










Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2018/0032(NLE)	Procedure completed
EU/Switzerland Agreement: supplementary rules in relation to the instrument for financial support for external borders and visa		
Subject 6.40.01 Relations with EEA/EFTA countries 7.10.04 External borders crossing and controls, visas		
Geographical area Switzerland		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 MORAES Claude	25/04/2018
		Shadow rapporteur	
		 COELHO Carlos	
		 VISTISEN Anders	
		 DEPREZ Gérard	
		 VALERO Bodil	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs	The committee decided not to give an opinion.	
	 Budgets	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Environment	3627	25/06/2018

Key events			
14/02/2018	Preparatory document	COM(2018)0071	Summary
06/03/2018	Legislative proposal published	06222/2018	Summary
16/04/2018	Committee referral announced in Parliament		

24/05/2018	Vote in committee		
30/05/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0195/2018	Summary
13/06/2018	Results of vote in Parliament		
13/06/2018	Decision by Parliament	T8-0252/2018	Summary
25/06/2018	Act adopted by Council after consultation of Parliament		
25/06/2018	End of procedure in Parliament		
02/07/2018	Final act published in Official Journal		

Technical information

Procedure reference	2018/0032(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 077-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/12283

Documentation gateway

Document attached to the procedure	COM(2018)0064	14/02/2018	EC	
Preparatory document	COM(2018)0071	14/02/2018	EC	Summary
Legislative proposal	06222/2018	06/03/2018	CSL	Summary
Document attached to the procedure	06223/2018	06/03/2018	CSL	
Committee draft report	PE620.824	20/04/2018	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0195/2018	30/05/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0252/2018	13/06/2018	EP	Summary

Final act

[Decision 2018/929](#)
[OJ L 165 02.07.2018, p. 0001](#) Summary

EU/Switzerland Agreement: supplementary rules in relation to the instrument for financial support for external borders and visa

PURPOSE: to conclude, on behalf of the European Union, an Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

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 515/2014](#) of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa (ISF ? Borders and Visa) for the period 2014-2020, as well as [Regulation \(EU\) No 514/2014](#) of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management which became applicable as of 1 January 2014.

The purpose of the ISF ? Borders and Visa is to establish a solidarity mechanism binding the participating states by the same European rules on the control of external borders in each other's interests and on each other's behalf. It is thus a development of the Schengen acquis.

Regulation (EU) No 515/2014 provides that the countries associated with the implementation, application and development of the Schengen acquis participate in the instrument and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the power of audit of the Court of Auditors.

The aim of the draft Agreement with Switzerland (associated country) is to establish the arrangements referred to in Article 5(7) of Regulation (EU) No 515/2014 and to enable the Commission to assume ultimate responsibility for implementation of the budget of the instrument in this associated country and determine this country's contribution to the Union budget in respect of this instrument.

CONTENT: the Commission proposes that the Council approves the Agreement with Switzerland on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

The negotiations were held jointly with all associated countries. Two rounds of negotiations took place. The final text of the draft Agreement with Switzerland was initialled on 21 April 2017.

The draft Agreement provides for the amount of Switzerland's annual financial contribution to the budget of the ISF - Borders and Visa, calculated in accordance with its GDP as a percentage of the GDP of all States participating in the ISF. It specifies the annual payments. In addition, it foresees the modalities for the designation of the Responsible Authority and for the annual reporting system.

The Agreement also contains provisions aiming to protect the Union's financial interests against fraud and other irregularities as well as to ensure compliance with the provisions relevant for the financial management and control which are laid down in the Treaty on the Functioning of the European Union ('TFEU') and in Union law based on the TFEU.

This proposal constitutes a development of elements of the Schengen acquis in which the United Kingdom and Ireland do not take part. Denmark will decide within six months after the Council has adopted this proposal whether it will implement the proposed decision in its national law.

EU/Switzerland Agreement: supplementary rules in relation to the instrument for financial support for external borders and visa

PURPOSE: to conclude, on behalf of the European Union, an Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

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: the Agreement between the European Union and Switzerland on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020 was signed by the Commission, subject to its conclusion at a later date.

Article 5(7) of [Regulation \(EU\) No 515/2014](#) establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa provides that the countries associated with the implementation, application and development of the Schengen acquis participate in the instruments and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors.

Regulation (EU) No 515/2014 constitutes a development of the Schengen acquis.

CONTENT: the draft Council decision seeks to approve, on behalf of the Union, of the Agreement between the European Union and Switzerland on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

The aim of the draft Agreement with Switzerland is to establish the arrangements referred to in Article 5(7) of Regulation (EU) No 515/2014 and to enable the Commission to assume ultimate responsibility for implementation of the budget of the instrument in this associated country and determine this country's contribution to the Union budget in respect of this instrument.

As regards budgetary and financial controls, the Member States are subject to horizontal obligations (e.g. the competence of the Court of Auditors and of the European Anti-Fraud Office (OLAF)), derived either directly from the Treaty or from secondary Union legislation. In application of Article 5(7) of Regulation (EU) No 515/2014, these obligations must be extended to the associated country by means of the draft Agreement.

For the years 2016 to 2018, the Agreement provides that Switzerland shall pay an annual amount of EUR 25 106 140 to the budget of the ISF - Borders and Visa. The contributions of Switzerland for the years 2019 and 2020 shall be calculated in accordance with its respective Gross Domestic Product (GDP) as a percentage of the GDP of all States participating in the ISF Borders and Visa.

The proposed decision is a development of the provisions of the Schengen acquis. The United Kingdom and Ireland shall not participate in the adoption of the Decision and shall not be bound by it or subject to its application.

Denmark shall not participate in the adoption of the Decision and shall not be bound by it or subject to its application. It shall decide, within a period of six months after the Council has decided on this Decision, whether it will implement it in its national law.

EU/Switzerland Agreement: supplementary rules in relation to the instrument for financial support for external borders and visa

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

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

EU/Switzerland Agreement: supplementary rules in relation to the instrument for financial support for external borders and visa

The European Parliament adopted by 574 votes to 41, with 78 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

Parliament gave its approval to the conclusion of the agreement.

The ISF Borders and Visas shall set up a solidarity mechanism, binding the participating states by the same European rules on the control of external borders in each other's interests and on each other's behalf.

The purpose of this proposal - the draft agreement with Switzerland- is to enable the Commission to assume responsibility for the implementation of the budget of the instrument in this associated country and to determine Switzerland's contribution to the Union budget in respect of this instrument (EUR 25 106 140 per year for 2016, 2017 and 2018, while Switzerland's contribution for 2019 and 2020 will be determined in 2019).

EU/Switzerland Agreement: supplementary rules in relation to the instrument for financial support for external borders and visa

PURPOSE: to conclude an agreement between the European Union and Switzerland on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

NON-LEGISLATIVE ACT: Council Decision (EU) 2018/929 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

CONTENT: the Council decided to approve, on behalf of the EU, the Agreement between the European Union and the Switzerland on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020.

[Regulation \(EU\) No 515/2014](#) of the European Parliament and of the Council establishing, within the framework of the Internal Security Fund, the Instrument for financial support in the field of external borders and visas provides that countries associated with the implementation, application and development of the Schengen acquis are to participate in this instrument. To this end, agreements shall be concluded concerning their financial contributions and the supplementary rules necessary for such participation.

The Agreement with Switzerland was signed on 15 March 2018, subject to its conclusion at a later date. Its purpose is to establish the arrangements for that country's participation in the ISF - Borders and Visas Fund and to enable the Commission to assume final responsibility for the implementation of the instrument's budget and to determine that country's contribution to the Union budget for that instrument.

According to the Agreement, Switzerland's contribution to the Union budget for this instrument is EUR 25 106 140 per year for the period 2016-2018. The contributions of Switzerland for the years 2019 and 2020 shall be calculated in accordance with its respective Gross Domestic Product (GDP) as a percentage of the GDP of all States participating in the ISF Borders and Visa.

The funds allocated to Switzerland under the ISF - Borders and Visas shall be used in accordance with the principle of sound financial management and respect for the principle prohibiting conflicts of interest.

The agreement contains provisions concerning in particular: (i) the protection of the Union's financial interests against fraud; (iii) on-the-spot checks and inspections carried out by the Commission (OLAF); (iv) public procurement; (v) the designation of the authority responsible for the management and control of expenditure under the ISF; (vi) the eligibility of expenditure; (vii) the implementation report.

The United Kingdom and Ireland are not bound by the Decision. Denmark shall decide within six months from the Council decision whether it shall implement it in its national law.

ENTRY INTO FORCE: 5.7.2018.

