Basic information

2019/0043(NLE) NLE - Non-legislative enactments	Awaiting final decision
EU/Montenegro status agreement: actions carried out by the European Border and Coast Guard Agency in Montenegro **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Montenegro, 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
21/02/2019	Preparatory document	COM(2019)0090	
12/03/2019	Legislative proposal published	06847/2019	
21/10/2019	Committee referral announced in Parliament		
28/01/2020	Vote in committee		
29/01/2020	Committee report tabled for plenary, 1st reading/single reading	A9-0018/2020	
13/05/2020	Decision by Parliament	T9-0057/2020	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		

Technical information

Procedure reference	2019/0043(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 079-p2
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/9/00424

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE643.227	09/12/2019	
Amendments tabled in committee		PE646.874	22/01/2020	
Committee report tabled for plenary, 1st reading/single reading		A9-0018/2020	29/01/2020	

Text adopted by Parliament, 1st reading/single reading		T9-0057/2020	13/05/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	06846/2019	12/03/2019	
Legislative proposal	06847/2019	12/03/2019	

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2019)0089	21/02/2019	Summary
Preparatory document	COM(2019)0090	21/02/2019	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

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

2019/0043(NLE) - 21/02/2019

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

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 and concluded on 5 July 2018. They will be successfully concluded with the initialling of the status agreement at a later date.

While Montenegro is not currently widely used as a transit country by migrants, the situation might change, as it has already happened in the past. Organised crime networks adapt quickly their routes and methods for smuggling migrants to any new circumstances.

Pursuant to the Agreement, the European Border and Coast Guard teams, in accordance with the Operational Plan, could be swiftly deployed on the territory of Montenegro, 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 proposes that the Council decide to approve, on behalf of the Union, the conclusion of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro.

Scope of the agreement

The initiative to launch an action can be proposed by the Agency. The competent authorities of Montenegro may request the Agency to consider launching an action. Carrying out an action requires the consent of the competent authorities of Montenegro 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 Montenegro to carry out joint operations, rapid border interventions or return operations.

European Border and Coast Guard teams may be deployed on the territory of Montenegro only in regions bordering the EU external borders and members of the team shall have executive powers in those areas of Montenegro 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 Montenegro. 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 Montenegrin 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 Montenegro.

BUDGETARY IMPLICATIONS: the status agreement in itself does not entail financial implications. It is indeed the actual deployment of European Border and Coast Guard teams 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.

Enhanced cooperation with third countries (including possible joint operations with neighbouring countries) is estimated at an average of EUR 6.090 million per year for the period 2017-2020.

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

2019/0043(NLE) - 21/02/2019 - Document attached to the procedure

PURPOSE: to sign, on behalf of the Union, the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro.

PROPOSED ACT: Council Decision.

BACKGROUND: in accordance with Regulation (EU) 2016/1624 of the European Parliament and of the Council, 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.

On 16 October 2017, the Commission received the Council authorisation to open negotiations with Montenegro on a status agreement for actions carried out by the European Border and Coast Guard Agency in Montenegro. The negotiations were successfully finalised by the initialling of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro.

CONTENT: the proposal for a Council Decision constitutes the legal instrument for the signing of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro.

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 Montenegro to carry out joint operations, rapid border interventions or return operations.

The status agreement covers all aspects necessary for the implementation of the actions. In particular, it shall indicate the scope of the operation, civil and criminal liability, as well as the tasks and powers of the team members. The status agreement shall ensure the full respect for fundamental rights during these operations.

For more details on the content of the agreement, please refer to the summary of the initial legislative proposal for the conclusion of the agreement dated 21.2.2019.

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

2019/0043(NLE) - 13/05/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 568 votes to 109, with 11 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro.

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 Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro 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 Montenegro 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 Montenegro with the involvement of the Agency. The return operations would relate solely to third country nationals being returned from the European Union to Montenegro.