



Council of the
European Union

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NOTE

Subject: ANNEX to the COUNCIL DECISION authorising the opening of negotiations on a status agreement between the European Union and the Republic of Senegal on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Senegal

– Negotiating directives

DIRECTIVES FOR THE NEGOTIATION OF AN AGREEMENT BETWEEN

**the European Union and the Republic of Senegal on actions carried out by the European
Border and Coast Guard Agency in the Republic of Senegal**

The model status agreement¹ adopted by the Commission, as enclosed, serves as a basis for the negotiations of a status agreement with the Republic of Senegal. There are no specific reasons to derogate from the model status agreement. Therefore, the Commission should aim to preserve the essence of the model status agreement during the negotiations, and in particular:

Territorial scope of the agreement

The agreement should cover the territory of the Republic of Senegal. Necessary adjustments to the geographical scope may be made during the negotiations.

Purpose of the agreement

The agreement should provide for the possibility to carry out joint operations and rapid border interventions.

Tasks and powers of the teams

Team members should be entitled to perform all the tasks and exercise all the executive powers required for border control (border checks and border surveillance within the meaning of Regulation (EU) 2019/1896²); they should be entitled to carry service weapons, ammunition and equipment and use them in accordance with the laws of the Republic of Senegal.

¹ Communication COM(2021) 820 final from the Commission to the European Parliament and the Council – Model status agreement as referred to in Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

² Border control relating to the customs area is outside the scope of the Regulation.

Privileges and immunities of the members of the teams and European Border and Coast Guard Agency's staff

The agreement should provide for strong protection for the European Border and Coast Guard Agency's operational and other staff who are sent to Senegal in the framework of a specific operation (e.g. a coordinating officer). In particular, these staff should enjoy full immunity from the criminal jurisdiction of the Republic of Senegal under all circumstances. They should also enjoy immunity from civil jurisdiction of the Republic of Senegal for the acts performed by them in the exercise of their official functions. The other provisions on the privileges and immunities of the members of the team as enshrined in the model status agreement should be replicated in the status agreement to the extent possible.

Fundamental rights

The agreement should enshrine strong provisions on the respect of fundamental rights. The safeguards provided for in Article 8 of the model status agreement should be considered as minimum standards.

Situation of the Schengen associated countries

The status agreement should take into account the special position of Norway, Iceland, Switzerland and Liechtenstein. Joint declarations should state the desirability that agreements should be concluded between the Republic of Senegal and each of those associated countries in similar terms as the agreement with the Union.

The Decision to authorise negotiations constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it nor subject to its application.

In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it nor subject to its application.