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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the 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

COUNCIL DECISION (EU) 2025/...

of ...

**on the signing, on behalf of the Union,
and provisional application of the 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), and Article 79(2), point (c), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 18 November 2022, the Council authorised the Commission to open negotiations with Bosnia and Herzegovina for an agreement on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina (the ‘Agreement’). The negotiations were successfully concluded.
- (2) Pursuant to Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council¹, in circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, a status agreement is to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC²; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

¹ 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 (OJ L 295, 14.11.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1896/oj>).

² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland’s request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20, ELI: <http://data.europa.eu/eli/dec/2002/192/oj>).

- (4) 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 or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (5) The Agreement should be signed and the attached Declaration with regard to Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein be approved, on behalf of the Union.
- (6) With a view to ensuring the possibility of an urgent deployment of the European Border and Coast Guard standing corps on the territory of Bosnia and Herzegovina, the Agreement should be provisionally applied,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the 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 (the ‘Agreement’) is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement.

Article 2

The Declaration attached to this Decision shall be approved on behalf of the Union.

Article 3

The Agreement shall be applied provisionally, in accordance with Article 22(3) of the Agreement, as from the date of its signature, pending its entry into force.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President

DECLARATION WITH REGARD TO ICELAND,
THE KINGDOM OF NORWAY,
THE SWISS CONFEDERATION
AND THE PRINCIPALITY OF LIECHTENSTEIN

The Parties to the 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 take note of the close relationship between the European Union, and Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004, and the Protocol of 28 February 2008, concerning the association of those countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances it is desirable that the authorities of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the one hand, and Bosnia and Herzegovina, on the other hand, conclude, without delay, bilateral agreements on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina in terms similar to those of the 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.
