



Council of the  
European Union

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Eingelangt am 12/03/19

Brussels, 12 March 2019  
(OR. en)

6847/19

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**Interinstitutional File:**  
2019/0043 (NLE)

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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the conclusion of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro

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**COUNCIL DECISION (EU) 2019/...**

**of ...**

**on the conclusion of the Status Agreement  
between the European Union and Montenegro  
on actions carried out by the European Border and Coast Guard Agency  
in 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 point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

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<sup>1</sup> Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision 2019/...<sup>1+</sup> the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro ("the Agreement") was signed on ...<sup>++</sup>, subject to its conclusion.
- (2) As a result of the Agreement, the European Border and Coast Guard teams, in accordance with the operational plan, can be swiftly deployed on the territory of Montenegro, respond to the current shift in migratory flows towards the coastal route, assist in external border management and combat human trafficking of irregular migrants.

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<sup>1</sup> Council Decision (EU) 2019/... of... on the signing, on behalf of the Union, of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro (OJ L ...).

<sup>+</sup> OJ: please insert the number of the decision set out in document st6845/19 and complete the corresponding footnote.

<sup>++</sup> OJ: please insert the date of signing of the Agreement.

- (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/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.
- (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<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).

- (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 approved,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

### *Article 2*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 12(1) of the Agreement.

### *Article 3*

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

Done at Brussels,

*For the Council*

*The President*

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