

European Border and Coast Guard

2015/0310(COD) - 14/09/2016 - Final act

PURPOSE: to establish a European Border and Coast Guard in order to ensure a European integrated border management for the proper functioning of the Schengen area.

LEGISLATIVE ACT: Regulation (EU) 2016/1624 of the European Parliament and of the Council 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.

CONTENT: the Regulation establishes a **European Border and Coast Guard to ensure European integrated border management at the external borders**. This includes addressing migratory challenges and ensuring a high level of security for the EU. At the same time, it contributes to ensuring free movement within the Union in full respect for fundamental rights.

European Border and Coast Guard: this comprises the **European Border and Coast Guard Agency** (the current Frontex agency with expanded tasks) **and national authorities that are responsible for border management**, including coast guards. The key role of the Agency is to establish an operational strategy for integrated border management and coordination of assistance from Member States.

The Agency shall establish a **technical and operational strategy** for European integrated border management and support the implementation of European **integrated border management** in all Member States. For their part, the national authorities that are responsible for border management, including coast guards, shall establish their national strategies for integrated border management.

The Agency shall implement European integrated border management as a **shared responsibility** with national authorities.

Role and tasks of the new Agency: with a view to contributing to an efficient, high and uniform level of border control and return, the Agency will have the following main tasks:

- **monitor migratory flows** and carry out risk analysis as regards all aspects of integrated border management;
- carry out a **vulnerability assessment** including the assessment of the capacity and readiness of Member States to face threats and challenges at the external borders;
- monitor the management of the external borders through **liaison officers** of the Agency in Member States;
- assist Member States by organising **joint operations**, and by launching **rapid border interventions** at the external borders of those Member States facing specific and disproportionate challenges;
- provide assistance to Member States and third countries, in support of **search and rescue operations for persons in distress at sea** which may arise during border surveillance operations at sea;
- deploy European Border and Coast Guard teams from a **rapid reaction pool** which should be a standing corps composed of border guards and other relevant staff. There should be a minimum of **1 500** border guards and other relevant staff in the pool;
- set up a **technical equipment pool** to be deployed in joint operations, rapid border interventions and in the framework of migration management support teams, as well as in return operations and return interventions;

- provide assistance in screening, debriefing, identification and fingerprinting, and establish a procedure for referring **persons who are in need of international protection**, in cooperation with the European Asylum Support Office (EASO) and national authorities;
- ensure a concrete response in a situation requiring **urgent action** at the external borders;
- assist Member States in circumstances requiring assistance to implement the **obligation to return returnees**, including through the coordination or organisation of return operations;
- cooperate with **Europol and Eurojust** and provide support to Member States in the fight against organised cross-border crime and terrorism;
- set up **pools of forced-return monitors, forced-return escorts** and return specialists;
- assist Member States on **training** of national border guards;
- participate in the development and management of research and innovation activities relevant for the control and surveillance of the external borders, including the use of **advanced surveillance technology**;
- cooperate with the [European Fisheries Control Agency](#) and the [European Maritime Safety Agency](#), to support the national authorities carrying out coast guard functions, by providing services, information, equipment and training, as well as by coordinating multipurpose operations;
- **promote operational cooperation between Member States and third countries** in matters regarding border management.

The Agency shall be **accountable to the European Parliament and to the Council** in accordance with the Regulation.

Status and location: the Agency is a body of the Union. It has legal personality. It is **independent** in implementing its technical and operational mandate, and is represented by its **executive director**. The seat of the Agency shall be Warsaw, Poland.

Evaluation: by 7 October 2019 and every four years thereafter, the Commission shall commission an independent external evaluation to assess in particular the results achieved by the Agency having regard to its objectives, mandate and tasks.

The evaluation shall include a specific analysis on the way the **EU Charter of Fundamental Rights** and other relevant Union law has been complied with in the application of the Regulation. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the management board.

The Agency shall engage in **communication activities** on its own initiative on matters falling within its mandate. It shall provide the public with accurate and comprehensive information about its activities.

ENTRY INTO FORCE AND APPLICATION: 06.10.2016.

Provisions on the rapid reaction pool and technical equipment pool will apply from 7.12.2016 and provisions on the pool on return operations will apply from 7.1.2017.