



Plenary sitting

A9-0036/2024

15.2.2024

RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania
(11945/2023 – C9-0344/2023 – 2023/0235(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Lena Düpont

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 Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania
(11945/2023 – C9-0344/2023 – 2023/0235(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (11945/2023),
 - having regard to the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania (11944/2023),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), points (b) and (d), Article 79(2), point (c), and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C9 0344/2023),
 - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A9-0036/2024),
1. Gives its consent to the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Albania.

EXPLANATORY STATEMENT

a. Background

The proposed Council Decision aims to approve the Status Agreement between the European Union and Albania on actions carried out by the European Border and Coast Guard Agency in Albania 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 Albania is based on the model that the Commission has drawn up.

The new agreement will update the previous status agreement from 2019 by also allowing the deployment of Frontex Standing Corps officers at the borders between Albania and neighbouring Western Balkan partners.

The Commission briefed the rapporteurs on 10 January 2024 on the progress made in the status agreement negotiations between the European Union and Albania. The Agreement was signed on 15 September 2023 in Tirana.

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 Albania lying on one of the primary routes for irregular mixed movement.

The Rapporteur considers that the conclusion of formal, legally binding agreements in the framework of cooperation with third countries, as opposed to bilateral arrangement, is of crucial importance in order to ensure transparency, public scrutiny and democratic oversight on such cooperation. However, any agreements concluded between the European Union and third countries on actions carried out by the European Border and Coast Guard Agency should be carefully considered, have an added value and be strictly necessary and proportionate in

terms of purpose and content.

The European Border and Coast Guard Agency and the Ministry of Interior of Albania are required to adhere to the provisions of the EBCG Regulation and ensure the fundamental rights compliance.

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 she has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
European Commission: <ul style="list-style-type: none">• Ms Corinna Ullrich, Director for 'Internal and Horizontal Affairs' DG HOME, European Commission
Frontex: <ul style="list-style-type: none">• Mr Hans Leijtens, Frontex Executive Director• Mr Jonas Grimheden, Frontex Fundamental Rights Officer
Mission of the Republic of Albania to the European Union: <ul style="list-style-type: none">• Mr. Behar Tafa - Assistant to the General Director of the Migration and Border Directorate at the Albanian State Police

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

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania						
References	11945/2023 – C9-0344/2023 – 2023/0235(NLE)						
Date of consultation or request for consent	21.9.2023						
Committee responsible Date announced in plenary	LIBE 16.10.2023						
Rapporteurs Date appointed	Lena Düpont 14.11.2023						
Discussed in committee	22.1.2024						
Date adopted	14.2.2024						
Result of final vote	<table> <tr> <td>+: </td><td>57</td></tr> <tr> <td>–: </td><td>10</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	57	–:	10	0:	0
+:	57						
–:	10						
0:	0						
Members present for the final vote	Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Pietro Bartolo, Vladimír Bilčík, Malin Björk, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Saskia Bricmont, Joachim Stanisław Brudziński, Damien Carême, Patricia Chagnon, Lena Düpont, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Maria Grapini, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Nadine Morano, Javier Moreno Sánchez, Emil Radev, Paulo Rangel, Karlo Ressler, Isabel Santos, Birgit Sippel, Sara Skytvedal, Tineke Strik, Ramona Strugariu, Tomas Tobé, Milan Uhrík, Tom Vandendriessche, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva						
Substitutes present for the final vote	Patricia Caro Maya, Romeo Franz, Balázs Hidvéghi, Leopoldo López Gil, Jaak Madison, Matjaž Nemec, Carina Ohlsson, Philippe Olivier, Róza Thun und Hohenstein, Dragoș Tudorache, Charlie Weimers, Juan Ignacio Zoido Álvarez						
Substitutes under Rule 209(7) present for the final vote	Mathilde Androuët, Laura Ballarín Cereza, Chiara Gemma, Svenja Hahn, Antonio López-Istúriz White, Gabriel Mato, Francisco José Millán Mon, Javier Nart, Nacho Sánchez Amor, Michal Wiezik						
Date tabled	15.2.2024						

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

57	+
ECR	Jorge Buxadé Villalba, Chiara Gemma, Patryk Jaki, Assita Kanko, Charlie Weimers, Jadwiga Wiśniewska
ID	Mathilde Androuët, Patricia Chagnon, Nicolaus Fest, Jaak Madison, Philippe Olivier, Tom Vandendriessche
NI	Laura Ferrara, Balázs Hidvéghi, Milan Uhrík
PPE	Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Jeroen Lenaers, Leopoldo López Gil, Antonio López-Istúriz White, Gabriel Mato, Francisco José Millán Mon, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Sara Skyttedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Juan Ignacio Zoido Álvarez
Renew	Abir Al-Sahlani, Malik Azmani, Svenja Hahn, Sophia in 't Veld, Fabienne Keller, Javier Nart, Ramona Strugariu, Róza Thun und Hohenstein, Dragoș Tudorache, Michal Wiezik
S&D	Laura Ballarín Cereza, Pietro Bartolo, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Juan Fernando López Aguilar, Javier Moreno Sánchez, Matjaž Nemec, Carina Ohlsson, Nacho Sánchez Amor, Isabel Santos, Birgit Sippel, Elena Yoncheva

10	-
The Left	Konstantinos Arvanitis, Malin Björk, Patricia Caro Maya, Cornelia Ernst
Verts/ALE	Saskia Bricmont, Damien Carême, Romeo Franz, Alice Kuhnke, Erik Marquardt, Tineke Strik

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention