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COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt: 25 October 2022
To: General Secretariat of the Council
No. Cion doc.: COM(2022) 691 final - ANNEX
Subject: ANNEX to the Recommendation for a Council Decision authorising the opening of negotiations on a status agreement between the European Union and Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina

Delegations will find attached document COM(2022) 691 final - ANNEX.

Encl.: COM(2022) 691 final - ANNEX
ANNEX.

to the

Recommendation for a Council Decision

authorising the opening of negotiations on a status agreement between the European Union and Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina
ANNEX

DIRECTIVES FOR THE NEGOTIATION OF A STATUS AGREEMENT BETWEEN

the European Union and Bosnia and Herzegovina on operational activities carried out
by the European Border and Coast Guard Agency on the territory of Bosnia and
Herzegovina

The status agreement, negotiated on the basis of the previous European Border and Coast
Guard Regulation (Regulation (EU) 2016/1624) and which was initialled in January 2019,
but which was never signed, should serve as a point of departure for the negotiations. The
new status agreement is necessary to bring the previously initialled text in compliance with
Regulation (EU) 2019/1896 and should therefore be based on the model status agreement
adopted by the Commission. In this respect, there are no specific reasons to derogate from that
model status agreement. Therefore, the Commission should aim to preserve the provisions of
the model status agreement during the negotiations to the extent possible, and in particular:

Territorial scope of the agreement

The agreement should cover the territory of Bosnia and Herzegovina.

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) 2019/1896); they should be entitled to carry service weapons, ammunition
and other equipment, and use them in accordance with the laws of Bosnia and Herzegovina.

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 Bosnia and Herzegovina in the context of

1 Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on
the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European
the European Border and Coast Guard, and repealing Regulations (EU) No 1052/2013 and (EU)
3 Communication COM(2021) 829 - Model status agreement as referred to in Regulation (EU) 2019/1896
Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.
a specific operation. The provisions on the privileges and immunities of team members
enshrined in the model status agreement should be replicated in the status agreement to the
extent possible.

**Fundamental rights**

The agreement should include provisions ensuring the full respect of fundamental rights. The
safeguards provided for in Article 8 of the model status agreement should be considered as
minimum standards.

**Data Protection**

The agreement should include provisions on the protection of personal data, in line with
Article 16 of the model status agreement.

**Combating Fraud**

The agreement should include provisions on the combating of fraud, in line with Article 19 of
the model status agreement.

**Situation of the Schengen associated countries**

The status agreement should take into account the special position of the Kingdom of
Norway, Iceland, the Swiss Confederation and the Principality of Liechtenstein. A joint
declaration should state the desirability that agreements should be concluded between Bosnia
and Herzegovina and each of these associated countries in similar terms as the Agreement
with the Union.