

ARRANGEMENT

between the European Union and the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation on the participation by those States in the work of the committees which assist the European Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen *acquis*

THE EUROPEAN UNION,

and

THE REPUBLIC OF ICELAND,

hereinafter referred to as 'Iceland',

THE PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'Liechtenstein',

THE KINGDOM OF NORWAY,

hereinafter referred to as 'Norway' and

THE SWISS CONFEDERATION,

hereinafter referred to as 'Switzerland',

Together hereinafter referred to as the 'Associated States',

HAVING REGARD to the Agreement concluded on 18 May 1999 by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those States with the implementation, application and development of the Schengen *acquis*, hereinafter referred to as the 'Association Agreement with Iceland and Norway',

HAVING REGARD to the Agreement signed on 26 October 2004 between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, hereinafter referred to as the 'Association Agreement with Switzerland',

HAVING REGARD to the Protocol signed on 28 February 2008 between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, hereinafter referred to as the 'Association Protocol with Liechtenstein',

HAVING REGARD to the Agreement in the form of an Exchange of Letters concluded on 18 May 1999 between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the committees which assist the European Commission in the exercise of its executive powers,

HAVING REGARD to the Agreement in the form of an Exchange of Letters signed on 26 October 2004 between the Council of the European Union and the Swiss Confederation on the committees which assist the European Commission in the exercise of its executive powers,

HAVING REGARD to the Declaration to the Association Protocol with Liechtenstein signed on 28 February 2008 on the participation in the committees which assist the European Commission in the exercise of its executive powers,

CONSIDERING that new acts or measures of the Schengen *acquis* adopted by the European Commission, hereinafter referred to as the 'Commission', in the exercise of its executive powers, to which the procedures set out in this Arrangement have been applied, shall be applied simultaneously for the European Union and its Member States concerned and for the Associated States,

CONSIDERING the need to ensure the application and uniform implementation of the new acts or measures of the Schengen *acquis* which requires participation of the Associated States in the work of the committees which assist the Commission in the exercise of its executive powers where the decisions on the acts or measures constituting a development of the Schengen *acquis* are taken,

WHEREAS the Association Agreements do not address the detailed rules of the participation of the Associated States in the work of the committees which assist the Commission in the exercise of its executive powers where the decisions on the acts or measures constituting a development of the Schengen *acquis* are taken,

WHEREAS the participation of the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein in the Committee which assists the Commission in the exercise of its executive powers established by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾ is currently laid down in the Agreement on the European Economic Area, while the participation of the Swiss Confederation in this Committee is laid down in the Exchange of Letters annexed to the Association Agreement with Switzerland,

HAVE AGREED AS FOLLOWS:

Article 1

This Arrangement applies to the acts or measures amending or building upon the Schengen *acquis* adopted by the Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen *acquis*.

Article 2

1. The Associated States shall be associated as observers with the work of the committees which assist the Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen *acquis*, hereinafter referred to as the 'Schengen Comitology committees', referred to in the Annex to this Arrangement.

2. When a new act amending or building upon the Schengen *acquis* establishes a new committee which assists the Commission in the exercise of its executive powers, the Associated States shall be associated with the work of this committee as from the entry into force of the act establishing the committee.

3. The list of the Schengen Comitology committees shall be regularly updated by the Commission and shall be published in the *Official Journal of the European Union*.

Article 3

1. The representatives of the Associated States shall be associated with the work of the Schengen Comitology committees as outlined in this Article.

2. In the Schengen Comitology committees, the Associated States shall have the opportunity:

- to explain the problems they encounter in respect of a particular act or measure regarding the implementation, application or development of the Schengen *acquis* or respond to the problems encountered by other delegations;
- to express themselves on any questions concerning the drawing up and the development of provisions of concern to them or implementation thereof.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

3. The Associated States shall have the right to make suggestions in the Schengen Comitology committees. After discussion, the Commission may consider such suggestions with a view to making a proposal or taking an initiative.

4. The Associated States shall not participate in the voting of the Schengen Comitology committees and shall withdraw when the Committee moves to a vote.

5. When the meetings of the Schengen Comitology committees are convened, the Associated States shall receive the agenda, the draft measures on which they are asked to give an opinion and any other relevant working documents at the same time as the Member States of the EU.

6. The principles and conditions concerning public access to the documents of the Schengen Comitology committees shall be the same as those applying to Commission documents ⁽²⁾.

7. For the purpose of the application of this Arrangement and when setting up the procedural aspects of the Schengen Comitology committees, the reference shall be made to this Article.

Article 4

When drafting proposals amending or building upon the provisions of the Schengen *acquis* the Commission shall informally seek advice from experts of the Associated States in the same way as it seeks advice from experts of the Member States of the European Union, hereinafter referred to as the 'Member States', for drawing up its proposals.

Article 5

1. The adoption of new acts or measures constituting a development of the Schengen *acquis* shall be reserved to the competent institutions of the European Union ⁽³⁾.

⁽²⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁽³⁾ At the time of the signature of this Arrangement these acts or measures are adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13) or are adopted in accordance with Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23) as last amended by Council Decision 2006/512/EC of 17 July 2006 (OJ L 200, 22.7.2006, p. 11).

Subject to paragraph 3,

— such acts or measures shall enter into force simultaneously for the European Union and its Member States concerned and for the Associated States, unless those acts or measures explicitly state otherwise,

— the acceptance by each Associated State of such acts or measures creates rights and obligations between that Associated State, of the one part, the European Union and those of its Member States bound by those acts and measures, of the other part.

2. The adoption of the acts or measures referred to in paragraph 1 to which the procedures set out in this Arrangement have been applied shall be communicated to the Associated States.

The adoption of acts or measures referred to in paragraph 1 shall be communicated to the Associated States by the Secretariat-General of the Commission, with reference to this Article, if the adoption of these acts or measures is notified to the Member States.

If the adoption of acts or measures referred to in paragraph 1 is not notified to the Member States by the Secretariat-General of the Commission, the adoption of these acts or measures shall be communicated to the Associated States by the Directorate-General of the Commission responsible for the adoption of acts or measures concerned, referring to this Article.

3. Each Associated State shall decide independently whether to accept the content of the acts or measures referred to in paragraph 1 and whether to implement them into its internal legal order. These decisions shall be notified to the Commission within 30 days of the communication by the Commission of the acts or measures concerned.

For the acceptance by the Associated States of the acts and measures referred to in paragraph 1 and the consequences for not accepting them, the following provisions shall apply:

— Iceland and Norway — Article 8 of the Association Agreement with Iceland and Norway;

— Switzerland — Article 7 of the Association Agreement with Switzerland;

— Liechtenstein — Article 5 of the Association Protocol with Liechtenstein.

Article 6

1. As regards administrative costs associated with the implementation of this Arrangement, the Associated States shall make an annual contribution to the general budget of the European Union in accordance with the percentage of the gross domestic product of their countries in relation to the gross domestic product of all participating States of an

amount of EUR 500 000, subject to an annual adjustment to reflect the rate of inflation in the European Union.

The amount of EUR 500 000 shall be adjusted by Exchange of Letters if the evolution of the number of the Schengen Comitology committees to which the Associated States participate or the frequency of meetings so require.

2. The travelling costs of the representatives who participate in the meetings of the Schengen Comitology committees shall not be reimbursed.

Article 7

1. The Secretary-General of the Council of the European Union shall act as depositary of this Arrangement.

2. The European Union and the Associated States shall approve this Arrangement in accordance with their own procedures.

3. The entry into force of this Arrangement shall require approval by the European Union and by at least one Associated State.

4. This Arrangement shall enter into force between the European Union and the Associated State concerned on the first day of the second month following the deposit of the respective instrument of approval or ratification with the depositary.

5. As regards Liechtenstein, this Arrangement enters into force only once the Association Protocol with Liechtenstein has entered into force.

Article 8

1. As regards Norway and Iceland, this Arrangement shall be terminated when the respective Association Agreement with Iceland or Norway is terminated.

2. As regards Switzerland, this Arrangement shall be terminated when the Association Agreement with Switzerland is terminated.

3. As regards Liechtenstein, this Arrangement shall be terminated when the Association Protocol with Liechtenstein is terminated.

4. The depositary shall be notified of termination.

Article 9

This Arrangement and the Joint Declaration shall be drawn up in one single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Icelandic and Norwegian languages, each text being equally authentic.

Съставено в Брюксел на двадесет и втори септември две хиляди и единадесета година.

Hecho en Bruselas, el veintidós de septiembre de dos mil once.

V Bruselu dne dvacátého druhého září dva tisíce jedenáct.

Udfærdiget i Bruxelles den toogtyvende september to tusind og elleve.

Geschehen zu Brüssel am zweiundzwanzigsten September zweitausendelf.

Kahe tuhande üheteistkümnenda aasta septembrikuu kahekümne teisel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι δύο Σεπτεμβρίου δύο χιλιάδες έντεκα.

Done at Brussels on the twenty-second day of September in the year two thousand and eleven.

Fait à Bruxelles, le vingt-deux septembre deux mille onze.

Fatto a Bruxelles, addì ventidue settembre duemilaundici.

Briselē, divi tūkstoši vienpadsmitā gada divdesmit otrajā septembrī.

Priimta du tūkstančiai vienuoliktų metų rugsėjo dvidešimt antrą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenegyedik év szeptember huszonkettedik napján.

Magħmul fi Brussell, fit-tnejn u ghoxrin jum ta' Settembru tas-sena elfejn u hdax.

Gedaan te Brussel, de tweeëntwintigste september tweeduizend elf.

Sporządzono w Brukseli dnia dwudziestego drugiego września roku dwa tysiące jedenastego.

Feito em Bruxelas, em vinte e dois de setembro de dois mil e onze.

Întocmit la Bruxelles la douăzeci și doi septembrie două mii unsprezece.

V Bruseli dňa dvadsiateho druhého septembra dvetisícjedenáť.

V Bruslju, dne dvaindvajsetega septembra leta dva tisoč enajst.

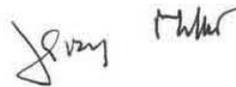
Tehty Brysselissä kahdentenäkymmenentenätoisena päivänä syyskuuta vuonna kaksituhattayksitoista.

Som skedde i Bryssel den tjugoandra september tjugohundraelva.

Gjört í Brussel þann tuttugasta og annan september árið tvö þúsund og ellefu.

Utferdiget i Brussel den tjueandre september to tusen og elleve.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen




Fyrir hönd lýðveldisins Íslands



Für das Fürstentum Liechtenstein



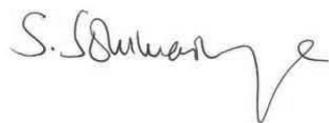
For Kongeriket Norge



Für die Schweizerische Eidgenossenschaft

Pour la Confédération suisse

Per la Confederazione svizzera



ANNEX

List of the existing committees which assist the European Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen *acquis*:

- The committee established by Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas ⁽¹⁾;
- The committee established by Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽²⁾ and by Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽³⁾; this committee also assists the European Commission in the application of the following legal instruments:
 - Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) ⁽⁴⁾;
 - Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ⁽⁵⁾;
 - Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ⁽⁶⁾;
- The committee established by Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual ⁽⁷⁾ and Council Regulation (EC) No 378/2004 of 19 February 2004 on procedures for amending the Sirene Manual ⁽⁸⁾ — to assist the European Commission in amending the Sirene manual;
- The committee established by Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services ⁽⁹⁾;
- The committee established by Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽¹⁰⁾ — to assist the European Commission in the field of external borders;
- The committee 'Solidarity and Management of Migration Flows' established by Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽¹¹⁾;
- The committee established by Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) ⁽¹²⁾ — the 'Visa Committee'.

⁽¹⁾ OJ L 164, 14.7.1995, p. 1.

⁽²⁾ OJ L 381, 28.12.2006, p. 4.

⁽³⁾ OJ L 205, 7.8.2007, p. 63.

⁽⁴⁾ OJ L 218, 13.8.2008, p. 60.

⁽⁵⁾ OJ L 299, 8.11.2008, p. 1.

⁽⁶⁾ OJ L 299, 8.11.2008, p. 43.

⁽⁷⁾ OJ L 64, 2.3.2004, p. 45.

⁽⁸⁾ OJ L 64, 2.3.2004, p. 5.

⁽⁹⁾ OJ L 83, 1.4.2005, p. 48.

⁽¹⁰⁾ OJ L 105, 13.4.2006, p. 1.

⁽¹¹⁾ OJ L 144, 6.6.2007, p. 22.

⁽¹²⁾ OJ L 243, 15.9.2009, p. 1.