

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

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PURPOSE: to approve the conclusion, on behalf of the European Union, of the Agreement between the European Union and Bosnia and Herzegovina on operational activities 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: Bosnia and Herzegovina remains an important transit country for migrants seeking to travel towards and the European Union via the Western Balkans. Between January and September 2024, nearly 17 000 irregular border crossings on entry were registered at the European Union's external borders on the Western Balkan route, approximately 90% of these were at Croatia's border with Bosnia and Herzegovina. Bosnia and Herzegovina's activities also led to the detection of more than 5 000 additional crossing attempts at this section over the same period.

In accordance with a Council Decision, the Agreement between the European Union and Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina was signed, subject to its conclusion at a later date.

Pursuant to Regulation (EU) 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard, in circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, a status agreement is to be concluded by the Union with the third country concerned. Such a status agreement should be based on the model that the Commission has drawn up as provided for in Article 76(1) of the same regulation. The Commission adopted this model on 21 December 2021.

It is now necessary to approve the Agreement on behalf of the European Union.

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

Scope of the agreement

Compared to the model status agreement, the negotiated text provides an **additional provision** regarding the Border Police of Bosnia and Herzegovina's internal approval procedure for operational plans such as:

- a limitation on the geographical range where the standing corps may perform its tasks corresponding with the territorial jurisdiction of the Border Police of Bosnia and Herzegovina;

- an additional provision allowing relevant authorities of Bosnia and Herzegovina to access Frontex premises with permission from the Executive Director;
- a modified article on privileges immunities corresponding with the privileges and immunities provisions afforded to the other countries in the region – providing for functional immunity for staff deployed by Frontex for criminal, civil and administrative matters;
- a provision that the Agency should inform the Border Police to whom accreditation documents have been issued;
- a provision allowing Bosnia and Herzegovina to request the termination of deployment of individual staff members who violate the status agreement, an operational plan or national law.

Unlike other status agreements, the agreement with Bosnia and Herzegovina **delimits the area** where team members may perform their tasks to correspond with that where the Border Police of Bosnia and Herzegovina may operate, namely the zone extending 10km inland from the border and at border crossing points.

The conclusion of a status agreement could support the wider efforts and commitments of the European Union to further develop capabilities contributing to crisis response management and promoting convergence on foreign and security matters between the Union and Bosnia and Herzegovina.