Council of the European Union

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**'I/A' ITEM NOTE**

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee/Council |
| Subject: | Proposal for a Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and Bosnia and Herzegovina on actions carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina<br>- Adoption<br>Proposal for a Council Decision on the conclusion of the Agreement between the European Union and Bosnia and Herzegovina<br>on actions carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina<br>- Request for the consent of the European Parliament |

1. On 9 October 2017 the Council adopted a Decision authorising the opening of negotiations on an agreement between the European Union and Bosnia Herzegovina on actions carried out by the European Border and Coast Guard Agency in Bosnia Herzegovina.

2. The purpose of the status agreement, on the basis of Article 54(3)-(4) of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard[1], is to entitle the European Border and Coast Guard Agency to coordinate operational cooperation between Member States and third countries with respect to management of the external borders. In that respect, the Agency can carry out actions at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring country, including on the territory of that third country.

   Pursuant to Article 54(4) of Regulation (EU) 2016/1624, in cases where it is envisaged that European Border and Coast Guard teams will be deployed to a third country in actions where the team members will have executive powers, or where other actions in third countries require it, a status agreement is to be concluded by the Union with the third country concerned.

3. The draft status agreement was initialled by the Commission and Bosnia Herzegovina on 11 January 2019. On 28 February 2019, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the Union, of the status agreement between the European Union and Bosnia Herzegovina, and a proposal for a Council Decision on the conclusion of the status agreement[2].

4. On 4 March 2019, on the basis of a silence procedure delegations confirmed their agreement on the proposal for a Council Decision on the signing of the status agreement with Bosnia Herzegovina.

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1 O.J. 16.9.2016, L 251/1.
2 7035/19 +ADD1 and 7036/19 +ADD1.

5. This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC[3]; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

6. 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/EC[4]; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

7. 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.

8. The Agreement should be signed and the joint declarations should be approved.

9. It is suggested, therefore, that the Permanent Representatives Committee recommend that the Council, at a forthcoming session:

   a) adopt, as an "A" item, the Decision authorising the signing of the Agreement accompanied by the attached joint declarations. The texts of the Decision and the Agreement, following finalisation by the legal linguists, are set out in documents 7195/19 and 7196/19, respectively;

   b) decide that the text of the above Decision be published in the Official Journal;

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[3] Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

[4] Council Decision 2002/192/EC of 28 February 2002 concerning the Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

c) decide to forward the draft Decision on the conclusion of the Agreement, as set out in document 7197/19 finalised by the legal linguists, to the European Parliament for its consent.