Basic information

2018/0409(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Serbia status agreement: actions carried out by the European Border and Coast Guard Agency in Serbia **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Serbia, from 06/2006	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	VOLLATH Bettina (S&D)	04/09/2019
	Shadow rapporteur METSOLA Roberta (EPP) ŠIMEČKA Michal (Renew) FRANZ Romeo (Greens /EFA) BRUDZIŃSKI Joachim Stanisław (ECR) REGO Sira (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs		

Council of the European Union	
European Commission	Commission DG: Migration and Home Affairs — Commissioner: AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
07/12/2018	Preparatory document	COM(2018)0797	Summary
15/01/2019	Legislative proposal published	15581/2018	
28/11/2019	Committee referral announced in Parliament		
28/01/2020	Vote in committee		
29/01/2020	Committee report tabled for plenary, 1st reading/single reading	A9-0019/2020	
13/05/2020	Decision by Parliament	T9-0058/2020	Summary
13/05/2020	Results of vote in Parliament		
14/05/2020	Results of vote in Parliament		
15/05/2020	Results of vote in Parliament		
26/05/2020	Act adopted by Council after consultation of Parliament		
25/06/2020	Final act published in Official Journal		

Technical information

Procedure reference	2018/0409(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 079-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00403

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE636.406	01/04/2019	
Committee draft report		PE643.171	13/12/2019	

Amendments tabled in committee		PE646.877	22/01/2020	
Committee report tabled for plenary, 1st reading/single reading		A9-0019/2020	29/01/2020	
Text adopted by Parliament, 1st reading/single reading		T9-0058/2020	13/05/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	15581/2018	15/01/2019	
Document attached to the procedure	15579/2018	21/01/2019	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2018)0797	07/12/2018	Summary
Document attached to the procedure	COM(2018)0799	07/12/2018	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2020/0865
OJ L 202 25.06.2020, p. 0001

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

2018/0409(NLE) - 07/12/2018 - Preparatory document

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.

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

2018/0409(NLE) - 13/05/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 569 votes to 109, with 13 abstentions, a legislative resolution on the draft Council decision on 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.

Following the recommendation of the Committee on Civil Liberties, Justice and Home Affairs, the European Parliament gave its consent to the conclusion of the Agreement.

The proposed Council Decision aims to approve the Status Agreement between the European Union and Serbia on actions carried out by the European Border and Coast Guard Agency in Serbia as foreseen in the Regulation (EU) 2016/1624 on the European Border and Coast Guard.

Regulation (EU) 2016/1624 explicitly provides that, 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 shall be concluded by the Union with the third country concerned.

The purpose of the Status Agreement is to provide a legally binding framework that should set out the scope of the operation, the rules on civil and criminal liability, and the tasks and powers of the deployed members of the teams. The status agreements should also guarantee the full respect of fundamental rights and should establish dedicated complaints mechanisms to be used in case of fundamental rights violations during these operations.

The Status Agreement with Serbia is one of several similar agreements concluded with the Western Balkan countries. It would allow for joint operations, rapid border interventions and/or return operations to take place on the territory of Serbia with the involvement of the Agency. The return operations would relate solely to third country nationals being returned from the European Union to Serbia.