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
No. Cion doc.:	7897/24 + ADD 1 + ADD 2; 7900/24 + ADD 1
Subject:	Proposal for a Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia – Adoption Proposal for a Council Decision on the conclusion of an Agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia – Request for the consent of the European Parliament

1. On 18 November 2022, the Council adopted a Decision authorising the opening of negotiations on a status agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in Republic of Serbia.

2. The purpose of the Agreement is, on the basis of Article 73(3) 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 to Republic of Serbia to the full length of the country's borders. The Agreement will repeal and replace the Status Agreement signed on 19 November 2019 between the European Union and Republic of Serbia.

3. Negotiations were successfully finalised by the Commission and the Republic of Serbia. On 18 March 2024, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Serbia, and a proposal for a Council Decision on the conclusion of the agreement[2]. Delegations confirmed their agreement on the proposals at a meeting of the Working Party on Frontiers on 20 March 2024.

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. The Agreement should be signed and the attached joint declaration should be approved.

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1 OJ L 295, 14.11.2019, p. 1.
2 7897/24 +ADD 1+ ADD 2 and 7900/24 +ADD 1.
3 Council Decision 2002/192/EC of 28 February 2002 concerning the Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

7. It is suggested, therefore, that the Permanent Representatives Committee recommend that the Council, at a forthcoming session:

   a) adopt, as an "A" item, the Decision authorising the signing of the Agreement. The texts of the Decision, accompanied by the joint declaration, and the Agreement, following finalisation by the legal linguists, are set out in documents 8440/24 and 8447/24, respectively;

   b) decide that the text of the above Decision together with the text of the Agreement be published in the Official Journal;

   c) decide to forward the draft Decision on the conclusion of the Agreement, as set out in document 8441/24 finalised by the legal linguists, to the European Parliament for its consent.

8. The European Parliament will be informed in accordance with Article 218(10) TFEU and the decision on the signing will be forwarded to the EP.