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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Council Decision on the signing, on behalf of the Union, of the status agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania

- Adoption

Proposal for a Council Decision on the conclusion of the status agreement between the European Union and the Republic of Albania on actions carried out by the European Boder and Coast Guard Agency in the Republic of Albania

- Request for the consent of the European Parliament

1. On 16 October 2017 the Commission received the Council authorisation to open negotiations with the Republic of Albania on a status agreement on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania. The purpose of the status agreement, on the basis of Article 54(3)-(4) of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard¹, is to entitle the European Border and Coast Guard Agency to coordinate operational cooperation between Member States and third countries with respect to management of the external borders. In that respect, the Agency can carry out actions at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring country, including on the territory of that third country.

¹ O.J. 16.9.2016, L 251/1.

Pursuant to Article 54(4) of Regulation (EU) 2016/1624, in cases where it is envisaged that European Border and Coast Guard teams will be deployed to a third country in actions where the team members will have executive powers, or where other actions in third countries require it, a status agreement is to be concluded by the Union with the third country concerned.

2. The draft status agreement was initialled by the Commission and Albania on 12 February 2018. On 13 June 2018, the Commission submitted to the Council the two above-mentioned proposals.² Delegations confirmed agreement on the proposals on 18 June 2018 on the basis of silence procedure.
3. 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/EC³; 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.
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/EC⁴; 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.

² 10161/18 +ADD1 and 10160/18+ADD1.

³ 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).

⁴ 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).

6. The Agreement should be signed and the attached joint declaration with regard to Iceland, Norway, Switzerland and Liechtenstein should be approved.
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 approving the signing of this Agreement accompanied by the attached joint declaration. The texts of the Decision and the Agreement, following finalisation by the legal linguists, are set out in documents 10285/18 and 10290/18, respectively.
 - b) decide to forward the draft Decision on the conclusion, as set out in doc. 10302/18 finalised by the legal linguists, as well as the text of the above-mentioned Agreement (as set out in doc. 10290/18) to the European Parliament for its consent.
