



Council of the
European Union

151629/EU XXVII. GP
Eingelangt am 21/08/23

Brussels, 21 August 2023
(OR. en)

11945/23

Interinstitutional File:
2023/0235 (NLE)

FRONT 241
COWEB 107
MIGR 253

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania

COUNCIL DECISION (EU) 2023/...

of ...

**on the conclusion of the Agreement between the European Union and the Republic of Albania
on operational activities carried out by the European Border and Coast Guard Agency
in the Republic of Albania**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), and Article 79(2), point (c), in conjunction with Article 218(6), second subparagraph, point (a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) 2023/...¹⁺, the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania (the ‘Agreement’) was signed on ...⁺⁺, subject to its conclusion at a later date.
- (2) Pursuant to Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council², in circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, a status agreement is to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union.

¹ Council Decision (EU) 2023/... of ... on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania (OJ L ...).

⁺ OJ: please insert the reference for the Decision contained in document ST 11940/23 and complete the corresponding footnote.

⁺⁺ OJ: please insert in the text the date of signing of the Agreement contained in document ST 11944/23.

² 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) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

- (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/EC¹; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it nor subject to its application.
- (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. 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.
- (5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

¹ 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).

Article 1

The Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania (the ‘Agreement’) is hereby approved on behalf of the Union¹.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 22(1) of the Agreement².

Article 3

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

Done at ...,

For the Council

The President

¹ The text of the Agreement is published ... [OJ: please insert publication details for the Agreement contained in document ST 11944/23].

² The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.