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) - 24/05/2019 - Final act

PURPOSE: to conclude, on behalf of the Union, the Arrangement between the European Union, on the one hand, and Norway, Iceland, Switzerland and Liechtenstein, on the other, on their participation in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/837 on the conclusion, on behalf of the Union, of the Arrangement between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, 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.

CONTENT: the Council decided to approve, on behalf of the Union, the Arrangement between the European Union, on the one hand, and Norway, Iceland, Switzerland and Liechtenstein, on the other, on their participation in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

The Commission negotiated, on behalf of the Union, an Arrangement between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, 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 (the ‘Arrangement’).

The Arrangement was signed on 8 November 2018 subject to its conclusion.

On 14 November 2018, Regulation (EU) 2018/1726 of the European Parliament and of the Council on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) was adopted. The Agency shall replace and succeed the Agency, as created by Regulation (EU) No 1077/2011.

The Arrangement:

- foresees the full participation of the associate countries in the activities of the Agency as well as representation in the Agency's Management Board with limited voting rights on certain decisions;

- annual financial contributions of the associate countries to the budget of the Agency 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, 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.

In addition, the Arrangement:

- defines the legal status of the Agency in the associate countries, the liability of the Agency with regard to the associate countries, the recognition by the associate countries of the jurisdiction of the Court of Justice with regard to the Agency, the privileges and immunities of the Agency in the associate countries, and a derogation of the staff regulations allowing nationals of the associate countries to be engaged under contract by the Agency;

- contains provisions on combatting fraud, dispute settlement, entry into force and validity and termination.

The United Kingdom and Ireland shall participate in the decision. Denmark shall decide within six months whether it shall implement the decision in its national law.

ENTRY INTO FORCE: 14.5.2019.