



Council of the  
European Union

**Brussels, 27 May 2024  
(OR. en)**

**9837/24**

**FRONT 161  
MIGR 213  
VISA 76**

**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION authorising the opening of negotiations for an agreement between the European Union and the Republic of San Marino on several aspects in the field of border management

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**COUNCIL DECISION (EU) 2024/...**

**of ...**

**authorising the opening of negotiations for an agreement  
between the European Union and the Republic of San Marino  
on several aspects in the field of border management**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (c), and Article 79(2), point (c), in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) An agreement is necessary to provide a legal basis for the absence of border controls between Italy and San Marino.
- (2) It would be beneficial to conclude such an agreement in view of San Marino's geographical proximity to, and economic interdependence with, the Union.
- (3) It is necessary to ensure the fair treatment of third-country nationals possessing residence permits issued by San Marino at the Union's external borders.
- (4) The issuance of such residence permits by San Marino has to be conditional on a binding opinion by Italy based on its security assessment.
- (5) The agreement would allow for the conclusion of implementing administrative arrangements of an operational nature between Italy and San Marino on matters covered by the agreement, provided that such arrangements are compatible with the agreement and with Union law.
- (6) Negotiations should therefore be opened with a view to concluding an agreement between the Union and San Marino.

- (7) 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.
- (8) 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,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> 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, ELI: <http://data.europa.eu/eli/dec/2002/192/oj>).

*Article 1*

1. The Commission is hereby authorised to open negotiations for an agreement with the Republic of San Marino on several aspects in the field of border management.
2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

*Article 2*

The Commission is hereby nominated as the Union negotiator.

*Article 3*

The negotiations shall be conducted in consultation with the appropriate Working Party of the Council.

*Article 4*

This Decision is addressed to the Commission.

Done at ..., ...

*For the Council*

*The President*

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