











# Procedure file

| Basic information   |                |
|---|----------------|
| NLE - Non-legislative enactments  | 2023/0334(NLE) |
| EU/Liechtenstein Agreement: supplementary rules in relation to the instrument for financial support for border management and visa policy |                |
| Subject<br>6.40.01 Relations with EEA/EFTA countries<br>7.10.04 External borders crossing and controls, visas                             |                |
| Geographical area<br>Liechtenstein  |                |

| Key players                   |  |   |           |
|-------------------------------|--|---|-----------|
| European Parliament           | Committee responsible  | Rapporteur  | Appointed |
|                               |  <a href="#">Civil Liberties, Justice and Home Affairs</a>  |  <a href="#">RANGEL Paulo</a><br>Shadow rapporteur<br> <a href="#">NEMEC Matjaž</a><br> <a href="#">KELLER Fabienne</a><br> <a href="#">MARQUARDT Erik</a><br> <a href="#">CHAGNON Patricia</a><br> <a href="#">WEIMERS Charlie</a><br> <a href="#">DALY Clare</a> |           |
| Council of the European Union | Committee for opinion  | Rapporteur for opinion  | Appointed |
|                               |  <a href="#">Foreign Affairs</a><br> <a href="#">Budgets</a> | The committee decided not to give an opinion.<br>The committee decided not to give an opinion.  |           |
| European Commission           | Commission DG<br><a href="#">Migration and Home Affairs</a>  | Commissioner<br>JOHANSSON Ylva  |           |

| Key events |                      |                               |         |
|------------|----------------------|-------------------------------|---------|
| 29/09/2023 | Preparatory document | <a href="#">COM(2023)0550</a> | Summary |

|            |   |                              |         |
|------------|---|------------------------------|---------|
| 04/12/2023 | Legislative proposal published                                  | 13936/2023                   | Summary |
| 15/01/2024 | Committee referral announced in Parliament                      |                              |         |
| 19/03/2024 | Vote in committee   |                              |         |
| 22/03/2024 | Committee report tabled for plenary, 1st reading/single reading | <a href="#">A9-0144/2024</a> |         |
| 10/04/2024 | Decision by Parliament  | <a href="#">T9-0217/2024</a> | Summary |
| 29/04/2024 | Act adopted by Council after consultation of Parliament         |                              |         |

### Technical information

|                            |  |
|----------------------------|--|
| Procedure reference        | 2023/0334(NLE)   |
| Procedure type             | NLE - Non-legislative enactments   |
| Procedure subtype          | Consent by Parliament  |
| Legal basis                | Treaty on the Functioning of the EU TFEU 218-p7; Treaty on the Functioning of the EU TFEU 077-p2; Treaty on the Functioning of the EU TFEU 218-p6a |
| Other legal basis          | Rules of Procedure EP 159  |
| Stage reached in procedure | Procedure completed, awaiting publication in Official Journal  |
| Committee dossier          | LIBE/9/13305   |

### Documentation gateway

|   |                               |            |     |         |
|---|-------------------------------|------------|-----|---------|
| Document attached to the procedure                              | <a href="#">COM(2023)0549</a> | 29/09/2023 | EC  |         |
| Preparatory document  | <a href="#">COM(2023)0550</a> | 29/09/2023 | EC  | Summary |
| Legislative proposal  | 13936/2023                    | 04/12/2023 | CSL | Summary |
| Committee draft report  | <a href="#">PE758.915</a>     | 14/02/2024 | EP  |         |
| Committee report tabled for plenary, 1st reading/single reading | <a href="#">A9-0144/2024</a>  | 22/03/2024 | EP  |         |
| Text adopted by Parliament, 1st reading/single reading          | <a href="#">T9-0217/2024</a>  | 10/04/2024 | EP  | Summary |

## EU/Liechtenstein Agreement: supplementary rules in relation to the instrument for financial support for border management and visa policy

**PURPOSE:** to conclude, on behalf of the European Union, the Agreement between the European Union and the Principality of Liechtenstein 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.

**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) 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 (the BMVI Regulation) 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.

The Principality of Liechtenstein notified on 18 August 2021 its decision to accept the content of the BMVI Regulation and to implement it in its internal legal order.

The Union should conclude agreements with each of the four Schengen associated countries. This proposal concerns the agreement with the

Principality of Liechtenstein.

CONTENT: the purpose of this proposal is the conclusion of an agreement between the Union and the Principality of Liechtenstein on this country's contribution to the instrument for financial support for Border Management and Visa Policy for the period 2021-2027 and on the supplementary rules necessary for this participation.

The BMVI offers the opportunity to implement actions in shared management, direct and indirect management modes, and this Agreement should make it possible that the implementation in direct and indirect management mode can be realised in Liechtenstein in accordance with the principles and rules of the Union on financial management and control.

In light of the administrative burden, which the requirements of Regulation (EU) 2021/1060 of the European Parliament and of the Council (Common Provisions Regulation) would impose on Liechtenstein to implement its limited allocation in shared management, the support provided to Liechtenstein under the BMVI Regulation resulting from the right to obtain an allocation for a programme should be implemented primarily in direct management in accordance with Title VIII of the Financial Regulation, entitled Grants.

To facilitate the calculation and use of the annual contributions due by Liechtenstein to the BMVI, its contributions for the period 2021 to 2027 should be paid in four annual instalments from 2024 to 2027. From 2024 to 2025, the annual contributions are set in fixed amounts (EUR 739 017 per year while the contributions due for the years 2026 and 2027 should be determined in 2026 on the basis of the nominal gross domestic product of all States participating in the BMVI taking into account the payments effectively made.

In line with the principle of equal treatment, Liechtenstein should benefit from any surplus revenue as defined in Article 86 of Regulation (EU) 2018/1240 of the European Parliament and of the Council (the ETIAS Regulation).

## EU/Liechtenstein Agreement: supplementary rules in relation to the instrument for financial support for border management and visa policy

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PURPOSE: to conclude, on behalf of the European Union, the Agreement between the European Union and the Principality of Liechtenstein 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.

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: on 21 February 2022, the Council authorised the Commission to open negotiations with Iceland, Norway, Switzerland and 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 (BMVI Regulation) 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 Council.

The negotiations with Liechtenstein were successfully concluded by the initialling of an Agreement on 16 June 2023.

In accordance with a Council Decision, the Agreement between the European Union and Liechtenstein 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 was signed, subject to its conclusion at a later date.

It is appropriate for the Council to authorise the Commission to approve modifications to the Agreement that are necessary with a view to adjusting references to the Financial Regulation whenever that Regulation is updated.

Denmark and Ireland are not taking part in the adoption of this Decision. Therefore, they are not bound by it or subject to its application.

It is now necessary to approve the Agreement.

CONTENT: the Commission proposes that the Council should decide to approve, on behalf of the Union, the Agreement between the European Union and Liechtenstein 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.

The Agreement:

- offers the opportunity for implementation of actions in shared management, direct and indirect management modes, and this Agreement should make it possible that the implementation in any of these methods can be realised in Liechtenstein in accordance with the principles and rules of the EU on financial management and control;

- ensures that all rules applicable for the management of national programmes should apply in Liechtenstein in the same way as for Member States;

- stated that to facilitate the calculation and use of the annual contributions due by Liechtenstein to the BMVI, its contributions for the period 2021-2027 should be paid in four annual instalments from 2024 to 2027. From 2024 to 2025, the annual contributions are set in fixed amounts (EUR 739 017 per year while the contributions due for the years 2026 and 2027 should be determined in 2026 on the basis of the nominal gross domestic product of all States participating in the BMVI taking into account the payments effectively made.

## EU/Liechtenstein Agreement: supplementary rules in relation to the instrument for financial support for border management and visa policy

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The European Parliament adopted by 492 votes to 32, with 75 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 Principality of Liechtenstein 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.

Parliament gave its consent to the conclusion of the Agreement.

The Instrument for Financial Support for Border Management and Visa Policy (BMVI Regulation), 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 of the common visa policy, thereby contributing to guaranteeing a high level of security in Member States and associated countries.

The Agreement sets out the supplementary rules necessary for the participation of the Principality of Liechtenstein in the Instrument for Financial Support for Border Management and Visa Policy (BMVI) as part of the Integrated Border Management Fund for the programming period 2021 to 2027.

The Agreement:

- offers the opportunity to implement actions in shared management, direct and indirect management modes, and the Agreement should therefore ensure that the implementation in any of these methods is made in the Principality of Liechtenstein in accordance with the principles and rules of the Union on financial management and control;
- ensures that all rules applicable to the management of the programmes should apply for the Principality of Liechtenstein in the same way as for Member States;
- introduces specific mechanisms for swift adjustments to the agreement with the Principality of Liechtenstein, in the event of changes to key Union legislation relevant to the implementation, such as the Financial Regulation and the Common Provisions Regulation;
- ensures, as well, that the mid-term review of the BMVI takes into account the delayed participation of the Schengen associated countries;
- extends the horizontal obligations concerning budgetary and financial controls to Liechtenstein;
- contains a provision on European Travel Information and Authorisation System (ETIAS);
- states that to facilitate the calculation and use of the annual contributions due by Liechtenstein to the BMVI, its contributions for the period 2021-2027 should be paid in five annual instalments from 2023 to 2027. From 2023 to 2025 the annual contributions are set in fixed amounts while the contribution due for the years 2026 and 2027 should be determined in 2026 on the basis of the nominal gross domestic product of all States participating in the BMVI taking into account the payments effectively made.