

II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2022/1350

of 29 July 2022

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

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), Article 79(2), point (c), and Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) 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, Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽¹⁾ calls for a status agreement 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.
- (2) Negotiations should be opened with a view to concluding a status agreement with the Republic of North Macedonia on actions carried out by the European Border and Coast Guard Agency in the territory of the Republic of North Macedonia.
- (3) Those negotiations should build on the draft status agreement initialled in 2018 by the Union and the Republic of North Macedonia, while taking into account the changes to the legal framework introduced by Regulation (EU) 2019/1896, in particular with regard to fundamental rights, data protection, privileges and immunities and fraud prevention, as well as changes stemming from the Prespa Agreement ⁽²⁾. The status agreement should be drawn up in duplicate in 24 official languages of the European Union and in the Macedonian language, all texts being equally authentic.
- (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 ⁽³⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

⁽¹⁾ 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).

⁽²⁾ Final Agreement for the settlement of the differences as described in the United Nations Security Council resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a strategic partnership between the Parties.

⁽³⁾ 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,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations, on behalf of the Union, for a status agreement with the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision and in consultation with the relevant Working Party of the Council.

Article 3

This Decision is addressed to the Commission.

Done at Brussels, 29 July 2022.

For the Council
The President
M. BEK
