Basic information

2023/0102(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Montenegro Agreement: operational activities carried out by the European Border and Coast Guard Agency in Montenegro **Subject** 7.10.04 External borders crossing and controls, visas 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) **Geographical area** Montenegro, from 06/2006	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DÜPONT Lena (EPP)	05/06/2023
	Shadow rapporteur NEMEC Matjaž (S&D) KELLER Fabienne (Renew) STRIK Tineke (Greens/EFA)	

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

Council of the European Union

European Commission

Commission DG	Commissioner
Migration and Home Affairs	JOHANSSON Ylva

Key events

Date	Event	Reference	Summary
05/04/2023	Preparatory document	COM(2023)0261	Summary

22/05/2023	Legislative proposal published	08353/2023	Summary
01/06/2023	Committee referral announced in Parliament		
13/11/2023	Vote in committee		
21/11/2023	Committee report tabled for plenary, 1st reading/single reading	A9-0369/2023	
22/11/2023	Decision by Parliament	T9-0416/2023	Summary
22/11/2023	Results of vote in Parliament		
04/12/2023	Act adopted by Council after consultation of Parliament		
08/12/2023	Final act published in Official Journal		

Technical information

Procedure reference	2023/0102(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	Procedure completed
Committee dossier	LIBE/9/11702

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE754.820	17/10/2023	
Amendments tabled in committee		PE755.979	07/11/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0369/2023	21/11/2023	
Text adopted by Parliament, 1st reading/single reading		T9-0416/2023	22/11/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	08353/2023	22/05/2023	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2023)0260	05/04/2023	
Preparatory document	COM(2023)0261	05/04/2023	Summary

Document attached to the procedure	SWD(2023)0755	29/09/2023	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
Decision 2023/2760 OJ L 000 08.12.2023, p. 0000

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

2023/0102(NLE) - 22/05/2023 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and Montenegro on the operational activities 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: the agreement between the European Union and Montenegro on the operational activities carried out by the European Border and Coast Guard Agency in Montenegro has been signed subject to its conclusion at a later date.

In accordance with 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 on the basis of Article 218 of the Treaty on the Functioning of the European Union.

CONTENT: the purpose of the draft Council Decision is to approve, on behalf of the Union, the Agreement between the European Union and Montenegro on operational activities conducted by the European Border and Coast Guard Agency in Montenegro.

The aim of the agreement is to authorise the European Border and Coast Guard Agency to deploy border management teams from the standing corps in Montenegro along the full length of the country's borders. The agreement will repeal and replace the status agreement concluded on 7 October 2019 between the European Union and Montenegro.

The agreement governs all aspects necessary for the deployment of border management teams from the standing corps of the European Border and Coast Guard in Montenegro, where team members may exercise executive powers.

This Decision constitutes a development of provisions of the Schengen acquis in which Ireland does not take part. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis, Denmark shall decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.

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

2023/0102(NLE) - 22/11/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 523 votes to 104, with 6 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro.

Parliament **gave its consent** to the conclusion of the agreement.

The 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) 2019/1896 on the European Border and Coast Guard.

The purpose of the status agreement is to cover all aspects that are necessary for carrying out the actions of the Agency in third countries. 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 shall be concluded by the Union with the third country concerned.

In accordance with the European Border and Coast Guard Regulation, the Commission presented in its 2021 communication, a model status agreement as referred to in Regulation (EU) 2019/1896 containing specific provisions for conducting actions on the territory of third countries. The status agreement with Montenegro is based on the model that the Commission has drawn up.

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

2023/0102(NLE) - 05/04/2023 - Preparatory document

PURPOSE: to conclude, on behalf of the Union, an Agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

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. Specifically, 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 European Border and Coast Guard Regulation focusing in particular on neighbouring third countries and countries of origin or transit for irregular migration. The Agency may cooperate with the authorities of third countries competent in matters covered by the Regulation to the extent required for the fulfilment of its tasks and may carry out actions related to European integrated border management on the territory of a third country subject to the agreement of that third country.

Pursuant to Article 73(3) of Regulation (EU) 2019/1896 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.

On 18 November 2022, the Commission received a Council authorisation to open negotiations with Montenegro for an agreement on operational activities to be carried out by the European Border and Coast Guard Agency in Montenegro.

The European Commission, on behalf of the European Union, and Montenegro held formal negotiations in view of an agreement on 23 and 24 February 2023 in Podgorica. The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the agreement is acceptable for the Union.

CONTENT: therefore, the Commission proposal seeks to conclude, on behalf of the EU, the Agreement between the EU and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro. Reinforcing controls on the territory of Montenegro will positively impact the management of the Union’s external borders as well as the borders of Montenegro itself.

This status agreement will allow for the deployment in Montenegro of European Border and Coast Guard teams by the European Border and Coast Guard Agency. Without such a tool, only bilateral deployments by Member States can be used to develop and implement European integrated border management and support Montenegro 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 Montenegro.

A **common approach** is therefore needed to better manage the borders of Montenegro.

The conclusion of a status agreement would tie into the wider objectives and priorities for cooperation as set out in the European Union’s Stabilisation and Association Agreement with Montenegro. It could also support the wider efforts and commitments of the European Union to further develop capabilities to contribute to crisis response management and promote convergence on foreign and security matters between the Union and Montenegro.