

# EU/Bosnia and Herzegovina agreement: actions carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina

2019/0060(NLE) - 28/02/2019 - Preparatory document

**PURPOSE:** to approve the conclusion of the Status Agreement between the European Union and Bosnia and Herzegovina on actions carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina.

**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:** in accordance with [Regulation \(EU\) 2016/1624](#), 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 to be concluded by the Union with the third country concerned. The status agreement should cover all aspects necessary for carrying out the actions.

Negotiations with Montenegro on a status agreement were opened on 9 July 2018 and a second round took place on 10 October 2018. The status agreement has been initialled by the Heads of the negotiating teams.

While the migration flows in the region are much lower than in the years 2015 and 2016, organised crime networks quickly adapt their routes and methods for trafficking irregular migrants to any new circumstances. Since beginning of 2018 Bosnia and Herzegovina has been confronted with an increased migratory inflow.

With the status agreement in place, the European Border and Coast Guard Corps teams could, in line with the operational plan, be rapidly deployed on the territory of Bosnia and Herzegovina, respond to the current shift in migration flows towards the coastal route and provide assistance in the management of external borders and the fight against the trafficking of irregular migrants.

**CONTENT:** the Commission proposes that the Council decide to approve, on behalf of the Union, the conclusion of the Status Agreement between the European Union and Bosnia and Herzegovina on actions carried out by the European Border and Coast Guard Agency in Bosnia Herzegovina.

## *Scope of the agreement*

The initiative to launch an action can be proposed by the Agency. The competent authorities of Bosnia and Herzegovina may request the Agency to consider launching an action. Carrying out an action requires the consent of the competent authorities of Bosnia and Herzegovina and the Agency.

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 Bosnia and Herzegovina to carry out joint operations, rapid border interventions or return operations.

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

### *Actions and operational plans*

Before each joint operation or rapid border intervention, an operational plan must be agreed between the Agency and Bosnia Herzegovina. 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 enabling the team members to be identified by the Bosnia and Herzegovina authorities and to prove that they are authorised 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 members of the team and by the authorities of Bosnia and Herzegovina.

**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.