











# Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2018/0241(NLE) Procedure completed
EU/Albania status agreement on actions carried out by the European Border and Coast Guard Agency in Albania	
Subject 6.40.03 Relations with South-East Europe and the Balkans 7.10.04 External borders crossing and controls, visas 8.40.08 Agencies and bodies of the EU	
Geographical area Albania	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 <a href="#">VALERO Bodil</a>	14/05/2018
		Shadow rapporteur	
		 <a href="#">PABRIKS Artis</a>	
		 <a href="#">FAJON Tanja</a>	
		 <a href="#">MACOVEI Monica</a>	
		 <a href="#">GRIESBECK Nathalie</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs	The committee decided not to give an opinion.	
	 Budgets	The committee decided not to give an opinion.	
	 Fisheries	The committee decided not to give an opinion.	
Council of the European Union European Commission	Commission DG <a href="#">Migration and Home Affairs</a>	Commissioner AVRAMOPOULOS Dimitris	

Key events			
13/06/2018	Preparatory document	<a href="#">COM(2018)0458</a>	Summary

10/07/2018	Legislative proposal published	<a href="#">10302/2018</a>	Summary
22/10/2018	Committee referral announced in Parliament		
10/12/2018	Vote in committee		
13/12/2018	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0463/2018</a>	Summary
15/01/2019	Results of vote in Parliament		
15/01/2019	Decision by Parliament	<a href="#">T8-0002/2019</a>	Summary
12/02/2019	Act adopted by Council after consultation of Parliament		
12/02/2019	End of procedure in Parliament		
18/02/2019	Final act published in Official Journal		

### Technical information

Procedure reference	2018/0241(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 079-p2; Treaty on the Functioning of the EU TFEU 218-p6; Treaty on the Functioning of the EU TFEU 077-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/13711

### Documentation gateway

Document attached to the procedure	<a href="#">COM(2018)0459</a>	13/06/2018	EC	
Preparatory document	<a href="#">COM(2018)0458</a>	13/06/2018	EC	Summary
Legislative proposal	<a href="#">10302/2018</a>	10/07/2018	CSL	Summary
Document attached to the procedure	<a href="#">10290/2018</a>	10/07/2018	CSL	
Committee draft report	<a href="#">PE623.843</a>	25/10/2018	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0463/2018</a>	13/12/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T8-0002/2019</a>	15/01/2019	EP	Summary

### Final act

[Decision 2019/267](#)  
[OJ L 046 18.02.2019, p. 0001](#) Summary

**PURPOSE:** to conclude, on behalf of the Union, the status agreement between the EU and Albania on actions carried out by the European Border and Coast Guard Agency in 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:** in accordance with a Council Decision, the status agreement between the EU and Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania, was signed, subject to its conclusion.

Pursuant to 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 shall be concluded by the Union with the third country concerned.

Thanks to this status agreement, border guard teams can be swiftly deployed on Albanian territory and respond to the current shift in migratory flows towards the coastal route and assist in external border management and fight against migrant smuggling.

**CONTENT:** the present proposal calls on the Council to adopt the decision to approve, on behalf of the Union, the status agreement between the EU and Albania on actions carried out by the European Border and Coast Guard Agency in Albania.

The main provisions of the proposal are as follows:

**Operational plan:** before each joint operation or rapid border intervention, an operational plan must be agreed between the Agency and Albania. That operational plan must also be agreed by the Member State or Member States bordering the operational area. It shall set out in detail the organisational and procedural aspects of the joint operation or rapid border intervention, including, inter alia, a description and an assessment of the situation, the operational aim and objectives, the provisions in respect of fundamental rights including personal data protection, the organisational arrangements and logistics, the evaluation and the financial aspects of the joint operation or rapid border intervention.

**Tasks and powers of the members of the team:** as a general rule, the teams shall have the authority to perform the tasks and exercise the executive powers required for border control and return operations. They shall respect the laws and regulations of Albania.

Members of the team shall wear their own uniform, visible personal identification and a blue armband with the insignias of the European Union and of the Agency on their uniforms. Members of the team may use force, including service weapons, ammunition and equipment, with the consent of their own State and of the Albania authorities, in the presence of Albanian border guards or other relevant staff, and in accordance with the Albanian law. Albanian authorities may authorise members of the team to use force also in the absence of their border guards.

**Accreditation document:** the Agency shall, in cooperation with Albania, issue an accreditation document to members of the team for the purposes of identification vis-à-vis the Albanian authorities as proof of the holder's rights to perform the tasks and exercise the powers conferred under this Agreement and in the Operational Plan.

**Fundamental rights:** in the performance of their tasks and in the exercise of their powers, Members of the team shall fully respect fundamental rights and freedoms, including as regards access to asylum procedures, human dignity and the prohibition of torture, 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.

They shall not arbitrarily discriminate against persons on any grounds including sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation or gender identity. Each Party must have a complaint mechanism in place to deal with allegations of a breach of fundamental rights committed by its staff.

**Processing of personal data:** personal data shall be processed by members of the team when necessary in accordance with the rules applicable to the Agency and the EU Member States. Processing of personal data by the Albanian authorities shall be subject to Albanian laws. The Agency, the participating Member States and the Albanian authorities shall draw up a common report on the processing of personal data by members of the team at the end of each action. This report shall be sent to the Agency's Fundamental Rights Officer and Data Protection Officer.

**BUDGETARY IMPLICATIONS:** although the status agreement in itself does not entail financial implications, it is the actual deployment of border guards' 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.

The financial statement annexed to the proposal for a Regulation on a European Border and Coast Guard on the expenditure of the European Border and Coast Guard Agency evaluated at EUR 6.090 million on average each year for 2017-2020 the reinforced cooperation with third countries (including possible joint operations with neighbouring countries).

## EU/Albania status agreement on actions 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 Status Agreement between the European Union and the Republic of Albania on actions 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:** the Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania was signed, subject to its conclusion.

It is now necessary for it to be approved.

**CONTENT:** the draft Council Decision concerns the approval on behalf of the Union of the Agreement on the Statute between the European Union and the Republic of Albania on the actions carried out by the European Border and Coast Guard Agency in Albania.

As a result of the Agreement, European Border and Coast Guard teams can be swiftly deployed on Albanian territory and respond to the current shift in migratory flows towards the coastal route and assist in external border management and fight against migrant smuggling.

The Agreement covers all aspects necessary for the implementation of the actions carried out by the Agency on the territory of the Republic of Albania in actions where the team members will have executive powers, namely:

- the approval of an operational plan by the Member State or Member States bordering the operational area, agreed between the Agency and the Republic of Albania for each joint operation or rapid border intervention;
- the tasks and powers of the team members;
- the suspension and termination of the action;
- the privileges and immunities of the team members;
- respect for fundamental rights and the processing of personal data.

This Decision constitutes a development of the provisions of the Schengen acquis. The United Kingdom and Ireland are therefore not taking part in the adoption of this Decision and will not be bound by it or subject to its application. Denmark shall decide within six months of the Council decision on this Decision whether it will implement it in its national law.

## EU/Albania status agreement on actions carried out by the European Border and Coast Guard Agency in Albania

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The Committee on Civil Liberties, Justice and Home Affairs adopted the recommendation by Bodil VALERO (Greens/EFA, SE) on the draft Council decision on the conclusion of the Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania.

As a reminder, the aim of the proposed Council Decision is to approve the Status Agreement between the European Union and Albania on actions carried out by the European Border and Coast Guard Agency in Albania as foreseen in the [Regulation \(EU\) 2016/1624](#) on the European Border and Coast Guard.

The concept of a Status Agreement is to provide a legally binding framework for the operations of the Agency where team members with executive powers would be deployed to the territory of the third country. It shall cover all aspects that are necessary for carrying out the actions of the Agency in third countries.

Furthermore, it shall set out the scope of the operation, civil and criminal liability and the tasks and powers of the deployed members of the teams. The Status Agreements shall also guarantee the full respect of fundamental rights and the establishment of dedicated complaints mechanisms to be used in case of fundamental rights violations during these operations.

The committee recommended that the European Parliament give its consent to the conclusion of the Agreement.

## EU/Albania status agreement on actions carried out by the European Border and Coast Guard Agency in Albania

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The European Parliament adopted by 601 votes to 68, with 25 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania.

Parliament gave its consent to the conclusion of the Agreement.

## EU/Albania status agreement on actions carried out by the European Border and Coast Guard Agency in Albania

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**PURPOSE:** to approve the conclusion, on behalf of the Union, of the Agreement on the status of the EU/Albania with regard to the actions carried out by the European Border and Coast Guard Agency in Albania.

**NON-LEGISLATIVE ACT:** Council Decision (EU) 2019/267 on the conclusion of the Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania.

**CONTENT:** the Council approved, on behalf of the European Union, the Agreement on the status between the European Union and Albania concerning the activities of the European Border and Coast Guard Agency in the territory of Albania.

The agreement was signed on 5 October 2018, subject to its conclusion. Under the agreement, European Border and Coast Guard teams can be swiftly deployed on Albanian territory and respond to the current shift in migratory flows towards the coastal route and assist in external border management and fight against migrant smuggling.

The agreement covers all aspects that are necessary for carrying out the actions of the Agency in Albania in which the members of its team have executive powers, including:

- the approval of an operational plan by the Member State or Member States bordering the operational area, agreed between the Agency and Albania for each joint operation or rapid border intervention;
- the tasks and competences of the team members: they will have the authority to carry out all tasks and exercise all executive competences

for border control and return operations in accordance with Albania's laws and regulations;

- the possibility for the Executive Director and Albania to suspend or terminate the action if the provisions of the agreement or operational plan are not respected.

All actions carried out by the Agency on the territory of Albania must fully respect the fundamental rights and international instruments to which Albania is a party.

The decision constitutes a development of the provisions of the Schengen acquis. It therefore does not apply to the United Kingdom and Ireland. Denmark will decide within six months of the Council decision whether it will implement it in its national law.

ENTRY INTO FORCE: 12.2.2019.