Arrangement with Norway, Iceland, Switzerland and Liechtenstein: participation in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

2018/0316(NLE) - 03/09/2018

PURPOSE: to conclude the arrangement with the Norway, Iceland, Switzerland, and Liechtenstein on the participation by those states in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council can adopt the act only if the European Parliament has approved it.

BACKGROUND : Regulation (EU) No 1077/2011 established the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, (**eu-LISA**), in order to ensure the operational management of the second generation Schengen Information System (SIS II), the VISA Information System (VIS) and Eurodac and potentially of the preparation, development and operational management of other large-scale IT systems in the area of freedom, security and justice.

Since 29 December 2017 and the entry into force of Regulation (EU) 2017/2226, the Agency became responsible for the development and operational management of the Entry/Exit System (EES).

The participation of associate countries in the Agency's work is a necessary step having regard to their association to the Schengen acquis and to Dublin and Eurodac-related measures and to their participation in the large-scale IT systems operated by the Agency.

On 24 July 2012, the Commission received the Council authorisation to open negotiations with Norway, Iceland, Switzerland and Liechtenstein on an arrangement on the modalities of these countries' participation in the Agency. The final text of the draft arrangement was initialled on 15 June 2018.

CONTENT: the Commission proposes that the Council conclude the Arrangement between the European Union and Iceland, Norway, Switzerland, and Liechtenstein on the participation of those States in the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

The draft arrangement provides for:

- the **full participation** of Iceland, Norway, Switzerland and Liechtenstein in the activities of the Agency;
- **representation in the Agency's Management Board with limited voting rights** on certain decisions as well as representation in the Agency's Advisory Groups with limited voting rights on the decisions;

- **the annual financial contributions** of Norway, Iceland, Switzerland and Liechtenstein, to the budget of the Agency (i) as regards SIS, VIS, DubliNet and EES by an annual sum calculated in accordance with its GDP as a percentage of GDP of all States participating in the Agency's work and, (ii) as regards Eurodac, by an annual sum of a fixed percentage (specific for each associate country) of the relevant budget appropriations for the budgetary year.

The draft arrangement also sets out:

- the legal status of the Agency in Iceland, Norway, Switzerland and Liechtenstein;
- the liability of the Agency with regard to Iceland, Norway, Switzerland and Liechtenstein;
- the recognition by Iceland, Norway, Switzerland and Liechtenstein of the jurisdiction of the Court of Justice with regard to the Agency;
- the privileges and immunities of the Agency in Iceland, Norway, Switzerland and Liechtenstein, and a derogation of the staff regulations allowing nationals of Iceland and Norway and Switzerland and Liechtenstein to be engaged under contract by the Agency.

Lastly, the draft arrangement contains provisions on combatting, dispute settlement, entry into force and validity and termination.

BUDGETARY IMPLICATIONS: the draft Arrangement contains provisions related to the annual financial contributions of Iceland, Norway, Switzerland and Liechtenstein to the budget of the Agency.