

EU/Switzerland Agreement: supplementary rules in relation to the instrument for financial support for external borders and visa

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PURPOSE: to conclude, on behalf of the European Union, an Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: [Regulation \(EU\) No 515/2014](#) of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa (ISF – Borders and Visa) for the period 2014-2020, as well as [Regulation \(EU\) No 514/2014](#) of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management which became applicable as of 1 January 2014.

The purpose of the **ISF – Borders and Visa** is to establish a solidarity mechanism binding the participating states by the same European rules on the control of external borders in each other's interests and on each other's behalf. It is thus a development of the Schengen acquis.

Regulation (EU) No 515/2014 provides that the countries associated with the implementation, application and development of the Schengen acquis participate in the instrument and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the power of audit of the Court of Auditors.

The aim of the **draft Agreement with Switzerland** (associated country) is to establish the arrangements referred to in Article 5(7) of Regulation (EU) No 515/2014 and to enable the Commission to assume ultimate responsibility for implementation of the budget of the instrument in this associated country and determine this country's contribution to the Union budget in respect of this instrument.

CONTENT: the Commission proposes that the Council **approves the Agreement with Switzerland** on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

The negotiations were held jointly with all associated countries. Two rounds of negotiations took place. The final text of the draft Agreement with Switzerland was initialled on 21 April 2017.

The draft Agreement provides for the **amount of Switzerland's annual financial contribution** to the budget of the ISF - Borders and Visa, calculated in accordance with its GDP as a percentage of the GDP of all States participating in the ISF. It specifies the **annual payments**. In addition, it foresees the modalities for the designation of the Responsible Authority and for the annual reporting system.

The Agreement also contains provisions aiming to **protect the Union's financial interests** against fraud and other irregularities as well as to ensure compliance with the provisions relevant for the financial management and control which are laid down in the Treaty on the Functioning of the European Union ('TFEU') and in Union law based on the TFEU.

This proposal constitutes a development of elements of the Schengen acquis in which the United Kingdom and Ireland do not take part. Denmark will decide within six months after the Council has adopted this proposal whether it will implement the proposed decision in its national law.