DECISIONS

COUNCIL DECISION (EU) 2022/442

of 21 February 2022

authorising the opening of negotiations with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein with a view to concluding agreements between the European Union and those countries on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2) and Article 79(2), point (d) in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) Regulation (EU) 2021/1148 of the European Parliament and of the Council ([1]), which established, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy for the period 2021–2027, was adopted on 7 July 2021.

(2) The purpose of Regulation (EU) 2021/1148 is to provide a framework for expressing solidarity through financing assistance to those Member States and countries that apply the provisions of the Schengen *acquis* on external borders. It constitutes a development of the provisions of the Schengen *acquis* in which the associated countries participate.

(3) Regulation (EU) 2021/1148 builds upon the Schengen *acquis*, and Denmark, in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, has decided to implement that Regulation in its national law. In accordance with Articles 1 and 2 of Protocol No 22, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ([2]). Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(5) On 1 September 2021, 17 December 2021, 11 August 2021 and 18 August 2021 Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, respectively, notified their decision to accept the content of the Instrument for Financial Support for Border Management and Visa Policy established by Regulation (EU) 2021/1148 and to implement it in their internal legal order.

(6) In the light of Article 7(6) of Regulation (EU) 2021/1148, negotiations should therefore be opened with a view to concluding international agreements with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules concerning the implementation by each of those countries of Regulation (EU) 2021/1148,

([1]) Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021, p. 48).

([2]) Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to open negotiations for agreements with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules concerning the implementation by those countries of Regulation (EU) 2021/1148.

2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

Article 2

The negotiations shall be conducted in consultation with the Justice and Home Affairs Counsellors, who are the preparatory body hereby designated as the special committee within the meaning of Article 218(4) of the Treaty on the Functioning of the European Union.

Article 3

This Decision is addressed to the Commission.

Done at Brussels, 21 February 2022.

For the Council
The President
J. DENORMANDIE