European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union: Arrangement of the 18 May 2005 between the European Community, Iceland and Norway on the modalities of those states' participation

2006/0063(CNS) - 26/04/2006 - Legislative proposal

PURPOSE : the signature and conclusion of an Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway regarding their participation on the “European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union”.

PROPOSED ACT : Council Decision.

CONTENT : Article 21 of Council Regulation EC 2007/2004 on the establishment of a “European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union”, specifically states that countries associated with implementation, application and development of the Schengen *acquis* shall participate in the Agency. This provision applies, therefore, to both the Republic of Iceland and the Kingdom of Norway who both concluded an Agreement to apply the Schengen *acquis* in May 1999.

The purpose of this proposed Decision is to implement a negotiated “Arrangement” in which all of the terms and conditions of these two countries participation on the Agency are specified. The following issues are dealt with by the proposed Arrangement:

- the exceptional limited voting rights of Iceland and Norwegian representatives in the Management Board of the Agency;

- Iceland and Norway’s financial contribution to the budget of the Agency (the financial contribution is set out in the Agreement);

- the protection and confidentiality of data;

- the legal status of the Agency in Iceland and Norway;

- the Agency’s liability;

- recognition by Iceland and Norway of the ECJ’s jurisdiction over the Agency;

- privileges and immunities of the Agency and its staff; and

- access for Icelandic and Norwegian nationals to be engaged, under contract, by the Executive Director of the Agency.

In a joint declaration attached to the Arrangement, both countries emphasis that the granting of limited voting rights in no way may be regarded as a legal or political precedent.