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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)

Subject: Council Decision on the conclusion of the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia

– Decision to use the written procedure for the adoption

1. On 29 July 2022, the Council adopted a Decision authorising the opening of negotiations on a status agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia.
2. The purpose of the Agreement is, on the basis of Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624¹, to authorise the European Border and Coast Guard Agency to deploy border management teams from the standing corps to North Macedonia.

¹ OJ L 295, 14.11.2019, p. 1.

3. Negotiations were successfully finalised by the initialling of the draft status agreement by the Commission and North Macedonia. On 23 September 2022, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the Union, of the agreement between the European Union and the Republic of North Macedonia, and a proposal for a Council Decision on the conclusion of the agreement². The Decision on the signing was adopted by the Council on 13 October 2022 and the Agreement was signed on 26 October 2022 in Skopje, subject to its conclusion at a later date.
4. In accordance with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union, the Council shall adopt the Decision concluding the Agreement after obtaining the consent of the European Parliament.
5. On 28 October 2022, the Council forwarded the draft Decision on the conclusion of the Agreement as well as the text of the Agreement to the European Parliament for its consent.
6. 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/EC³; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
7. 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.
8. On 15 February 2023, the European Parliament gave its consent to the conclusion of the Agreement⁴ and instructed its president to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of North Macedonia.

² 12793/22 +ADD 1 and 12794/22 +ADD 1.

³ 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).

⁴ P9_TA(2023)0041

9. In view of the above, the Permanent Representatives Committee is invited:
- to confirm its agreement on the text of the Council Decision on the conclusion, as set out in document 12895/22,
 - to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/430, that the Council uses the written procedure for its adoption, and
 - to decide that the text of the above Decision be published in the 'L' series of the Official Journal in accordance with article 17(1)(d) of the Council's Rules of Procedure.

The European Parliament will be informed in accordance with Article 218(10) TFEU.
