



Council of the
European Union

Brussels, 26 October 2022
(OR. en)

14061/22
ADD 1

LIMITE

FRONT 389
COWEB 128
MIGR 319

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

Encl.: COM(2022) 691 final - ANNEX



Brussels, 25.10.2022
COM(2022) 691 final

ANNEX

SENSITIVE*

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

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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) 2016/1624¹) 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) 2019/1896² and should therefore be based on the model status agreement³ 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 Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1–76).

² 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) N° 1052/2013 and (EU) 2016/1624, OJ L 295, 14.11.2019.

³ Communication COM(2021) 829 - 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.

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.