

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

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

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					may exchange other information and findings.
Use of weapons	<p>ARTICLE 4 (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.</p>	<p>ARTICLE 4 (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.</p>	<p>ARTICLE 5 (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.</p>	<p>ARTICLE 5 (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.</p>	<p>ARTICLE 5 (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.</p>