



Council of the
European Union

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NOTE

From: Presidency

To: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

Subject: Recommendation for a COUNCIL DECISION authorising the opening of negotiations on an agreement between the European Union and the Principality of Andorra on several aspects in the field of border management

- Presidency compromise suggestions

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (31.05.2024)

Following the discussions at the Working Party on Frontiers meeting on 20 March 2024, delegations will find attached the Presidency compromise suggestions on the abovementioned decision.

Changes vis-à-vis the original Commission proposal are highlighted in **bold underlined** and **~~bold underlined strikethrough~~**.

Recommendation for a

COUNCIL DECISION

**authorising the opening of negotiations on an agreement between the European Union and the
Principality of Andorra on several aspects in the field of border management**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 77(2), points (b) and (c), and Article 79(2), point (c), in conjunction with Article 218(5)
thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) An agreement is considered necessary to provide the legal basis for the absence of border control between France and Andorra as well as Spain and Andorra.
- (2) It appears beneficial to conclude such an agreement in view of Andorra's geographical proximity and economic interdependence with the Union.
- (3) It is required to ensure the fair treatment of third-country nationals possessing residence permits issued by Andorra at the Union's external borders.
- (4) The issuance of such residence permits by Andorra has to be conditional on a binding opinion by France or Spain based on a security assessment carried out by one of these two Member States according to a predetermined distribution key.
- (5) The agreement should allow for the conclusion of implementing administrative arrangements of an operational nature between France, Spain and Andorra on matters covered by this agreement provided that their provisions are compatible with those of the agreement and with Union law.
- (6) Negotiations should therefore be opened with a view to concluding an agreement between the European Union, of the one part, and Andorra, of the other part. The Commission should be nominated as the Union negotiator.

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, an agreement with the Principality of Andorra on several aspects in the field of border management.

Article 2

The negotiating directives are set out in the Annex.

Article 3

The negotiations shall be conducted in consultation with the [name of the special committee to be inserted by the Council].

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President

ANNEX

DIRECTIVES FOR THE NEGOTIATION OF AN AGREEMENT BETWEEN

the European Union and the Principality of Andorra on several aspects in the field of border management

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