

EU/former Yugoslav Republic of Macedonia status agreement: actions carried out by the European Border and Coast Guard Agency in the former Yugoslav Republic of Macedonia

2018/0318(NLE) - 05/09/2018 - Preparatory document

PURPOSE: to conclude the status agreement between the European Union and the former Yugoslav Republic of Macedonia on actions carried out by the European Border and Coast Guard Agency in the former Yugoslav Republic of Macedonia.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council can adopt the act only if the European Parliament has approved it.

BACKGROUND: in cases where it is envisaged that European Border and Coast Guard teams will be deployed to a third country in actions where the team members will have executive powers, or where other actions in third countries require it, a status agreement is concluded by the Union with the third country concerned, in accordance with [Regulation \(EU\) 2016/1624](#).

Negotiations between the former Yugoslav Republic of Macedonia on the status agreement were opened on 15 September 2017, and successfully finalised by the initialling of the draft agreement.

Thanks to this status agreement European Border and Coast Guard teams, in accordance with the Operational Plan, can be swiftly deployed on the territory of the former Yugoslav Republic of Macedonia, respond to the current shift in migratory flows towards the coastal route and assist in external border management and fight against migrant smuggling.

CONTENT: the Commission proposes that the Council conclude the status agreement between the European Union and the former Yugoslav Republic of Macedonia (FYROM) on actions carried out by the European Border and Coast Guard Agency in the FYROM.

Scope: under the Agreement, **the European Border and Coast Guard Agency shall be able to deploy European Border and Coast Guard teams with executive powers in FYROM** to carry out joint operations and rapid border interventions.

Teams of the European Border and Coast Guard Agency shall also be allowed, in the course of a specific return operation, to assist FYROM in identifying the persons to be readmitted to the latter's territory, in line with the EC-FYROM readmission agreement.

European Border and Coast Guard teams may be deployed on the FYROM territory only in regions bordering the EU external borders and members of the team shall have executive powers in those areas of FYROM as set out in the operational plan.

Actions and operational plans: the Agency may propose the initiative to launch an action. The competent authorities of FYROM may also request the Agency to consider launching an action. Carrying out an action requires the consent of the competent authorities of FYROM and the Agency. Before each

joint operation or rapid border intervention, an operational plan must be agreed between the Agency and FYROM. The plan must set out in detail the organisational and procedural aspects of the joint operation or rapid border intervention.

The Agreement also sets out provisions on:

- **tasks and powers** of the members of the team;
- suspension and termination of the action;
- privileges and immunities of the members of the team;
- the **accreditation document** for members of the team for the purposes of identification vis-à-vis the authorities of FYROM as proof of the holder's rights to perform the tasks;
- full observance by members of the team of **fundamental rights and freedoms**, including as regards access to asylum procedures, human dignity and the prohibition of torture, inhuman or degrading treatment, the right to liberty, the principle of non-refoulement and the prohibition of collective expulsions, the rights of the child and the right to respect for private and family life;
- **processing of personal data** by members of the team and by the authorities of FYROM.

BUDGETARY IMPLICATIONS: the status agreement in itself does not entail financial implications, but the actual deployment of teams of the European Border on the basis of an operational plan and relevant grant agreement will entail costs borne by the budget of the European Border and Coast Guard Agency. Future operations under the status agreement will be financed through the European Border and Coast Guard Agency's own resources.

The financial statement annexed to the proposal for a Regulation on a European Border and Coast Guard, on the expenditure of the European Border and Coast Guard Agency evaluated the reinforced cooperation with third countries (including possible joint operations with neighbouring countries) at **EUR 6.090 million** on average each year for 2017-2020.