Council Decision (EU) 2019/400 of 22 January 2019 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

COUNCIL DECISION (EU) 2019/400

of 22 January 2019

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

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 Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Pursuant to Article 54(4) of Regulation (EU) 2016/1624 of the European Parliament and of the Council[(1)], 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.

(2) On 21 February 2017, the Council authorised the Commission to open negotiations with the Republic of Serbia for a status agreement on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia.

(3) Negotiations on a status agreement were opened on 7 April 2017 and were successfully concluded by the initialling 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 'Agreement') on 20 September 2018.

(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/EC[(2)]; 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/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.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/400. (See end of Document for details)*

(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) Therefore, the Agreement should be signed, subject to its conclusion at a later date, and the annexed Declarations be approved,

HAS ADOPTED THIS DECISION:

Article 1

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 is hereby authorised, subject to the conclusion of the said Agreement[(4)].

Article 2

The Declarations annexed 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.

Article 4

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

Done at Brussels, 22 January 2019.

For the Council

The President

E.O. TEODOROVICI