MANAGEMENT BOARD DECISION 1/2019
of 29 January 2019

on the approval of the deployment of Frontex Liaison Officers to third countries in the Western Balkans

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation\(^1\), in particular Article 55(2) thereof,

Whereas:

(1) The operational cooperation with third countries, in particular those that are countries of origin and/or transit for illegal immigration should be strengthened.

(2) Risk analysis by Frontex shows that the Western Balkans constitute a region of origin and transit for illegal immigration.

(3) The Western Balkans comprise Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\(^*\), Montenegro and Serbia.

(4) Working Arrangements establishing operational cooperation between Frontex and the competent authorities of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\(^*\), Montenegro and Serbia are in place.

(5) Pursuant to Management Board Decision 36/2016 of 23 November 2016\(^2\), a Frontex Liaison Officer is deployed to the Western Balkan region. This Frontex Liaison Officer has been posted to the Delegation of the European Union to the Republic of Serbia in Belgrade since 1 September 2017.

(6) Pursuant to Management Board Decision 23/2018 of 19 September 2018\(^3\), the Western Balkans continue to be a priority for the deployment of Frontex Liaison Officers in 2019.

(7) Based on the experience gained from the first year of deployment of the Frontex Liaison Officer to the Western Balkans, there is a clear need for further deployment of Frontex Liaison Officers to the countries of the region.

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\(^2\) Management Board Decision 36/2016 of 23 November 2016 on the deployment of a Frontex Liaison Officer to the Western Balkans Region.

\(^3\) Management Board Decision 23/2018 of 19 September 2018 adopting the priority regions for the deployment of Frontex Liaison Officers to third countries in 2019.

\(*\) This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.
Pursuant to Article 55(4) of the European Border and Coast Guard Regulation, the European Commission issued its prior opinion\(^4\) on 19 October 2018.

The European Parliament should be kept fully informed regarding the deployment of Frontex Liaison Officers to the Western Balkans.

**HAS DECIDED AS FOLLOWS:**

**Article 1**

**Subject**

The deployment of two Frontex Liaison Officers is hereby approved for the following areas of responsibility in the Western Balkans:

a. One liaison officer has responsibility for Bosnia and Herzegovina, Montenegro and Serbia; and

b. One liaison officer has responsibility for Albania, the former Yugoslav Republic of Macedonia and Kosovo*.

**Article 2**

**Tasks**

1. The liaison officers are entrusted to develop and maintain operational cooperation and coordination between Frontex and the competent authorities in their area of responsibility.

2. The liaison officers cooperate closely with each other according to the operational needs, in line with the Agency’s mandate and its Annual Programme of Work.

**Article 3**

**Posting and deployment**

1. The liaison officer responsible for Bosnia and Herzegovina, Montenegro and Serbia is posted to the Delegation of the European Union to the Republic of Serbia in Belgrade, Serbia.

2. The liaison officer responsible for Albania, the former Yugoslav Republic of Macedonia and Kosovo* will be posted to the Delegation of the European Union to the Republic of Albania in Tirana, Albania.

3. The Executive Director will inform the Management Board of the particular date of the effective deployment of the Frontex Liaison Officers.

**Article 4**

**Entry into force**

This Decision repeals the Management Board Decision 36/2016 of 23 November 2016 and enters into force on the day following the date of its adoption.

Done by written procedure on 29 January 2019

For the Management Board

[signed]
Marko Gašperlin
Chairperson

* Commission Opinion of 19.10.2018 on the deployment of a liaison officer to Albania by the European Border and Coast Guard Agency.
COMMISSION OPINION

of 19.10.2018

on the deployment of a liaison officer to Albania by the European Border and Coast Guard Agency

(only the English text is authentic)
COMMISSION OPINION

of 19.10.2018

on the deployment of a liaison officer to Albania by the European Border and Coast Guard Agency

(only the English text is authentic)


(2) In accordance with Article 55(1) of the EBCG Regulation, the Agency may deploy experts from its own staff as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Council Regulation (EC) No 377/2004. Liaison officers shall only be deployed to third countries in which border management practices comply with minimum human rights standards.

(3) Pursuant to Article 55(2) of the EBCG Regulation, within the framework of the external relations policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of risk analysis, constitute a country of origin or transit regarding irregular migration. The Agency may receive liaison officers posted by those third countries on a reciprocal basis. The Management Board shall, on a proposal of the Executive Director, adopt the list of priorities on a yearly basis. The deployment of liaison officers shall be approved by the Management Board.

(4) In accordance with Article 55(4) of the EBCG Regulation, the decision to deploy liaison officers to third countries shall be subject to receiving the prior opinion of the Commission.

(5) By letter dated 10 August 2018, the Agency has proposed to the Commission to deploy a liaison officer in Albania. The liaison officer would be located in the EU Delegation in Tirana.

(6) The Agency has deployed so far a liaison officer in Turkey, in Serbia and in Niger. The Commission issued positive opinions on the deployment of a liaison officer in Senegal and in Tunisia.

(7) The liaison officer posted in Serbia, currently accredited to the Western Balkans countries, would retain the responsibility for Serbia, Bosnia and Herzegovina and

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2 OJ L 64, 2.3.2004, p. 1.
3 C(2017) 7839 final.
Montenegro, while the second liaison officer posted in Tirana would be accredited for Albania, the former Yugoslav Republic of Macedonia and Kosovo*.

(8) The Agency reports that Albania is one of the entry points for the new sub-route for migration (Greece-Albania-Montenegro-Bosnia and Herzegovina to Croatia). The presence of a liaison officer in Albania will ensure a better monitoring of the developments of this sub-route and allow for proactive counter-measures.

(9) The Agency underlines that the liaison officer could support the preparatory activities for the deployment by the Agency of European Border and Coast Guard teams with executive powers as soon as the status agreement between the European Union and Albania enters into force, and follow its implementation on the ground.

(10) The liaison officer will likewise facilitate the implementation of the working arrangement concluded by the Agency with the Ministry of Interior of Albania, which is currently renegotiated.

(11) The liaison officer will also support and foster the already good cooperation with Albania on return, given that Albanians are the top nationality in terms of the number of returnees in the last three semesters.

(12) Border management practices in Albania comply with minimum human rights standards. The Albania 2018 Report⁵ found that Albania has ratified most international human rights conventions and has developed its legal framework in line with European standards, while noting that enforcement and monitoring of human rights protection mechanisms remain to be strengthened. In the field of migration and border management, the Report noted that Albania is party to the 1951 Geneva Convention and in 2014 adopted a new asylum law which brought its legal framework generally into line with the EU acquis. It further underlined that Albania has the necessary institutions and procedures in place to handle asylum claims and that the Albanian Law on Border Control and associated implementing legislation by-laws are aligned with the EU acquis.

(13) The annual average cost of a liaison officer is estimated at EUR 261,528 and is borne by the Agency.

(14) In the light of the foregoing, the Commission is of the opinion that the deployment of a liaison officer in Albania would contribute to the fulfilment of the tasks of the Agency and would promote European border management and return standards.

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* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

This Opinion is addressed to the European Border and Coast Guard Agency.

Done at Brussels, 19.10.2018

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION