 38 (2) of the Regulation apply to nationals of Iceland recruited as staff members by the Support Office.

2. By way of derogation from Article 12 (2) (a) and Article 82 (3) (a) of the Conditions of Employment of Other Servants of the European Union, nationals of Iceland enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Support Office according to the existing rules for selection and engagement of staff adopted by the Support Office.

3. Article 38 (4) of the Regulation shall apply *mutatis mutandis* to the nationals of Iceland.

4. Nationals of Iceland may not, however, be appointed to the post of Executive Director of the Support Office.

ARTICLE 9

Privileges and immunities

Iceland shall apply to the Support Office and to its staff the Protocol on the Privileges and Immunities of the European Union[1] as well as any rules adopted pursuant to that Protocol relating to staff matters of the Support Office.

ARTICLE 10

Combating fraud

The provisions set out in Article 44 of the Regulation shall be applied and the European Anti-Fraud Office (OLAF) and the Court of Auditors may exercise the powers conferred on them.

OLAF and the Court of Auditors shall inform *Ríkisendurskoðun* in good time of any intention to carry out on-the-spot-checks or audits which, if the Icelandic authorities so wish, may be carried out jointly with *Ríkisendurskoðun*.

[1] OJ EU C 83, 30.3.2010, p. 266.

ARTICLE 11

Committee

1. A Committee, composed of representatives of the European Commission and Iceland, shall monitor the proper implementation of this Arrangement and ensure a continuous process of information provision and exchange of views in this respect. For practical reasons, the Committee shall meet jointly with the corresponding Committees set up with other associated countries participating on the basis of Article 49 (1) of the Regulation. It shall meet upon request by either Iceland or the European Commission. The Management Board of the Support Office shall be informed about the work of the Committee.

2. Information about foreseen EU legislation, which either directly affects or amends the Regulation or is expected to have implications relating to the financial contribution laid down in Article 3 of this Arrangement, shall be shared and an exchange of views thereon shall take place in the Committee.

ARTICLE 12

Annex

The Annex to this Arrangement shall constitute an integral part of this Arrangement.

ARTICLE 13

Entry into force

1. The Contracting Parties shall approve this Arrangement in accordance with their own internal procedures. They shall notify each other of the completion of those procedures.

2. This Arrangement shall enter into force on the first day of the first month following the day of the last notification referred to in paragraph 1.

ARTICLE 14

Termination and validity

1. This Arrangement shall be concluded for an unlimited period.

2. Each Contracting Party may, after consultations within the Committee, denounce this Arrangement by notifying the other Contracting Party. This Arrangement shall cease to apply six months after the date of such notification.

3. This Arrangement shall be terminated in case of termination of the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway.

4. This Arrangement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Icelandic languages, each of those texts being equally authentic.

Done at ……, this …… day of …… in the year ……

…….	…….
For the European Union	For the Republic of Iceland

ANNEX

FORMULA TO CALCULATE THE CONTRIBUTION

1. The financial contribution of Iceland to the revenue of the Support Office defined in Article 33 (3) (d) of the Regulation shall be calculated in the following way:

   The most updated final figures of the Gross Domestic Product (GDP) of Iceland available on 31 March of each year shall be divided by the sum of the GDP figures of all the States participating in the Support Office available for the same year. The obtained percentage will be applied to the part of the authorised Support Office's revenue as defined in Article 33 (3) (a) of the Regulation in the year under consideration to obtain the amount of the financial contribution of Iceland.

2. The financial contribution shall be paid in euro.

3. Iceland shall pay its financial contribution no later than 45 days after receiving the debit note. Any delay in payment shall give rise to the payment of default interest by Iceland on the outstanding amount from the due date. The interest rate shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the Official Journal of the European Union, in force on the first day of the month in which the deadline falls, increased by 3,5 percentage points.

4. Iceland's financial contribution shall be adapted in accordance with this Annex when the financial contribution from the EU entered in the general budget of the European Union as defined in Article 33 (3) (a) of the Regulation is increased pursuant to Articles 26, 27 or 41 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002[1]. In such a case, the difference shall be due 45 days after receiving the debit note.

5. In the event that payment credits of the Support Office received from the EU according to Article 33 (3) (a) of the Regulation related to a year N are not spent by 31 December of year N, or that the Support Office budget of the year N has been lowered according to Articles 26, 27 or 41 of the Regulation (EU, Euratom) No 966/2012, the part of these unspent or lowered payment credits corresponding to the percentage of the contribution made by Iceland shall be transferred to the budget of year N+1 of the Support Office. Iceland's contribution to the Support Office's budget of year N+1 will be reduced accordingly.

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[1] OJ EU L 298, 26.10.2012, p. 1.