



Plenary sitting

A10-0027/2024

5.12.2024

RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia (08441/2024 – C10-0086/2024 – 2024/0074(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Karlo Ressler

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia (08441/2024 – C10-0086/2024 – 2024/0074(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (08441/2024),
 - having regard to the draft Agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia (08447/2024),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), points (b) and (d), and Article 79(2), point (c), and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C10-0086/2024),
 - having regard to Rule 107(1) and (4), and Rule 117(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A10-0027/2024),
1. Gives its consent to the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council and the Commission.

EXPLANATORY STATEMENT

a. Background

The proposed Council Decision aims to approve the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia as foreseen in the Regulation (EU) 2019/1896 on the European Border and Coast Guard.

One of the tasks of the European Border and Coast Guard Agency (the ‘Agency’) is to cooperate with third countries in relation to the areas covered by the European Border and Coast Guard Regulation ‘including through the possible operational deployment of border management teams in third countries’. The Agency may cooperate with the authorities of third countries competent in matters covered by the Regulation to the extent required for the fulfilment of its tasks and may carry out actions related to European integrated border management on the territory of a third country subject to the agreement of that third country.

The purpose of the status agreement is to cover all aspects that are necessary for carrying out the actions of the Agency in third countries. Pursuant to Article 73(3) of Regulation (EU) 2019/1896, in circumstances requiring the deployment of border management teams from the European Border and Coast Guard standing corps to a third country where the members of the teams will exercise executive powers, a status agreement shall be concluded by the Union with the third country concerned.

In accordance with the European Border and Coast Guard Regulation and as referred to in Article 76(1)) of the Regulation the Commission presented in its communication COM(2021) 829 a model status agreement as referred to in Regulation (EU) 2019/1896 containing specific provisions for conducting actions on the territory of third countries. The status agreement with the Republic of Serbia is based on the model that the Commission has drawn up.

The Commission has briefed the rapporteurs on 16 October 2024 on the progress made in the status agreement negotiations between the European Union and the Republic of Serbia. On 14 November 2024, a meeting with stakeholders focused on fundamental rights was also held. The Agreement was signed on 25 June 2024 in Belgrade, Serbia.

b. Position of the Rapporteur

During the peak of the migration and refugee crisis in 2015, hundreds of thousands of asylum seekers and migrants arrived in the European Union via the Western Balkans with Republic of Serbia lying on one of the primary routes for irregular mixed movement. The migratory pressure on the Western Balkans routes was significant in the coming years, creating pressure at EU’s external borders and further efforts have been needed in order to control the migration flow in a legal manner, in accordance with international and European legislation.

The Rapporteur considers that the conclusion of formal, legally binding agreements in the framework of cooperation with third countries is of crucial importance in order to ensure transparency, public scrutiny and democratic oversight on such cooperation.

Structured and sustained cooperation with third countries is crucial for achieving the goals of European integrated border management. This collaboration should aim to enhance European border and return procedures, facilitate information exchange and risk analysis, and improve

the efficiency of return operations. Additionally, it should support third countries in managing borders and migration, including through deploying the standing corps where needed to safeguard external borders and ensure the effective implementation of the Union's migration policy. Strengthening border management throughout migration routes is vital for reducing irregular arrivals, addressing the changing tactics of smugglers, and mitigating risks related to trafficking and organized crime. The enhanced operational cooperation established by the agreement will play a key role in tackling irregular migration and improving regional security.

The European Border and Coast Guard Agency and the Ministry of Interior of Republic of Serbia are required to adhere to the provisions of the EBCG Regulation and ensure its full compliance, including on fundamental rights. During the consent process in the European Parliament, the explanations provided by stakeholders on the importance of this agreement proved satisfactory. The agreement with the Republic of Serbia and presence of European Border and Coast Guard Agency officers will provide additional procedural elements in border control, such as screening and briefing operations as well as safeguard fundamental rights. Considering the significant number of people transiting through the Republic of Serbia to reach the EU, this agreement will strengthen our support to regional partners by providing essential expertise to manage these movements effectively. In line with Regulation (EU) 2019/1896 on the European Border and Coast Guard, the agreement enables Frontex to conduct joint operations and deploy the European Border and Coast Guard standing corps across Serbian territory, including its borders with neighbouring non-EU countries.

As a conclusion, your Rapporteur finds that the proposed status agreement is consistent with the model status agreement as provided for in the Commission's communication on the content and provisions that should be included in the final agreement.

As this agreement enters into implementation phase, the Parliament requests that the European Border and Coast Guard Agency promptly informs the European Parliament of the activities conducted as part of the implementation of the Status Agreement and reminds the Agency of its obligation to include an assessment of the cooperation with third countries in its annual reports in accordance with article 73(8) of Regulation (EU) 2019/1896.

In light of the above, the rapporteur recommends that Parliament endorse the draft Council Decision text.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he received input from the following entities or persons in the preparation of the report, prior to the adoption thereof in committee:

Entity and/or person
European Commission
Frontex Fundamental Rights Office
Frontex Consultative Forum
Mission of the Republic of Serbia to the European Union

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	EU/ Republic of Serbia agreement on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia
References	08441/2024 – C10-0086/2024 – 2024/0074(NLE)
Date of consultation or request for consent	16.7.2024
Committee(s) responsible	LIBE
Rapporteurs Date appointed	Karlo Ressler 11.9.2024
Discussed in committee	21.11.2024
Date adopted	3.12.2024
Result of final vote	+ : 51 - : 7 0 : 3
Members present for the final vote	Giuseppe Antoci, Malik Azmani, Fernando Barrena Arza, Nikola Bartůšek, Krzysztof Brejza, Saskia Bricmont, Jorge Buxadé Villalba, Jaroslav Bžoch, Mélissa Camara, Damien Carême, Veronika Cifrová Ostrihoňová, Alessandro Ciriani, Paulo Cunha, Marieke Ehlers, Paolo Inselvini, Irena Joveva, Fabienne Keller, András László, Murielle Laurent, Fabrice Leggeri, Michael McNamara, Ana Catarina Mendes, Nadine Morano, Matjaž Nemeč, Ana Miguel Pedro, Chloé Ridet, Birgit Sippel, Krzysztof Śmiszek, Cecilia Strada, Tineke Strik, Georgiana Teodorescu, Alice Teodorescu Măwe, Tomas Tobé, Milan Uhrík, Tom Vandendriessche, Kristian Vigenin, Sophie Wilmès, Jadwiga Wiśniewska, Elena Yoncheva, Ewa Zajączkowska-Hernik, Alessandro Zan, Javier Zarzalejos, Tomáš Zdechovský
Substitutes present for the final vote	Alma Ezcurra Almansa, Loucas Furlas, Geadis Geadis, Jan-Christoph Oetjen, Emma Rafowicz, Oliver Schenk, Bartłomiej Sienkiewicz, Sander Smit, Malika Sorel, Anna Strolenberg, Pekka Toveri, Sebastian Tynkkynen, Loránt Vincze, Maria Walsh, Michał Wawrykiewicz
Members under Rule 216(7) present for the final vote	Barbara Bonte, Niels Geuking, Isabella Lövin
Date tabled	5.12.2024

FINAL VOTE BY ROLL CALL BY THE COMMITTEE RESPONSIBLE

51	+
ECR	Alessandro Ciriani, Geadis Geadis, Paolo Inselvini, Georgiana Teodorescu, Sebastian Tynkkynen, Jadwiga Wiśniewska
PPE	Krzysztof Brejza, Paulo Cunha, Alma Ezcurra Almansa, Loucas Fourlas, Niels Geuking, Nadine Morano, Ana Miguel Pedro, Oliver Schenk, Bartłomiej Sienkiewicz, Sander Smit, Alice Teodorescu Măwe, Tomas Tobé, Pekka Toveri, Loránt Vincze, Maria Walsh, Michał Wawrykiewicz, Javier Zarzalejos, Tomáš Zdechovský
PfE	Nikola Bartůšek, Barbara Bonte, Jorge Buxadé Villalba, Jaroslav Bžoch, Marieke Ehlers, András László, Fabrice Leggeri, Malika Sorel, Tom Vandendriessche
Renew	Malik Azmani, Veronika Cifrová Ostrihoňová, Irena Joveva, Fabienne Keller, Michael McNamara, Jan-Christoph Oetjen, Sophie Wilmès, Elena Yoncheva
S&D	Murielle Laurent, Ana Catarina Mendes, Matjaž Nemeč, Emma Rafowicz, Chloé Ridet, Birgit Sippel, Krzysztof Śmiszek, Cecilia Strada, Kristian Vigenin, Alessandro Zan

7	-
The Left	Pernando Barrena Arza, Damien Carême
Verts/ALE	Saskia Bricmont, Méliissa Camara, Isabella Lövin, Tineke Strik, Anna Strolenberg

3	0
ESN	Milan Uhrík, Ewa Zajączkowska-Hernik
The Left	Giuseppe Antoci

Key to symbols:

+ : in favour

- : against

0 : abstention