



Council of the  
European Union

Brussels, 2 October 2017  
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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION authorising the opening of negotiations with Montenegro for an agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in the territory of Montenegro

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**COUNCIL DECISION (EU) 2017/...**

**of ...**

**authorising the opening of negotiations with Montenegro  
for an agreement between the European Union and Montenegro  
on actions carried out by the European Border and Coast Guard Agency  
in the territory of Montenegro**

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(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Negotiations should be opened with a view to concluding an agreement with Montenegro on actions carried out by the European Border and Coast Guard Agency in the territory of Montenegro.
- (2) 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<sup>1</sup>; 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.
- (3) 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<sup>2</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

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<sup>1</sup> 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).

<sup>2</sup> 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).

- (4) 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,

HAS ADOPTED THIS DECISION:

## *Article 1*

1. The Commission is hereby authorised to open negotiations, in accordance with Article 54(4) of Regulation (EU) 2016/1624 of the European Parliament and of the Council<sup>1</sup>, with Montenegro for an agreement on actions carried out by the European Border and Coast Guard Agency in the territory of Montenegro.
2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the Addendum<sup>+</sup> to this Decision.

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<sup>1</sup> 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).

<sup>+</sup> Delegations: see document ST 12346/17.

*Article 2*

The negotiations shall be conducted in consultation with the Council Working Party on Frontiers. The Commission shall inform the European External Action Service as to the progress of the negotiations, for which the European External Action Service shall provide support and advice, as appropriate. The Commission shall be assisted by a representative of the European Border and Coast Guard Agency, acting as technical expert.

*Article 3*

This Decision is addressed to the Commission.

Done at ...,

*For the Council*

*The President*

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