## Comparison of the key points of the agreements between the EU and Balkan states on Frontex operations

This table accompanies the Statewatch article 'External action: Frontex operations outside the EU'

	Albania	Bosnia and Herzegovina	Montenegro	North Macedonia	Serbia
Suspension	ARTICLE 5	ARTICLE 5	ARTICLE 6	ARTICLE 6	ARTICLE 6
and	Both Frontex executive	Both Frontex executive	Both Frontex executive	Both Frontex executive	Both Frontex executive
termination of	director and the Republic	director and the Border	director and Montenegro	director and the former	director and the Republic
an operation	of Albania may suspend	Police of Bosnia and	may suspend or	Yugoslav Republic of	of Serbia may suspend or
	or terminate an action if	Herzegonia may suspend	terminate an action if	Macedonia may suspend	terminate an action if
	status agreement or	or terminate an action if	status agreement or	or terminate an action if	status agreement or
	operational plan are not	status agreement or	operational plan are note	status agreement or	operational plan are note
	respected.	operational plan are note	respected.	operational plan are note	respected.
	Particularly in cases of	respected.	Particularly in cases of	respected.	Particularly in cases of
	fundamental rights,	Particularly in cases of	fundamental rights,	Particularly in cases of	fundamental rights,
	violation of the principle	fundamental rights,	violation of the principle	fundamental rights,	violation of the principle
	of non-refoulement or of	violation of the principle of non-refoulement or of	of non-refoulement or of	violation of the principle of non-refoulement or of	of non-refoulement or of
	data protection rules.	data protection rules.	data protection rules.	data protection rules.	data protection rules.
Privileges and	ARTICLE 6	ARTICLE 6	ARTICLE 7	ARTICLE 7	ARTICLE 7
immunities of	(2) Immunity from	(2) Immunity from	(3) Immunity from	(3) Immunity from	(2) Immunity from
the members	criminal jurisdiction of	criminal jurisdiction of	criminal jurisdiction of	criminal jurisdiction of	criminal jurisdiction of the
of the team	Albania for acts	Bosnia and Herzegovina	Montenegro for acts	former Yugoslav Republic	Republic of Serbia for
	performed in official	for acts performed in	performed in official	of Macedonia for acts	acts performed in official
	functions.	official functions.	functions.	performed in official	functions.
	Frontex executive	Frontex executive	Frontex executive	functions.	Frontex executive
	director has discretion to	director has discretion to	director has discretion to	Frontex executive	director has discretion to
	certify if acts performed in	certify if acts performed in	certify if acts performed in	director has discretion to	certify if acts performed in
	official functions.	official functions.	official functions.	certify if acts performed in	official functions.
	Certification binding on	3) Immunity from civil and	Certification binding upon	official functions.	(3) Immunity from civil
	the Republic of Albania.	administrative jurisdiction	Montenegro.	Certification binding on	and administrative
	(3) Immunity from civil	of Bosnia and	(4) Immunity from civil	the Former Yugoslav	jurisdiction of the
	and administrative	Herzegovina for acts	and administrative	Republic of Macedonia.	Republic of Serbia for
	jurisdiction of the	performed in the exercise	jurisdiction of Montenegro		acts performed in the

	Albania	Bosnia and Herzegovina	Montenegro	North Macedonia	Serbia
	Republic of Albania for acts performed in the exercise of official functions in accordance with the operational plan. (4) Immunity may be waived by the home Member State.	of official functions in accordance with the operational plan. (4) Immunity may be waived by the home Member State.	for acts performed in the exercise of official functions in accordance with the operational plan.	(4) Immunity from civil and administrative jurisdiction of the former Yugoslav Republic of Macedonia for acts performed in official functions.  If members of the team initiate proceedings they cannot invoke immunity for a counter-claim.	exercise of official functions. (4) Immunity may be waived by the home Member State.
Obligation to give evidence as witnesses	ARTICLE 6 (5) Members of the team shall not be obliged to give evidence as witnesses.	ARTICLE 6 (5) Members of the team who are witnesses may be obliged by the competent authorities of Bosnia and Herzegovina to provide evidence.	ARTICLE 7 (6) Members of the team who are witnesses may be obliged to provide evidence.	ARTICLE 7 (6) Members of the team shall not be obliged to give evidence as witnesses.	ARTICLE 7 (5) Members of the team shall not be obliged to give evidence as witnesses.
Acting on behalf of the host non-EU state	ARTICLE 4 (3) Tasks and powers may only be performed under instructions from and in the presence of border guards or other relevant staff of the Republic of Albania. The Republic of Albania may exceptionally authorise members of the team to act on its behalf.	ARTICLE 4  (3) Tasks and powers may only be performed under instructions from and, generally, in the presence of the Border Police or other relevant staff of Bosnia and Herzegovina, except in exceptional circumstances to be set out in the operational plan.  The Border Police may authorise members of the team to act on its behalf	ARTICLE 5 (3) Tasks and powers may only be performed under instructions from and, as a general rule, in the presence of border guards or other relevant staff of Montenegro. Montenegro may exceptionally authorise members of the team to act on its behalf.	ARTICLE 5 (3) Tasks and powers may only be performed under instructions from and, as a general rule, in the presence of border guards or other relevant staff of the former Yugoslav Republic of Macedonia.	ARTICLE 5 (3) Tasks and powers may only be performed under instructions from and, as a general rule, in the presence of border guards or other police officers of the Republic of Serbia. The competent authority of the Republic of Serbia may authorise members of the teams to act on its behalf as long as the overall responsibility and command and control

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		in line with the exceptions envisaged in the operational plan.			functions remain with the border guards or other police officers of the Republic of Serbia present at all times.
Language on	ARTICLE 8	ARTICLE 8	ARTICLE 9	ARTICLE 9	ARTICLE 9
discrimination	No arbitrary	No arbitrary	No arbitrary	No arbitrary	No arbitrary
	discrimination on grounds	discrimination on grounds	discrimination on grounds	discrimination on grounds	discrimination on grounds
	of sex, racial or ethnic	of sex, racial or ethnic	of sex, racial or ethnic	of sex, racial or ethnic	of sex, racial or ethnic
	origin, religion or belief,	origin, religion or belief,	origin, religion or belief,	origin, religion or belief,	origin, religion or belief,
	disability, age, sexual	disability, age, sexual	disability, age, sexual	disability, age, sexual	disability, age or sexual
	orientation or gender	orientation or gender	orientation or gender	orientation or gender	orientation.
	identity.	identity.	identity.	identity.	
Obligation not	ARTIĆLE 6	ARTIĆLE 6	ARTIĆLE 7	ARTIĆLE 7	
to jeopardise	(2) Pending executive	(2) Pending executive	(3) Pending executive	(3) Pending executive	
criminal	director certification the	director certification the	director certification the	director certification the	
proceedings	Agency and home	Agency and home	Agency and home	Agency and home	
	Member State shall	Member State shall	Member State shall	Member State shall	
	refrain from taking	refrain from taking	refrain from taking	refrain from taking	
	measures likely to	measures likely to	measures likely to	measures likely to	
	jeopardise possible	jeopardise possible	jeopardise possible	jeopardise possible	
	subsequent criminal	subsequent criminal	subsequent criminal	subsequent criminal	
	prosecution.	prosecution.	prosecution.	prosecution.	
Access to	ARTICLE 4	ARTICLE 4	ARTICLE 5	ARTICLE 5	ARTICLE 5
national	(7) The Republic of	(7) At the request of a	(7) Montenegro may	(7) National databases	(7) The Republic of
databases	Albania may authorise	member of the team,	authorise members of the	shall be accessed only by	Serbia may communicate
	members of the team to	Bosnia and Herzegovina	team to consult its	authorized persons from	relevant information from
	consult its national	may provide data from its	national databases if	the former Yugoslav	national databases to
	databases if necessary	national databases, if	necessary for fulfilling	Republic of Macedonia.	members of the team if
	for fulfilling operational	necessary for fulfilling	operational aims and for	Data may be shared with	necessary for fulfilling
	aims and for return	operational aims.	return operations.	members of the team if	operational aims and
	operations.			necessary for fulfilling	implementing actions.
				operational aims and for	(8) Republic of Serbia
				return operations.	and members of the team

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					may exchange other information and findings.
Use of	ARTICLE 4	ARTICLE 4	ARTICLE 5	ARTICLE 5	ARTICLE 5
weapons	(6) Members of the team authorised to use force, including service weapons, ammunition and equipment in the presence of border guards or other relevant staff of the Republic of Albania.  The Republic of Albania may authorise members of the team to use force in the absence of border guards or other relevant staff.	(6) Members of the team authorised to use force, including service weapons, ammunition and equipment in the presence of border guards or other relevant staff of the Border Police. The Border Police may authorise members of the team to use force in the absence of border guards or other relevant staff.	(6) Members of the team authorised to use force, including service weapons, ammunition and equipment in the presence of border guards or other relevant staff of Montenegro. Montenegro may authorise members of the team to use force in the absence of border guards or other relevant staff.	(6) Members of the team authorised to use force, including service weapons, ammunition and equipment in the presence of border guards or other relevant staff of the former Yugoslav Republic of Macedonia. The former Yugoslav Republic of Macedonia may authorise members of the team to use force in the absence of border guards or other relevant staff.	(6) Members of the team authorised to use force, including service weapons, ammunition and equipment in the presence of border guards or other police officers of the Republic of Serbia.  The Republic of Serbia may authorise members of the team to use force in the absence of border or other police officers.  Weapons may only be used when absolutely necessary in self-defence.