

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

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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.