

EU/Albania Agreement: operational activities carried out by the European Border and Coast Guard Agency in Albania

2023/0235(NLE) - 18/04/2024 - Final act

PURPOSE: to conclude the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania.

NON-LEGISLATIVE ACT: Council Decision (EU) 2024/1169 on the conclusion of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania.

BACKGROUND: one of the tasks of the European Border and Coast Guard Agency is to cooperate with third countries in relation to the areas covered by the European Border and Coast Guard Regulation (Regulation (EU) 2019/1896) including through the possible operational deployment of border management teams in third countries. The Agency, as part of the European Border and Coast Guard, is to ensure European integrated border management, one component of which is cooperation with third countries in the areas covered by the Regulation, focusing in particular on neighbouring third countries and countries of origin or transit for irregular migration.

Pursuant to Regulation (EU) 2019/1896, in circumstances requiring the deployment of border management teams from the European Border and Coast Guard standing corps to a third country where the members of the teams will exercise executive powers, a status agreement should be concluded by the Union with the third country concerned.

CONTENT: under this Decision, the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania is hereby approved on behalf of the Union.

This Decision approves the status agreement between the European Union and Albania on actions carried out by the European Border and Coast Guard Agency in Albania as foreseen in the Regulation (EU) 2019/1896 on the European Border and Coast Guard. Without such a tool, only bilateral deployments by Member States can be used to develop and implement European integrated border management and support the Republic of Albania in managing a significant number of migrants seeking to transit its territory outside of the very limited geographic scope of the current status agreement with the Republic of Albania. A common approach is therefore needed to better manage the borders of the Republic of Albania.

The new Agreement will update the previous status agreement from 2019 by also allowing the deployment of Frontex Standing Corps officers at the borders between Albania and neighbouring Western Balkan partners. The Agreement was signed on 15 September 2023 in Tirana.

The Agreement governs all aspects necessary for the deployment of border management teams from the European Border and Coast Guard standing corps to a third country where the members of the teams will exercise executive powers. Deployment may take place on Albanian territory, including at its land, sea and air borders with other countries. Operational activities may also take place in the Albanian contiguous zone.

It should be noted that operational activities carried out under this Agreement will not affect search and rescue obligations under the Law of the Sea, in particular the 1982 United Nations Convention on the Law of the Sea, the 1974 International Convention for the Safety of Life at Sea and the International Convention on Maritime Search and Rescue.

The envisaged Agreement will contain practical measures related to the respect of fundamental rights and will ensure that fundamental rights are fully respected during activities organised on the basis of the agreement.

ENTRY INTO FORCE: 12.04.2024.