



2023/0224(NLE)

16.2.2024

DRAFT RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Kingdom of Norway 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, for the period 2021 to 2027
(12129/2023 – C9-0002/2023 – 2023/0224(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Charlie Weimers

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Kingdom of Norway 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, for the period 2021 to 2027
(12129/2023 – C9-0002/2023 – 2023/0224(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (12129/2023),
 - having regard to the draft Agreement between the European Union and the Kingdom of Norway 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, for the period 2021 to 2027 (12128/2023),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), Article 218(6), second subparagraph, point (a), and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0002/2023),
 - having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2024),
1. Gives its consent to the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Kingdom of Norway.

EXPLANATORY STATEMENT

The Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund, constitutes a specific instrument in the context of the Schengen *acquis* designed to ensure strong and effective European integrated border management at external borders. It facilitates authorized border crossings while preventing and detecting illegal immigration and cross-border crime, thereby safeguarding the Schengen Area, in compliance with the Member States' and associated countries' commitments on fundamental rights, and supports a uniform implementation and modernisation of the common visa policy, thereby contributing to guaranteeing a high level of security in Member States and associated countries.

The Rapporteur considers as well that, given the specific nature of the Schengen *acquis* and the importance of its uniform application for the integrity of the Schengen area, all rules applicable for the management of the programmes should apply for Norway in the same way as for Member States. This ensures a high and uniform level of control at the external borders.

The agreements introduce specific mechanisms for swift adjustments to the agreement with Norway, in the event of changes to key Union legislation relevant to the implementation, such as the Financial Regulation and the Common Provisions Regulation. The agreement ensures, as well, that the mid-term review of the BMVI takes into account the delayed participation of the Schengen associated countries. It also contains a provision on European Travel Information and Authorisation System (ETIAS).

For budgetary and financial controls, the Member States are subject to horizontal obligations (e.g. the competence of the Court of Auditors, of the European Anti-Fraud Office (OLAF), of the EPPO and of the Commission), either derived from the Treaty directly or from secondary Union legislation, including the Common Provisions Regulation as mentioned above. These obligations apply to the Member States *ipso facto* and are therefore not laid down in the BMVI Regulation. Consequently, these obligations need to be extended to Norway via the Agreement concerned by the present proposal.

As a conclusion, your Rapporteur finds that it is appropriate to establish an Agreement setting out the supplementary rules necessary for the participation of the Kingdom of Norway in the Instrument for Financial Support for Border Management and Visa Policy (the "BMVI") as part of the Integrated Border Management Fund for the programming period 2021 to 2027 in accordance with Article 7(6) of Regulation (EU) 2021/1148 (the "BMVI Regulation").

In light of the above, the rapporteur recommends that Parliament gives its consent to the draft Council decision and instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.