



Council of the
European Union

Brussels, 21 August 2023
(OR. en)

11940/23

**Interinstitutional File:
2023/0236 (NLE)**

**FRONT 239
COWEB 104
MIGR 249**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania

COUNCIL DECISION (EU) 2023/...

of ...

**on the signing, on behalf of the Union, and provisional application
of the Agreement between the European Union and the Republic of Albania
on operational activities carried out by the European Border and Coast Guard Agency
in the Republic of Albania**

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 (d), and Article 79(2), point (c), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pursuant to Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council¹, in circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, a status agreement is to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union.
- (2) On 18 November 2022, the Council authorised the Commission to open negotiations with the Republic of Albania for an agreement on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania.
- (3) The negotiations for the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania (the ‘Agreement’) were successfully concluded.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC²; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland’s request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (6) The Agreement should be signed and the attached declaration with regard to Iceland, Norway, Switzerland and Liechtenstein be approved, on behalf of the Union.
- (7) In order to allow for the possibility of an urgent deployment of the European Border and Coast Guard standing corps on the territory of the Republic of Albania, the Agreement could, pending the completion of the procedures necessary for its entry into force, be applied on a provisional basis as from the date of notification of the completion of internal procedures by the Parties to this effect,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania (the ‘Agreement’) is hereby authorised, subject to the conclusion of the said Agreement¹.

Article 2

The Declaration attached to this Decision shall be approved on behalf of the Union.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

¹ The text of the Agreement is published in ... [insert OJ reference].

Article 4

The Agreement may be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force, in accordance with Article 22(2), second subparagraph, thereof, as from the date of notification of the completion of internal procedures by the Parties to this effect¹.

Article 5

This Decision shall enter into force on the date of its adoption

Done at ...,

For the Council

The President

¹ The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

DECLARATION WITH REGARD TO ICELAND, THE KINGDOM OF NORWAY,
THE SWISS CONFEDERATION AND THE PRINCIPALITY OF LIECHTENSTEIN

The Parties to the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania take note of the close relationship between the European Union and Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of those countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances it is desirable that the authorities of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the one hand, and the Republic of Albania, on the other hand, conclude, without delay, bilateral agreements on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania in terms similar to those of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania.
