



Council of the  
European Union

Brussels, 25 April 2024  
(OR. en)

9184/24

LIMITE

FRONT 141  
MIGR 192  
VISA 63  
COMIX 196

**NOTE**

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From: Presidency

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

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

- Presidency compromise suggestions

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**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 Republic of San Marino 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(3) and (4) 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 Italy and San Marino.
- (2) It appears beneficial to conclude such an agreement in view of San Marino'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 San Marino at the Union's external borders.
- (4) The issuance of such residence permits by San Marino has to be conditional on a binding opinion by Italy based on its security assessment.
- (5) The agreement should allow for the conclusion of implementing administrative arrangements of an operational nature between Italy and San Marino 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 San Marino, 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 Republic of San Marino 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 Republic of San Marino on several aspects in the field of border management**

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