

MANAGEMENT BOARD DECISION 36/2021

of 16 June 2021

authorising the Executive Director to negotiate working arrangements with selected third countries

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation¹ (“Regulation”), and in particular Article 73(4) thereof,

Whereas:

- (1) Pursuant to Article 73(1) of the Regulation, the Agency may cooperate, to the extent required for the fulfilment of its tasks, with the authorities of third countries competent in matters covered by the Regulation.
- (2) Pursuant to the first subparagraph of Article 73(4) of the Regulation, where available, the Agency shall also act within the framework of working arrangements concluded with the authorities of third countries referred to in Article 73(1) of the Regulation in accordance with Union law and policy, in accordance with Article 76(4) of the Regulation.
- (3) Pursuant to the second subparagraph of Article 76(2) of the Regulation, the Commission, after consulting the Agency and other relevant Union bodies, offices or agencies, including the European Union Agency for Fundamental Rights and the European Data Protection Supervisor, shall draw up a model for the working arrangements referred to in Article 73(4) of the Regulation. That model shall include provisions related to fundamental rights and data protection safeguards addressing practical measures.
- (4) Pursuant to Article 76(4) of the Regulation, before the Management Board approves any working arrangements between the Agency and competent authorities of third countries, the Agency shall notify them to the Commission, which shall give its prior approval. Before any such working arrangement is concluded, the Agency shall provide the European Parliament with detailed information as regards the parties to the working arrangement and its envisaged content.
- (5) Pursuant to Article 100(2)(ab) of the Regulation, the Management Board shall approve the working arrangements with third countries.
- (6) Pursuant to Article 22(1) of the Rules of Procedure of the Management Board of the European Border and Coast Guard Agency² (“Rules of Procedure of the Management Board”), the Executive Director shall inform the Management Board of his intention, and request a prior authorisation to negotiate a working arrangement in accordance with Article 68(1) and (2) of the Regulation and with authorities of a third country, including the scope, nature and purpose of this arrangement as well as its financial impact.

HAS DECIDED AS FOLLOWS:

¹ Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

² Annex to Management Board Decision 16/2020 of 7 July 2020 adopting Rules of Procedure of the Management Board.

Article 1

Subject

1. The Executive Director is hereby authorised to renew or negotiate working arrangements with the competent authorities of the following countries :
 - a. Bosnia and Herzegovina (renewal)
 - b. Canada (renewal)
 - c. Federal Republic of Nigeria (renewal)
 - d. Islamic Republic of Mauritania (new)
 - e. Kingdom of Morocco (new)
 - f. Kosovo* (renewal)
 - g. Montenegro (renewal)
 - h. Republic of Cabo Verde (renewal)
 - i. Republic of Moldova (renewal)
 - j. Republic of North Macedonia (renewal)
 - k. Republic of Senegal (new)
 - l. Republic of Serbia (renewal)
 - m. Republic of the Gambia (new)
 - n. Republic of the Niger (new)
 - o. Ukraine (renewal)
 - p. United Kingdom of Great Britain and Northern Ireland (new)
 - q. United States of America (renewal)
2. Negotiations of working arrangements with the third countries listed in the first paragraph of this Article may only commence once the Commission draws up a model for the working arrangements in accordance with the second subparagraph of Article 76(2) of the Regulation.
3. Proposals for authorising the Executive Director to negotiate working arrangements with other selected third countries may be put forward via written procedure.

Article 2

Entry into Force

This decision enters into force on the day following its adoption.

Done in Warsaw, 16 June 2021.

For the Management Board

[signed]

Marko Gašperlin
Chairperson

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.