EU/Serbia status agreement: actions carried out by the European Border and Coast Guard Agency in Serbia

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PURPOSE: to conclude, on behalf of the Union, 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.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: pursuant to Regulation (EU) 2016/1624, in cases where it is envisaged that European Border and Coast Guard teams are deployed to a third country to carry out actions for which the team members have executive powers, or where it is required by other actions in third countries, a status agreement shall be concluded by the Union with the third country concerned.

Negotiations on a status agreement were opened on 7 April 2017 and a second round took place on 11 May 2017. A deal was finally reached on 3 August 2018.

Pursuant to the status agreement, the European Border and Coast Guard teams 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 combating human trafficking of irregular migrants.

CONTENT: the Commission proposed that the Council decide to approve, on behalf of the Union, 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.

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

European Border and Coast Guard Agency teams shall also be allowed, in the course of a specific return operation, to assist Serbia in identifying the persons to be readmitted to Serbia, in line with the EC-Serbia readmission agreement. Teams may be deployed on the territory of the Republic of Serbia only in regions bordering the EU external borders and members of the team shall have executive powers in those areas of the Republic of Serbia as set out in the Operational Plan.

Operational actions and plans: in concrete terms, the Agency may propose the initiative to launch an action. The competent authorities of Serbia may also request the Agency to consider launching an action. Carrying out an action requires the consent of the competent authorities of Serbia and the Agency. Before each joint operation or rapid border intervention, an operational plan shall be agreed between the Agency and Serbia. The plan shall set out in detail the organisational and procedural aspects of the joint operation or rapid border intervention.

The agreement also contains provisions on:

- the tasks and powers of the team members;
- the suspension and termination of the action;
- the privileges and immunities of the team members;
- the accreditation document allowing members of the team for the purposes of identification vis-à-vis the authorities of Serbia as proof of the holder's rights to perform the assigned tasks;
- respect by team members for fundamental rights and freedoms, including access to asylum procedures, human dignity, the prohibition of torture and 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;
- the processing of personal data by team members and by the Serbian authorities.

BUDGETARY IMPLICATIONS: the status agreement in itself does not entail financial implications. It is indeed the actual deployment of teams of the European Border and Coast Guard Agency on the basis of an Operational Plan and relevant Grant Agreement that 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.