# EC/Switzerland and Liechtenstein Arrangement: participation of Switzerland and Liechtenstein in the activities of Frontex

2009/0073(NLE) - 09/02/2010 - Legislative proposal

PURPOSE: to conclude, on behalf of the Union, of the Arrangement between the European Community, of the one part, Switzerland and Liechtenstein, of the other part, on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX).

PROPOSED ACT: Council Decision.

CONTENT: this proposal aims to conclude, on behalf of the Union, the Agreement between European Community, Switzerland and Liechtenstein on the modalities of the participation by those States in the FRONTEXT Agency.

In accordance with the FRONTEX Regulation (Council Regulation (EC) No 2007/2004), countries associated with the implementation, application and development of the Schengen acquis shall participate in the Agency. The modalities of their participation are to be specified in further arrangements to be concluded between the Union and those countries. These arrangements set out in this document.

As consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community. The procedures to be followed by the Union in order to conclude the Agreement are governed by Article 218(6) (a) of the Treaty on the Functioning of the European Union (TFEU) which states that the Council shall adopt a decision concluding the agreement.

**Territorial application**: in accordance with the Protocol 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. Given that this Decision builds upon the Schengen acquis, Denmark shall decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law. On the other hand, the United Kingdom and Ireland shall not take part in the adoption of this Decision and shall not be bound by it or subject to its application.