II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2020/865

of 26 May 2020

on the conclusion of the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular points (b) and (d) of Article 77(2) and point (c) of Article 79(2) in conjunction with point (a)(v) of the second subparagraph of Article 218(6) 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) 2019/400 [2], the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia (the 'Agreement'), was signed on 18 and 19 November 2019, subject to its conclusion.

(2) Pursuant to Article 54(4) of Regulation (EU) 2016/1624 of the European Parliament and of the Council [3], in cases where it is envisaged that European Border and Coast Guard teams are to be deployed to a third country in actions where the team members have executive powers, or where other actions in third countries require it, a status agreement shall be concluded by the Union with the third country concerned. Such status agreement should cover all aspects that are necessary for carrying out the actions.

(3) Under the Agreement, European Border and Coast Guard teams, in accordance with the operational plan, can be swiftly deployed on the territory of the Republic of Serbia, respond to the current shift in migratory flows towards the coastal route and assist in external border management, and fight against migrant smuggling.

(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 [4]; 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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[1] Consent of 13 May 2020 (not yet published in the Official Journal).

[2] Council Decision (EU) 2019/400 of 22 January 2019 on the signing, on behalf of the Union, of the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia (OJ L 72, 14.3.2019, p. 1).

[3] Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, 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).

(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. 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.

(6) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia, is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 14(2) of the Agreement ([5]).

Article 3

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

Done at Brussels, 26 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

([5]) 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.