

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

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

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: 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. 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 Regulation, focusing in particular on neighbouring third countries and countries of origin or transit for irregular migration.

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 should be concluded by the Union with the third country concerned**.

The Republic of Albania lies on the Western Balkans migration route, which sees significant irregular migration towards the European Union, both via land and across the Adriatic Sea. In 2022, more than 144 000 irregular border crossings and attempts were registered by the Agency at the European Union's external borders on the Western Balkan route.

Albania was the first country to agree on a status agreement with the European Union. This agreement was signed in October 2018 and entered into force on 1 May 2019. Joint operations conducted on the basis of that status agreement are however limited to Albania's land borders with the European Union and portions of the Adriatic Sea.

On 18 November 2022, and following the entry into force of Regulation (EU) 2019/1896 which extended the scope of the status agreements, the Commission received Council authorisation to open negotiations with the Republic of Albania as well as Montenegro, Serbia and Bosnia and Herzegovina, for an agreement on operational activities to be carried out by the European Border and Coast Guard Agency in those countries based on this new Regulation.

On 30 November 2022, a meeting was organised by the Commission with the four aforementioned countries, in which the main novelties of the model status agreement were highlighted. The European Commission, on behalf of the European Union, and the Republic of Albania held formal negotiations in

view of an agreement on 22 and 23 February 2023 in Tirana. 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: the proposal for a Council Decision constitutes the legal basis for the conclusion of the Agreement between the European Union and Albania on the operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania.

A status agreement will allow for the **deployment in the Republic of Albania of European Border and Coast Guard teams** by the European Border and Coast Guard Agency, using all the possibilities offered by Regulation (EU) 2019/1896. Without such a tool, only bilateral deployments by Member States can be used to develop and implement European integrated border management and support the Republic of Albania 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 the Republic of Albania. A **common approach** is therefore needed to better manage the borders of the Republic of Albania.

The agreement governs all aspects necessary for 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. Deployment may take place on Albanian territory, including at its land, sea and air borders with other countries. Operational activities may also take place in the Albanian contiguous zone.

Operational activities carried out under this Agreement will not affect search and rescue obligations under the Law of the Sea, in particular the 1982 United Nations Convention on the Law of the Sea, the 1974 International Convention for the Safety of Life at Sea and the International Convention on Maritime Search and Rescue.

The envisaged agreement will contain practical measures related to the **respect of fundamental rights** and will ensure that fundamental rights are fully respected during activities organised on the basis of the agreement.