



Council of the
European Union

Brussels, 9 November 2022
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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	14062/22 + ADD 1
Subject:	Council Decision authorising the opening of negotiations on a status agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro – Adoption

1. On 25 October 2022, the Commission submitted to the Council a recommendation for a Council Decision authorising the opening of negotiations on a status agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro, together with negotiating directives, as set out in document 14062/22 + ADD 1.
2. At their meeting on 28 October 2022, the JHA Counsellors examined the above recommendation and the negotiating directives. The proposal received broad support.
3. Following legal-linguistic revision, the text of the draft Council Decision is set out in document 14139/22.

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 of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*¹. 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.
6. In view of the above, the Permanent Representatives Committee is requested
 - to invite the Council to adopt the Council Decision authorising the opening of negotiations on a status agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro as set out in document 14139/22, which refers to the negotiating directives as set out in document 14139/22 ADD 1, as an 'A' item at a forthcoming meeting; and
 - to request the publication of the text of the decision as adopted by the Council in the Official Journal of the European Union.

¹ OJ L 64, 7.3.2002, p. 20.