COUNCIL DECISION (EU) 2022/2273

of 18 November 2022

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

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 (TFEU).

(2) Negotiations should be opened with a view to concluding a status agreement with Montenegro on operational activities carried out by the European Border and Coast Guard Agency in the territory of Montenegro.

(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/EC [2]. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or 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 TFEU, 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 between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in the territory of Montenegro.

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 appropriate Working Party of the Council.

Article 3

This Decision is addressed to the Commission.

[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) No 2016/1624 (OJ L 295, 14.11.2019, p. 1).

[2] 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).

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK