



Brussels, 30 January 2025  
(OR. en)

5637/25

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**Interinstitutional File:**  
**2024/0074(NLE)**

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**FRONT 24**  
**COWEB 11**  
**MIGR 34**

**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	7900/1/24 REV 1 + 7900/24 ADD 1 REV 1 + 7900/24 ADD 2
Subject:	Proposal for a Council Decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia – Adoption

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1. On 18 November 2022, the Council adopted a Decision authorising the opening of negotiations on a status agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in Republic of Serbia.

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) 2016/1624<sup>1</sup>, to authorise the European Border and Coast Guard Agency to deploy border management teams from the standing corps to Republic of Serbia to the full length of the country's borders. The Agreement will repeal and replace the Status Agreement signed on 19 November 2019 between the European Union and Republic of Serbia.
3. Negotiations were successfully finalised by the Commission and the Republic of Serbia. On 18 March 2024, 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 Serbia, and a proposal for a Council Decision on the conclusion of the agreement<sup>2</sup>. The Decision on the signing was adopted by the Council on 30 May 2024 and the Agreement was signed on 25 June 2024 in Belgrade, 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 15 July 2024, 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/EC<sup>3</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> OJ L 295, 14.11.2019, p. 1.

<sup>2</sup> 7897/24 +ADD 1+ ADD 2 and 7900/1/24 REV 1 +ADD 1 REV1+ADD 2.

<sup>3</sup> 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).

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 21 January 2025, the European Parliament gave its consent to the conclusion of the Agreement<sup>4</sup> and instructed its president to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Serbia.
9. In view of the above, the Permanent Representatives Committee is invited:
  - a) to adopt, as an "A" item, the Decision on conclusion as set out in document 8441/24 finalised by the lawyer linguists, and
  - b) decide that the text of the above Decision and the text of the Agreement 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.

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<sup>4</sup> P10\_TA(2025)0001