



Council of the
European Union

Brussels, 15 January 2019
(OR. en)

15581/18

Interinstitutional File:
2018/0409 (NLE)

FRONT 454
COWEB 181

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion of the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia

COUNCIL DECISION (EU) 2019/...

of ...

**on the conclusion of the Status Agreement
between the European Union
and the Republic of Serbia
on actions carried out by the European Border
and Coast Guard Agency in the Republic of Serbia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular points (b) and (d) of Article 77(2) and point (c) of Article 79(2) in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent given on ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) .../...¹⁺, the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia (the 'Agreement'), was signed on ...⁺⁺, subject to its conclusion.
- (2) Pursuant to Article 54(4) of Regulation (EU) 2016/1624 of the European Parliament and of the Council², in cases where it is envisaged that European Border and Coast Guard teams are to be deployed to a third country in actions where the team members have executive powers, or where other actions in third countries require it, a status agreement shall be concluded by the Union with the third country concerned. Such status agreement should cover all aspects that are necessary for carrying out the actions.

¹ Council Decision (EU) .../... of ... on the signing, on behalf of the Union, of the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia (OJ L ..., ..., p. ...).

⁺ OJ: please insert the number of the decision set out in document ST 15576/2018 and complete the corresponding footnote.

⁺⁺ OJ: please insert the date of signing of the Agreement.

² Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

- (3) Under the Agreement, European Border and Coast Guard teams, in accordance with the operational plan, can be swiftly deployed on the territory of the Republic of Serbia, respond to the current shift in migratory flows towards the coastal route and assist in external border management, and fight against migrant smuggling.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC¹; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (5) 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 Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

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).

- (6) 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.
- (7) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia, is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision⁺.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 14(2) of the Agreement.

Article 3

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

Done at ...,

For the Council

The President

⁺ OJ: ST 15579/18.