Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	Council Decision on the conclusion of the Agreement between the European Union and the Republic of Moldova on the operational activities carried out by the European Border and Coast Agency in the Republic of Moldova – adoption

1. On 14 March 2022 the Council adopted a Decision authorising the opening of negotiations on an agreement between the European Union and Moldova on actions carried out by the European Border and Coast Guard Agency in Moldova.

2. The purpose of the agreement is, on the basis of Article 73(3) of Regulation (EU) 2019/1896 of 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[1], to authorise the European Border and Coast Guard Agency to deploy border management teams from the standing corps in Moldova.

[1] OJ L 295, 14.11.2019, p. 1.

3. The draft Agreement was initialled by the Commission and Moldova on 14 March 2022. On 15 March 2022, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the Union, and on provisional application of the Agreement between the European Union, of the one part, and the Republic of Moldova, of the other part, on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Moldova and a proposal for a Council Decision on the conclusion of that Agreement[2].

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/EC[3]; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

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. On 17 March 2021, on the basis of a written procedure delegations confirmed their agreement on the proposal for a Council Decision on the signing of the status agreement with Moldova. The Agreement was signed on the same day, subject to its conclusion at a later date.

7. In accordance with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union, the Council shall adopt the Decision concluding the Agreement after obtaining the consent of the European Parliament.

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2 7198/22 + ADD 1 + ADD 2, 7199/22 + ADD 1 + ADD 2.

3 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).

8. On 17 March 2022, the Council decided to forward the draft Decision on conclusion of the Agreement as well as the text of the Agreement to the European Parliament for its consent.

9. On 24 March 2022, the European Parliament gave its consent to the conclusion of the Agreement[4] and instructed its president to forward its position to the Council, the Commission and the governments and parliaments of the Member States and Moldova.

10. The Permanent Representatives Committee is accordingly invited to recommend that the Council:

    (a) adopt the Decision on conclusion as set out in 7202/22 as an 'A' item at a forthcoming meeting;

    (b) decide that the text of the above Decision be published in the 'L' series of the Official Journal in accordance with article 17(1)(d) of the Council's Rules of Procedure.

    The European Parliament will be informed in accordance with Article 218(10) TFEU.

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[4] P9_TA(2022)0085