EC/Norway, Iceland, Switzerland and Liechtenstein agreement: supplementary rules in relation to the External Borders Fund for the period 2007 to 2013

2009/0148(NLE) - 12/04/2010 - Legislative proposal

PURPOSE: to conclude, on behalf of the European Union, an Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013.

PROPOSED ACT: Council Decision.

IMPACT ASSESSMENT: no impact assessment has been carried out.

LEGAL BASE: Article 77(2)(d) in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal aims to conclude, on behalf of the European Union, an Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 as well as a certain number of related Declarations. For more details of the content of this Agreement, please refer to Council Document 15954/2009 and to the former initial proposal of 09/10 /2009.

Overall, the Agreement specifies that, according to Article 11 of Decision No 574/2007/EC of the European Parliament and of the Council establishing the External Borders Fund for the period 2007 to 2013, the third countries associated with the implementation, application and development of the Schengen acquis shall participate in the Fund in accordance with its provisions and arrangements should be concluded to specify supplementary rules necessary for such participation, including provisions ensuring the protection of the Community's financial interests and the power of audit of the Court of Auditors.

Following the authorisation given to the Commission on 19 December 2007, negotiations with the countries concerned were concluded on 30 June 2009. The Agreement was finally signed on 19 March 2010 on behalf of the Union, and applied on a provisional basis, pending its conclusion at a later date.

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, a Joint Declaration by the European Union and the countries concerned on the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 has been agreed by all Parties at the time of the signature, and attached to the Agreement, stating that the European Union has replaced and suceeded the European Community. The procedures to be followed by the Union in order to conclude the Agreement are now covered by the TFEU, which provides that the Council adopt the decision concluding the agreement after Parliament’s consent.

Territorial provisions: in accordance with the Protocol on the position of the United Kingdom and Ireland as regards freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, these countries shall not participate in the adoption of the application of the Agreement. The same goes for Denmark however it may decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.

BUDGETARY IMPLICATION: the proposal has no implication for the Union's budget.