







Procedure file

| Basic information | |
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| NLE - Non-legislative enactments | 2023/0102(NLE) |
| EU/Montenegro Agreement: operational activities carried out by the European Border and Coast Guard Agency in Montenegro | |
| Procedure completed | |
| 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 |
| |  Civil Liberties, Justice and Home Affairs |  DÜPONT Lena Shadow rapporteur | 05/06/2023 |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| |  Foreign Affairs |  NEMEC Matjaž  KELLER Fabienne  STRIK Tineke | The committee decided not to give an opinion. |
| Council of the European Union | Commission DG | Commissioner | |
| European Commission | Migration and Home Affairs | JOHANSSON Ylva | |

| Key events | | | |
|------------|--|-------------------------------|---------|
| 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 | A9-0369/2023 | |

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|------------|---|--|---------|
| | reading/single reading | | |
| 22/11/2023 | Results of vote in Parliament |  | |
| 22/11/2023 | Decision by Parliament | T9-0416/2023 | Summary |
| 04/12/2023 | Act adopted by Council after consultation of Parliament | | |
| 08/12/2023 | Final act published in Official Journal | | |

Technical information

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| Procedure reference | 2023/0102(NLE) |
| Procedure type | NLE - Non-legislative enactments |
| Procedure subtype | Consent by Parliament |
| Legal basis | Treaty on the Functioning of the EU TFEU 079-p2; Treaty on the Functioning of the EU TFEU 077-p2; Treaty on the Functioning of the EU TFEU 218-p6a |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/9/11702 |

Documentation gateway

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|---|-------------------------------|------------|-----|---------|
| Document attached to the procedure | COM(2023)0260 | 05/04/2023 | EC | |
| Preparatory document | COM(2023)0261 | 05/04/2023 | EC | Summary |
| Legislative proposal | 08353/2023 | 22/05/2023 | CSL | Summary |
| Document attached to the procedure | SWD(2023)0755 | 29/09/2023 | EC | |
| Committee draft report | PE754.820 | 17/10/2023 | EP | |
| Amendments tabled in committee | PE755.979 | 07/11/2023 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | A9-0369/2023 | 21/11/2023 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T9-0416/2023 | 22/11/2023 | EP | Summary |

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

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 Unions 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 Unions 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.

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

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

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.