Basic information

2018/0316(NLE) NLE - Non-legislative enactments Decision	Procedure completed
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 **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas **Geographical area** Iceland Liechtenstein Norway Switzerland	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MACOVEI Monica (ECR)	01/10/2018
	Shadow rapporteur KUDRYCKA Barbara (PPE) CHINNICI Caterina (S&D) WIKSTRÖM Cecilia (ALDE) VERGIAT Marie-Christine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
CONT Budgetary Control	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
03/09/2018	Preparatory document	COM(2018)0606	Summary
15/01/2019	Legislative proposal published	15832/2018	Summary
30/01/2019	Committee referral announced in Parliament		
19/02/2019	Vote in committee		
21/02/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0081/2019	Summary
13/03/2019	Decision by Parliament	T8-0171/2019	Summary
13/03/2019	Results of vote in Parliament		
24/05/2019	Act adopted by Council after consultation of Parliament		
24/05/2019	End of procedure in Parliament		
24/05/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0316(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 085-p1-a3 Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 074 Treaty on the Functioning of the European Union TFEU 088-p2-a1 Treaty on the Functioning of the European Union TFEU 078-p2 Treaty on the Functioning of the European Union TFEU 082-p1 Treaty on the Functioning of the European Union TFEU 087-p2 Treaty on the Functioning of the European Union TFEU 079-p2 Treaty on the Functioning of the European Union TFEU 077-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/14512

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE628.572	31/01/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0081/2019	21/02/2019	Summary

Text adopted by Parliament, 1st reading/single reading		T8-0171/2019	13/03/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	12367/2018	09/10/2018	
Legislative proposal	15832/2018	15/01/2019	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2018)0606	03/09/2018	Summary
Document attached to the procedure	COM(2018)0607	03/09/2018	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2019/0837
OJ L 138 24.05.2019, p. 0009 Summary

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.

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) - 13/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 602 votes to 15, with 56 abstentions, a legislative resolution on the draft Council decision 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.

The European Parliament gave its consent to the conclusion of the agreement.

The draft Decision includes the elements necessary to ensure the participation of the countries associated with the Schengen acquis and the Dublin and Eurodac-related measures in the activities of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, and provides for the conditions under which their participation may take place.

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 - Preparatory document

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.

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) - 15/01/2019 - Legislative proposal

PURPOSE: to conclude, on behalf of the Union, the Arrangement between the European Union, of the one part, and Norway, Iceland, Switzerland and 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.

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 1077/2011 of the European Parliament and of the Council established the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. It provided that, under the relevant provisions of their association agreements, arrangements are to be made in order to specify the nature and extent of, and the detailed rules for, the participation of countries associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures in the work of the Agency, including provisions on financial contributions, staff and voting rights.

The Commission negotiated an arrangement between the European Union and these countries which 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 and replaces and succeeds the Agency, as established by Regulation (EU) No 1077/2011.

It is now necessary to conclude the arrangement on behalf of the Union.

CONTENT: the Council seeks to approve, on behalf of the Union, the Arrangement between the European Union, of the one part, and Norway, Iceland, Switzerland and 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.

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) - 21/02/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Monica MACOVEI (ECR, RO) on the draft Council decision 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.

The committee recommended that the European Parliament give its consent to the conclusion of the agreement.

In line with the Treaty on the Functioning of the EU (TFEU), the participation of associate countries in the work of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice 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.

The Rapporteur welcomed the draft Decision submitted for consent to the European Parliament that includes the required elements to ensure the participation of the associate countries and that sets the conditions under which these participations can take place.

The draft Arrangement:

foresees: (i) the full participation of the associate countries in the activities of the Agency; (ii) representation in the Agency's Management Board with limited voting rights on certain decisions; (iii) 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;

- 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.

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.