

Valentina Ranaldi\*

## **THE ROLE OF THE EUROPEAN BORDER AND COAST GUARD AGENCY (FRONTEX) IN THE MANAGEMENT OF THE EXTERNAL BORDERS OF THE EUROPEAN UNION: THE COOPERATION AGREEMENTS WITH THE WESTERN BALKANS COUNTRIES**

*The paper, entitled “The role of the European Border and Coast Guard Agency (FRONTEX) in the management of the external borders of the European Union: the cooperation agreements with the Western Balkans Countries”, deals with the analysis of the agreements that the EU has recently signed with Albania in October 2018, Montenegro in October 2019 and Serbia in November 2019. Similar agreements have also been initialled with North Macedonia in July 2018 and Bosnia and Herzegovina in January 2019, and are pending finalisation.*

*The objective of these “status agreements” is to allow the European Border and Coast Guard Agency to coordinate operational cooperation between EU Member States and the Western Balkans States on the management of the borders that the latter have in common with the European Union. In particular, FRONTEX is allowed, within the framework of the agreements, to assist Balkan States concerned in border management, carry out joint operations and deploy teams in the regions that border the EU. The activities aim at tackling irregular migration, in particular sudden changes in migratory flows, and cross-border crime, and can involve the provision of increased technical and operational assistance at the border.*

*Starting from the examination of these new agreements, to be placed in the more general framework of the relations between the European Union and the Countries - candidates and potential candidates for accession - of the Western Balkans, the paper is aimed at assessing the effectiveness of the means put in place by the EU to ensure the cross-border security of the South-East European border, with particular regard to the effective role played by the European Border and Coast Guard Agency.*

*Keywords: Frontex, EU Borders, Western Balkans, Status Agreements, Security.*

\* PhD, Research Fellow of European Union Law, “Niccolò Cusano” University, Rome (Italy).  
Email: [valentina.ranaldi@unicusano.it](mailto:valentina.ranaldi@unicusano.it)

## 1. INTRODUCTION

The cooperation agreements recently signed between the European Union and some Western Balkan countries on the actions of the European Border and Coast Guard Agency (Frontex) in their territory rekindle attention on the role of Frontex in the management of the external borders of the European Union.

On the basis of the actions implemented so far by the Agency, this work thus aims to examine how it has contributed to guaranteeing the security of the external borders of the European Union, with particular regard to the borders with the Western Balkans, and what role it may play in the future, also in light of the recent “Status Agreements”.

These are in particular those agreements that the European Union signed with Albania in October 2018, Montenegro in October 2019 and Serbia in November 2019. Similar agreements were also signed with North Macedonia in July 2018 and Bosnia and Herzegovina in January 2019 and are waiting to be finalized<sup>283</sup>.

The objective of these “Status Agreements” is to allow the European Border and Coast Guard Agency to coordinate operational cooperation between EU Member States and Western Balkan States on border management that they have in common with the European Union. In particular, Frontex is authorized, within the framework of the agreements, to assist the Balkan States interested in border management, to carry out joint operations and to deploy teams in the regions - of these countries - bordering the EU. The activities mainly aim at combating irregular migration, in particular sudden changes in migratory flows and transnational crime, and may involve the provision of increased technical and operational assistance at the borders.

Starting from the examination of these new agreements, to be included in the more general framework of relations between the European Union and the countries - candidates and potential candidates for accession - of the Western Balkans, this work aims to evaluate the effectiveness of the means put in place by the EU to ensure the cross-border security of the borders of South Eastern Europe, with particular regard to the role actually played by the European Border and Coast Guard Agency.

---

<sup>283</sup> It is, in particular, of the following Agreements: *Status 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* Brussels, 26 March 2019; *Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro*, Brussels, 12 March 2019; *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*, Brussels, 21 January 2019; *Status Agreement between the European Union and the former Yugoslav Republic of Macedonia on actions carried out by the European Border and Coast Guard Agency in the former Yugoslav Republic of Macedonia*, Brussels, 25 September 2018; *Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania*, Brussels, 10 July 2018; *Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro*, Brussels, 12 March 2019.

## 2. FRONTEX AND THE COOPERATION WITH THIRD COUNTRIES FOR AN INTEGRATED BORDER MANAGEMENT

The *Status Agreements* with the Western Balkan countries are to be placed in the broader framework of the relations between Frontex and third States. Cooperation with third countries is in fact an integral part of Frontex's mandate to ensure the implementation of an *integrated European border management* (IBM) as well as one of the strategic priorities for the Agency's work.

In this regard, it appears as a matter of priority to recall that the European Border and Coast Guard Agency was founded in 2004 to assist the Member States of the European Union and the Schengen associated countries in protecting the external borders of the EU free movement area<sup>284</sup>.

Frontex's function is mainly to promote, coordinate and develop the European border management and, to do so, it monitors the situation at the borders and helps border authorities to share information with Member States. The Agency also carries out vulnerability assessments to evaluate the capacity and readiness of each Member State to address the challenges at its external borders, including migratory pressure. In addition, Frontex coordinates and organizes joint operations and rapid interventions to assist Member States at the external borders, including humanitarian emergencies and rescue at sea<sup>285</sup>.

Again with regard to the management of migratory flows, Frontex can carry out operations on the territory of non-EU countries bordering at least one Member State, in the event of migratory pressure at the border of a non-EU country. Even in identifying migrants, the Agency supports Member States with screening and acquisition of fingerprints. The officials of the Agency can provide initial information to persons who need or wish to apply for international protection, cooperating with the European Asylum Support Office (EASO), without prejudice to the competence of the competent national authorities to decide on the right to international protection. The Agency is also assigned the task of assisting the Member States of the Union in the forced repatriation of people who have exhausted all legal means to legitimize their stay in the EU<sup>286</sup>.

---

<sup>284</sup> In particular, Frontex was established by the Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, in OJ L 349, 25.11.2004, p. 1–11. The 2004 Regulation was repealed by the 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, in OJ L 251, 16-9-2016, p. 1–76. The latest modification of Frontex's mandate is to be traced back to the entry into force of the 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, in OJ L 295, 14-11-2019, p. 1–131.

<sup>285</sup> On the functions of Frontex in this area, see, among others, M. FINK, *Frontex and Human Rights: Responsibility in 'Multi-Actor Situations' Under the ECHR and EU Public Liability Law*, Oxford University Press, Oxford, 2019; R. MUNGIANU, *Frontex and Non-Refoulement: The International Responsibility of the EU*, Cambridge University Press, Cambridge, 2016.

<sup>286</sup> On the European policies of security and management of migratory flows we refer, in particular, to: P. BARGIACCHI, *Non-State Actors and Illegal Migration: A New European Approach to Security Policies*, in South-

Returning to the examination of the modalities of cooperation between Frontex and third States, it should be remembered that, together with partners outside the EU, Frontex proposes to develop an increasingly connected global border management community that respects the highest standards for border management and security, including at coastguard level, law enforcement and repatriation, and ensuring the protection of fundamental rights through close cooperation aimed at tackling irregularities linked to migration and transnational crime. To this end, Frontex develops and maintains a network of partnerships with the competent authorities of third countries, in particular the countries bordering the EU, as well as with countries of origin and transit for irregular migration; for this reason, the countries of the Western Balkans are particularly involved in this sense<sup>287</sup>.

In this context, cooperation with third countries (also, therefore, with the Balkans) is based on priorities and principles outlined in Frontex's international cooperation strategy. In particular, Frontex undertakes to ensure that the agency's international cooperation work is: consistent with EU rules and policies, including its foreign and security policy; implemented in collaboration with other relevant EU institutional actors; respectful of fundamental rights; based on risk analysis; respectful of the mutual interests of both parties; committed to sustainable solutions.

The actions so far implemented by Frontex have been concentrated in particular in a series of areas of international cooperation, which correspond to all areas of the operational work of the Agency, from information exchange, risk analysis, joint operations, repatriation, training, research and innovation.

Cooperation is generally based on agreements between the Agency and the competent authorities of the non-EU country, through which the methods of participation and collaboration of the partners in the various Frontex activities are regulated; partners who, in turn, benefit from the Agency's support in terms of technical assistance and training.

For example, there is a large network of regional intelligence sharing communities where Frontex plays a crucial role in facilitating the sharing of information and knowledge, as well as joint analysis between the EU and non-participating third countries. An example of this, as far as we are concerned, is the Western Balkans Risk Analysis Network(WB-RAN).

Observers from some non-EU countries may also, with the consent of the host Member State, be invited to participate in the operational activities of the Agency.

Numerous coordination points were then set up at the border crossings between two third countries that have a working agreement with Frontex and are activated for a defined period at the request of the partner countries. Observers from the European Border and

---

*Russian Journal of Social Sciences*, n. 1/2019, pp. 24-39; ID. *Are European Security Policies Learning Some Lessons from United States on Migration and Human Rights?*, in NOVAKOVIĆ (ed.), *Common Law and Civil Law Today - Convergence and Divergence*, Vernon Press, Wilmington, 2019, pp. 137-162; ID., *Elementi di convergenza del modello di sicurezza europeo verso il modello statunitense nella gestione dei flussimisti irregolari*, in *Rivista della Cooperazione Giuridica Internazionale*, n. 58, 2018, pp. 61-84; A. SINAGRA, *Security and National Borders of the States*, in *Riv. coop. giur. internaz.*, n. 48, 2015, p. 37-45.

<sup>287</sup> On this point see T. RUSSO, *What boundaries of European Security: Political versus economic?*, in *Geopolitica*, Vol. IV, n. 1, p.127-137; S. STOJANOVIĆ GAJIĆ, F. EJDUS (eds.), *Security Community Practices in the Western Balkans*, Routledge, London, 2018.

Coast Guard Teams are then deployed at these coordination points to facilitate cooperation and exchange of information, particularly in relation to the early detection of irregular migration trends.

Frontex can also support the neighboring countries of the European Union (including the Western Balkans, therefore) with joint operations coordinated by Frontex itself with executive powers. To this end, the Union must conclude an international status agreement with that country, and that is what will be discussed below. We should before recall, however, that there is another aspect relating to Frontex's activity that certainly has an impact on relations with the Western Balkans, namely the technical assistance projects in non-EU countries.

These targeted EU-funded projects complement and enhance the Agency's external cooperation work, supporting the development of sustainable border management solutions. In this context, the Agency is committed to ensuring that its technical assistance action fits in the general EU external relations policies.

While each project focuses on a different region and priority topics, all project activities aim to respond to the specific needs of the beneficiary countries and to support them in building their capacities in the field of border security and management. Technical assistance projects help lay the foundations for strategic cooperation or build on already established functional relationships between Frontex and the national authorities of the countries concerned.

Currently, three projects funded by the European Union are being implemented with a total funding of € 14 million and a quarter is in preparation. This is, first of all, the *EU4BorderSecurity Project*, whose beneficiary countries are the countries of the southern neighbourhood. The objectives of the project are to strengthen border security in the southern Mediterranean region, North African particular.

Still with regard to the African continent, a second project is aimed at strengthening the Africa-Frontex intelligence community (*Strengthening the Africa-Frontex Intelligence Community*).

A third project funded by the Union involving Frontex is the "Eastern Partnership Integrated Border Management Capacity Building Project (EaP)" (*Progetto di sviluppo delle capacità di gestione integrate delle frontiere del partenariato orientale* (EaP), whose beneficiaries are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine).

As far as this is concerned, however, the project that is of particular interest is the project of "Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey (IPA II), Phase II", whose beneficiaries are Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia and Turkey.

The project, whose reference time frame runs from 1 July 2019 to 30 June 2021, involves, as partners, the *European Asylum Support Office* (EASO), the *International Organization for Migration* (IOM) and the *United Nations High Commissioner for Refugees* (UNHCR).

The amount allocated by the European Union for the project is 3.4 million euros (as an instrument of pre-accession assistance). The objectives of the project are, in particular, to

introduce and share Union standards and best practices on the management of protection-sensitive migration, as well as to support beneficiaries in developing a protection-sensitive response to mixed migratory flows by strengthening their identification, registration, reporting, asylum and return mechanisms<sup>288</sup>.

### 3. THE “STATUS AGREEMENTS” CONCERNING FRONTEX ACTIONS IN THE WESTERN BALKANS: A NEW COOPERATION FRAMEWORK FOR BORDER MANAGEMENT

In the context, mentioned above, of Frontex’s consolidated collaboration with the countries of the Western Balkans, place themselves the recent cooperation agreements for border management, the so-called “status agreements”, signed on 8 October and on 19 November 2019 respectively between the European Union and Montenegro (concerning the actions of the European Border and Coast Guard Agency in Montenegro) and between the European Union and Serbia (concerning the actions of the same Agency in Serbia). These agreements allow Frontex to assist countries in border management, carry out joint operations and deploy teams in their respective regions bordering the EU<sup>289</sup>.

We recall that on May 1, 2019 the Agreement on the status between the European Union and the Republic of Albania (concerning the actions of the European Border and Coast Guard Agency in the Republic of Albania) entered into force<sup>290</sup>.

As mentioned, other agreements have been signed with Bosnia and Herzegovina and Macedonia<sup>291</sup>.

---

<sup>288</sup> On this and other EU projects that involve the countries of the Western Balkans, also with a view to the prospect of accession of these countries to the EU, see, among others, J. DŽANKIĆ, S. KEIL, M. KMEZIĆ (eds.), *The Europeanisation of the Western Balkans: A Failure of EU Conditionality?*, Palgrave Macmillan, London, 2019; S. KEIL, Z. ARKAN (eds.), *The EU and Member State Building: European Foreign Policy in the Western Balkans*, Routledge, London, 2015.

<sup>289</sup> The signature of the Status Agreements between the European Union and the individual Western Balkan States on the actions of Frontex is generally authorized, on behalf of the Union, by a Council Decision (subject to the conclusion of this agreement). In the case of Montenegro, the reference deed is the Council Decision (EU) 2019/453 of 19 March 2019 *on the signing, on behalf of the Union, of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro*, in OJ L 79, 21-3-2019, p. 1–3. As for Serbia, instead, see the Council Decision (EU) 2019/400 of 22 January 2019 *on the signing, on behalf of the Union, of 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*, in OJ L 72, 14-03-2019, p. 1-3.

<sup>290</sup> With regard to the Agreement with Albania, the reference is to the Council Decision (EU) 2018/1031 of 13 July 2018 *on the signing, on behalf of the Union, of the Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania*, in OJ L 185, 23-7-2018, p. 6–8.

<sup>291</sup> For these countries see, respectively, the Council Decision (EU) 2019/634 of 9 April 2019 *on the signing, on behalf of the Union, of the Status 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*, in OJ L 109, 24-4-2019, p. 1–3, and the Council Decision (EU) 2018/1535 of 28 September 2018 *on the signing, on behalf of the Union, of the Status Agreement between the European Union and the former Yugoslav Republic of Macedonia on actions carried out by the European Border and Coast Guard Agency in the former Yugoslav Republic of Macedonia*, in OJ L 257, 15-10-2018, p. 23-25.



As regards the agreement with Montenegro on cooperation in border management between Montenegro and the European Border and Coast Guard Agency (Frontex), we recall that the aim of the Agreement is to allow Frontex to coordinate operational cooperation between EU Member States and Montenegro in the management of the common borders between the European Union and Montenegro. The signing of the Agreement was hailed as a further demonstration of the ever deeper and broader cooperation with Montenegro, and as an element that will bring benefits to both parties, particularly in terms of enhancing border management activities<sup>292</sup>.

Under the agreement, Frontex can assist Montenegro in border management, carry out joint operations and - with the consent of Montenegro - employ teams in the regions of the country bordering the Union. These activities aim to fight against illegal immigration, in particular against sudden changes in migratory flows, as well as against cross-border crime, and may involve increased technical and operational assistance at the border with the aim of further enhancing security for external borders of the EU.

With these objectives, the Agreement covers “all aspects that are necessary for carrying out actions by the Agency that may take place on the territory of Montenegro whereby members of a team of the Agency have executive powers”<sup>293</sup>.

It should be noted that the Agreement defines as “action” “a joint operation”, namely “an action aimed at tackling illegal immigration or cross-border crime or aimed at providing increased technical and operational assistance at the border of Montenegro neighbouring a Member State and deployed in the territory of Montenegro”. The Agreement also specifies that a “rapid border intervention” is to be intended as “an action aimed at rapidly responding to a situation of specific and disproportionate challenges at the borders of Montenegro neighbouring a Member State and deployed in the territory of Montenegro for a limited period of time”, and a “return operation” as “an operation that is coordinated by the Agency and involves technical and operational reinforcement being provided by one or more Member States under which returnees from one or more Member States are returned either on a forced or voluntary basis to Montenegro”<sup>294</sup>.

The launching of the action thus understood can be proposed by the Agency to the competent authorities of Montenegro; however, the competent authorities of Montenegro may also request the Agency “to consider launching an action”. In any case, the consent of the competent authorities of Montenegro and of the Agency is required to carry out an action<sup>295</sup>.

Any joint operation or rapid border intervention decided by the Agency and Montenegro must be based on an “operational plan” agreed between the parties and approved by

---

<sup>292</sup> The negotiations with Montenegro for the signing of the status agreement were finalized on 5 July 2018 and the draft agreement was signed by Commissioner Avramopoulos and the Minister of the Interior of Montenegro (Mevludin Nuhodžić) in February 2019. The Council then authorized the signing of the Agreement on 19 March 2019. As is known, the draft decision on the conclusion of the Agreement then passes to the European Parliament, which must give its approval for the Agreement itself to be concluded.

<sup>293</sup> Art. 1, *Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro*, Brussels, 12 March 2019.

<sup>294</sup> *Idem*, art. 2.

<sup>295</sup> *Idem*, art. 3.

the Member State or Member States bordering the operational area. In particular, the operational plan must define in detail “the organisational and procedural aspects of the joint operation or rapid border intervention”<sup>296</sup>.

As for the tasks and skills of the team members, art. 5 provides that team members have the authority to carry out the tasks and to exercise the executive powers required for border control and return operations, always respecting “the laws and regulations of Montenegro”<sup>297</sup>.

In addition, team members may only perform tasks and exercise powers in the territory of Montenegro “under instructions from and, as a general rule, in the presence of border guards or other relevant staff of Montenegro”. Montenegro shall issue where appropriate, instructions to the team “in accordance with the operational plan”. Montenegro may “exceptionally” authorise members of the team to act on its behalf<sup>298</sup>.

The Agency, through its coordinating officer, may communicate its views to Montenegro on the instructions given to the team. In that case, Montenegro shall take those views into consideration and follow them to the extent possible.

If the instructions issued to the team are not in compliance with the operational plan, “the coordinating officer shall immediately report to the executive director of the Agency”, who “may take appropriate measures, including the suspension or the termination of the action”<sup>299</sup>.

It should be noted that the Agreement authorizes the members of the team, while performing their tasks and exercising their powers, “to use force, including service weapons, ammunition and equipment, with the consent of Montenegro and the home Member State, in the presence of border guards or other relevant staff of Montenegro and in accordance with the national law of Montenegro. Montenegro may authorise members of the team to use force in the absence of border guards or other relevant staff of Montenegro”<sup>300</sup>.

Montenegro may also authorise members of the team to consult its national databases if necessary for fulfilling operational aims specified in the operational plan and for return operations. The members of the team “shall only consult data which is necessary for performing their tasks and exercising their powers”. Montenegro shall, in advance of the deployment of the members of the team, inform the Agency of the national databases which may be consulted. That consultation shall be carried out “in accordance with the national data protection law of Montenegro”<sup>301</sup>.

---

<sup>296</sup> The operational plan shall set out, in particular: “a description and an assessment of the situation; the operational aim and objectives; the operational concept; the type of technical equipment to be deployed; the implementation plan; the cooperation with other third countries, other agencies and bodies of the European Union or international organisations; the provisions in respect of fundamental rights including personal data protection; the coordination, command, control, communication and reporting structure; the organisational arrangements and logistics; and the evaluation and the financial aspects of the joint operation or rapid border intervention” (*Idem*, art. 4).

<sup>297</sup> *Idem*, art. 5, par. 1 and 2.

<sup>298</sup> *Idem*, art. 5, par. 3.

<sup>299</sup> *Idem*, art. 5, par. 3.

<sup>300</sup> *Idem*, art. 5, par. 6.

<sup>301</sup> *Idem*, art. 7.



The possibility remains, for each of the two parties (Montenegro and the Agency), to suspend the action if it considers that the other party has not respected the Agreement or the operational plan<sup>302</sup>.

Furthermore, Montenegro or the executive director may suspend or terminate the action “in cases of breach of fundamental rights, of violation of the principle of non-refoulement or of data protection rules”<sup>303</sup>.

Moving on to examine the agreement with Serbia, it should be noted that it certainly represents a further strengthening of relations with the partners of the Western Balkans, aimed, in the words of Commissioner Avramopoulos, “to shorten the distance between this region and the EU”<sup>304</sup>.

Again, thanks to the agreement, Frontex can assist Serbia in managing its borders, carry out joint operations and, with the agreement of Serbia, send teams to the regions of the country bordering the EU. All activities aimed at combating illegal immigration and cross-border crime may include increased technical and operational assistance at the border.

As for the detail of the content of the Agreement, it largely follows what has already been described with regard to the Status Agreement with Montenegro. The status agreements with Albania, Bosnia and Herzegovina and Macedonia also have a similar content.

To briefly close the picture on the role of Frontex in the management of the external borders of the European Union, it is hardly necessary to recall that, recently, following a proposal from the European Commission, the European Parliament and the Council adopted a new Regulation aimed at strengthening the role of the European Border and Coast Guard Agency: 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<sup>305</sup>.

The new regulation brings numerous changes and innovations to the current legal framework, expanding the mandate of the Agency, with the aim of strengthening its operational capacity. To this end, among the various interventions, the gradual provision of the Agency, starting from January 2021, of its own permanent body of border guards should be noted.

The strategic objective of a capacity of 10,000 operational staff members, as set out in Annex I, is expected to be achieved in 2027. The standing corps will consist of four categories of operational staff: on the one hand, the Agency’s statutory staff, employed within teams to be deployed in the operational areas (Article 55), in addition to the staff

---

<sup>302</sup> *Idem*, art. 6, par. 1-4.

<sup>303</sup> *Idem*, art. 6, par. 3.

<sup>304</sup> We recall that, for the EU, 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* (Brussels, 21 January 2019) was signed by Maria Ohisalo, Minister of the Interior of Finland and President of the Council, and by Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship, while for the Republic of Serbia it was signed by Nebojša Stefanović, Deputy Prime Minister and Minister of the Interior.

<sup>305</sup> *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*, in OJ L 295, 14-11-2019, p. 1-131.

responsible for the operation of the ETIAS central unit; on the other hand, a part of the staff made available by the Member States, as long-term staff seconded to the Agency by the Member States (Article 56); staff ready to be made available to the Agency for short-term employment (Article 57) and, finally, the rapid reaction pool composed of staff from the Member States ready to be employed in rapid interventions (Article 58).

In line with the broader mandate assigned to the Agency, this staff will not only assist States in controlling external borders, but may be employed in relation to the functions of countering cross-border crime, secondary movements, as well as in the field of repatriation.

#### 4. CONCLUDING REMARKS

In conclusion, it seems useful to propose some critical remarks about the opportunity, as well as the effectiveness of these agreements, hailed as of fundamental importance at the time of their signature by the representatives of the EU institutions. Indeed, they certainly represent a step forward as regards the cooperation between the European Union and the Balkan countries in terms of border security and management. And this is also to be read from the perspective of an increasingly integrated management of borders which, sooner or later, are expected to become internal borders of the European Union with the accession of these countries to the Union itself.

However, the possibility for Frontex to carry out joint missions and operations in the territory of neighbouring countries, naturally subject to the conclusion of a status agreement between the European Union and the country concerned (operations of which a first example is the joint operation carried out in Albanian territory on May 22 of the last year), risks being perceived as a sort of further “intrusion” of the European Union, even carried out by border guards - coordinated, in fact, by Frontex - authorized to resort to the use of force in its national territory.

This could further exacerbate the conviction of a large part of the citizens of the Region that the countries of the Western Balkans increasingly let the EU “decide at home”, yielding to a conditionality that is sometimes unwilling to take into account the concrete and daily needs of the populations of these countries. A belief that has often triggered and continues to trigger anti-European reactions or in any case of generalized distrust in public opinion, as also demonstrated by the recent political elections in Serbia of 21 June 2020, in which high abstention is to be read also as a political choice of the main opposition parties - and their voters - to turn on the spotlight and draw the European Union’s attention to internal political issues. A European Union that is considered almost “tyrannical” in enforcing the conditionality and the objectives set for the opening and closing of the various chapters of the accession negotiations (as well as demanding, in the case of Serbia, the solution of the problem linked to the recognition of Kosovo) but to say the least “distracted” as regards problems - political and economic - perceived as of primary importance by citizens.

## LIST OF REFERENCES

- P. BARGIACCHI, Non-State Actors and Illegal Migration: A New European Approach to Security Policies, in *South-Russian Journal of Social Sciences*, n. 1/2019, pp. 24-39.
- P. BARGIACCHI, Are European Security Policies Learning Some Lessons from United States on Migration and Human Rights?, NOVAKOVIC (ed.), *Common Law and Civil Law Today - Convergence and Divergence*, Vernon Press, Wilmington, 2019, pp. 137-162.
- P. BARGIACCHI, Elementi di convergenza del modello di sicurezza europeo verso il modello statunitense nella gestione dei flussimisti irregolari, in *Rivista della Cooperazione Giuridica Internazionale*, n. 58, 2018, pp. 61-84.
- J. DŽANKIĆ, S. KEIL, M. KMEZIĆ (eds.), *The Europeanisation of the Western Balkans: A Failure of EU Conditionality?*, Palgrave Macmillan, London, 2019.
- M. FINK, *Frontex and Human Rights: Responsibility in 'Multi-Actor Situations' Under the ECHR and EU Public Liability Law*, Oxford University Press, Oxford, 2019.
- S. KEIL, Z. ARKAN (eds.), *The EU and Member State Building: European Foreign Policy in the Western Balkans*, Routledge, London, 2015.
- R. MUNGIANU, *Frontex and Non-Refoulement: The International Responsibility of the EU*, Cambridge University Press, Cambridge, 2016.
- T. RUSSO, What boundaries of European Security: Political versus economic?, in *Geopolitica*, Vol. IV, n. 1, p.127-137.
- S. STOJANOVIĆ GAJIĆ, F. EJDUS (eds.), *Security Community Practices in the Western Balkans*, Routledge, London, 2018.
- A. SINAGRA, Security and National Borders of the States, in *Riv. coop. giur. internaz.*, n. 48, 2015, p. 37-45.

## EU REGULATION

- Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, in OJ L 349, 25.11.2004, p. 1–11.
- Council Decision (EU) 2018/1031 of 13 July 2018 on the signing, on behalf of the Union, of the Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania, in OJ L 185, 23-7-2018, p. 6–8.
- Council Decision (EU) 2018/1535 of 28 September 2018 on the signing, on behalf of the Union, of the Status Agreement between the European Union and the former Yugoslav Republic of Macedonia on actions carried out by the European Border and Coast Guard

- Agency in the former Yugoslav Republic of Macedonia, in OJ L 257, 15-10-2018, p. 23-25.
- Council Decision (EU) 2019/400 of 22 January 2019 on the signing, on behalf of the Union, of 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, in OJ L 72, 14-03-2019, p. 1-3.
- Council Decision (EU) 2019/453 of 19 March 2019 on the signing, on behalf of the Union, of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro, in OJ L 79, 21-3-2019, p. 1-3.
- Council Decision (EU) 2019/634 of 9 April 2019 on the signing, on behalf of the Union, of the Status 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, in OJ L 109, 24-4-2019, p. 1-3.
- 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, in OJ L 251, 16-9-2016, p. 1-76.
- 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, in OJ L 295, 14-11-2019, p. 1-131.
- 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, Brussels, 21 January 2019.
- Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro, Brussels, 12 March 2019.