



2023/0231(NLE)

14.2.2024

DRAFT RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and Iceland 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

(12125/2023 – C9-0004/2024 – 2023/0231(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Malik Azmani

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 Iceland 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 (12125/2023 – C9-0004/2024 – 2023/0231(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (12125/2023),
 - having regard to the draft Agreement between the European Union and Iceland 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 (12124/2023),
 - 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 (C9-0004/2024),
 - 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 Iceland.

EXPLANATORY STATEMENT

a. Background

Regulation (EU) 2021/1148 of the European Parliament and of the Council establishing the Instrument for Financial Support for Border Management and Visa Policy for the period 2021-2027 (BMVI Regulation¹) was adopted on 7 July 2021.

The purpose of the BMVI Regulation is to express solidarity through financing assistance to those (Member) States that apply the Schengen acquis provisions on external borders. It constitutes a development of the Schengen acquis to which the countries associated to the implementation, application and further development of the Schengen acquis participate ('Schengen associated countries' or 'associated countries').

Paragraph 6 of Article 7 of the BMVI Regulation provides that 'arrangements' should be made to specify the nature and modes of the participation in the BMVI of countries associated with the implementation, application and development of the Schengen acquis, in accordance with the relevant provisions of the respective association agreements. These arrangements take the form of agreements concluded by the Union with the Schengen associated countries in accordance with Article 216 TFEU.

Iceland notified on 1 September 2021 its decision to accept the content of the BMVI Regulation and to implement it in its internal legal order.

On 21 February 2022, the Council authorised the Commission to open negotiations¹ with Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein for the arrangements on the financial contributions of those countries and the supplementary rules necessary for their participation in the Instrument for Financial Support for Border Management and Visa Policy for the period 2021 to 2027, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors, to be concluded pursuant Regulation (EU) 2021/1148 of the European Parliament and of the Council². The negotiations with Iceland were successfully concluded by the Commission by the initialling of the Agreement on 14 February 2023.

On 13 July 2023, the Commission submitted to the Council a proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and Iceland 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

¹ 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 (OJ L 90, 18.3.2022, p. 116).

² 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).

period 2021 to 2027.

On 28 September 2023, the Council adopted the Council Decision and on the same day requested the European Parliament to give its consent to the draft Council Decision on the conclusion of the above-mentioned Agreement. The Agreement was signed on 20 December 2023 in Brussels.

On 21 December 2023, the Council requested the European Parliament to give its consent to the draft Council Decision on the conclusion of the above-mentioned Agreement.

b. Position of the Rapporteur

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, while safeguarding the free movement of persons, in full compliance with the Member States' and associated countries' commitments on fundamental rights, and to support 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.

From the documentation provided, it can be established that Iceland now follows the rules defined in the Regulation establishing the Instrument for Financial Support for Border Management and Visa Policy, and the applicable articles of the Common Provisions Regulation and the Financial Regulation similarly as EU Member States.

For this reason, the Rapporteur recommends to consent to the conclusion of the Agreement setting out the supplementary rules necessary for the participation of Iceland in the Instrument for Financial Support for Border Management and Visa Policy as part of the Integrated Border Management Fund for the programming period 2021 to 2027 in accordance with Article 7(6) of the BMVI Regulation.