



2023/2760

8.12.2023

COUNCIL DECISION (EU) 2023/2760

of 4 December 2023

on the conclusion of the 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), and Article 79(2), point (c), in conjunction with Article 218(6), point (a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2023/1040 ⁽²⁾, the Agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro ('the Agreement') was signed on 16 May 2023, 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 Council ⁽³⁾, 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.
- (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 ⁽⁴⁾; 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,

⁽¹⁾ Consent of 22 November 2023 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2023/1040 of 15 May 2023 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro (OJ L 140, 30.5.2023, p. 1).

⁽³⁾ 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).

⁽⁴⁾ 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).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro ('the Agreement') is hereby approved on behalf of the Union. ⁽ⁱ⁾

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 22(1) of the Agreement. ⁽⁶⁾

Article 3

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

Done at Brussels, 4 December 2023.

For the Council
The President
F. BOLAÑOS GARCÍA

⁽ⁱ⁾ The text of the Agreement is published in OJ L 140 of 30 May 2023, p. 4.

⁽⁶⁾ 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.