

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

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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.