

Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2024/0074(NLE) Preparatory phase in Parliament
EU/Serbia Agreement: operational activities carried out by the European Border and Coast Guard Agency in Serbia	
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 Serbia, from 06/2006	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	Pending final decision on the referral		
Council of the European Union European Commission	Committee for opinion	Rapporteur for opinion	Appointed
	Pending final decision on the referral		
	Commission DG Mobility and Transport	Commissioner JOHANSSON Ylva	

Key events			
18/03/2024	Preparatory document	COM(2024)0161	Summary

Technical information	
Procedure reference	2024/0074(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 077-p2; Treaty on the Functioning of the EU TFEU 079-p2; Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Preparatory phase in Parliament

Documentation gateway					
Document attached to the procedure		COM(2024)0160	18/03/2024	EC	
Preparatory document		COM(2024)0161	18/03/2024	EC	Summary

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

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

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.

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.

Serbia is geographically situated on one of the primary routes for irregular mixed migratory movement towards the European Union. In 2023, Frontex registered around 99 000 irregular border crossings at the European Unions external borders on the Western Balkan route as well as more than 25 000 irregular border crossings at Serbias non-EU borders. The high level of irregular arrivals and asylum applications is also putting significant pressure on some European Union Member States, leading to the need for common, coordinated action at Union level.

In 2020, the Union and Serbia concluded a status agreement based on Regulation (EU) 2016/1624. On 18 November 2022, following the entry into force of Regulation (EU) 2019/1896 which extended the scope of the status agreements thereunder, the Commission received the Councils authorisations to open negotiations with Serbia, as well as Montenegro, Albania and Bosnia and Herzegovina, for agreements on operational activities to be carried out by the European Border and Coast Guard Agency in those countries based on this new Regulation.

The Commission, on behalf of the European Union, and Serbia held formal negotiations in view of an agreement on 14 September and 7 November 2023.

CONTENT: this proposal for a Council Decision constitutes the legal basis for the conclusion of the Agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia.

The provisions of the proposed agreement do not go beyond what is necessary to achieve its objectives, namely, on the basis of the model status agreement, covering all aspects that are necessary for carrying out the actions of border management teams from the standing corps deployed to a third country where the members of the teams will exercise executive powers, in particular, the scope of the operation, provisions on civil and criminal liability, the tasks and powers of the members of the teams, measures related to the establishment of an antenna office and practical measures related to the respect of fundamental rights.

The draft agreement departs from the model status agreement by providing a limited immunity of the team members from criminal jurisdiction and by providing a limited exception to the inviolability of buildings, premises and assets of the Agency. These derogations from the model are acceptable given Serbias status as a recognised candidate for accession to the European Union.

Reinforcing controls on the territory of Serbia will positively impact the management of the Unions external borders as well as the borders of Serbia itself. 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 Serbia.

The conclusion of a status agreement could also support the wider efforts and commitments of the European Union to further develop cooperation and capabilities in order to contribute to crisis response management and promote convergence on foreign and security matters between the Union and Serbia.