European Border and Coast Guard

2018/0330A(COD) - 12/09/2018 - Legislative proposal

PURPOSE: to establish a European Border and Coast Guard to ensure European Integrated Border Management at the EU's external borders.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with council.

BACKGROUND: since the beginning of the migratory crisis in 2015, the Commission has taken up important initiatives to strengthen the protection of the Union borders. Regulation (EU) No 2016/2024 of the European Parliament and of the Council, on the European Border and Coast Guard Agency, which was put in place very quickly after the 2015 migration crisis, entered into forced on 6 October 2016. However, **the Union's framework in the area of control of external borders, returns and asylum still needs to be further improved.**

In its conclusions of 28 June 2018, the European Council called for strengthening further the supportive role of the European Border and Coast Guard Agency, particularly through cooperation with third countries, through increased resources and an enhanced mandate, with a view to ensure the effective control of the external borders and significantly stepping up the effective return of irregular migrants.

Furthermore, the European Parliament's resolution of 30 May 2018 on the annual report on the functioning of the Schengen area insisted on the need for a prompt introduction of the fully-fledged European Integrated Border Management strategy,

The Commission now proposes to **strengthen the European Border and Coast Guard** and give it a level of ambition commensurate with the common challenges Europe faces in managing migration and borders

CONTENT: the draft regulation aims to **set up the European Border and Coast Guard standing corps of 10 000 operational staff by 2020** with executive powers for all its activities to effectively support Member States on the ground. The European Guard will provide a readily available and reliable solution and will ensure that the EU collectively has the necessary capabilities to **protect the EU external borders, prevent secondary movements and effectively implement returns** of irregular migrants. In order to mobilise predictable and sufficient resources, the Agency will have **its own equipment**, such as ships, aircraft and vehicles.

The European Border and Coast Guard standing corps will be composed of **three categories of operational staff:** 1) staff members employed by the European Border and Coast Guard Agency (Category 1), 2) staff mandatorily seconded to the Agency by the Member States for long duration (Category 2) and 3) staff mandatorily provided by Member States for short-term deployment (Category 3).

This new approach will allow the **inclusion of the Agency's statutory staff** as members of the European Border and Coast Guard standing corps. The Agency's staff under Category 1 will have **executive powers**, including the use of force, when acting as team members deployed from the European Border and Coast Guard standing corps.

The proposal aims particularly to:

- structure the political steering of the European Integrated Border Management by establishing a **policy cycle** of European and national integrated border management strategies;
- **improve the coordination of the planning processes** of European Integrated Border to better prepare border operations, define the reaction to higher impact levels and in particular possible intervention of the standing corps and other capabilities of the Agency in support of Member States;
- improve the **preparation of the capabilities** of the European Border and Coast Guard by coordinating training and education, the acquisition of equipment in the short and longer term, including research and development;
- **improve the capacity to exchange information and support the Member States in the area of returns**. The tasks of the Agency are broadened to include technical and operational assistance in the implementation of return procedures, including the preparation of return decisions and other pre-return activities, as well as assistance in developing and operating return management systems and information exchange systems;
- strengthen the **cooperation between the Agency and the EU Agency for Asylum** in the deployment of migration management support teams, in particular in hotspots and controlled centres;
- clarify the respective role of the Member States and of the Agency in the functioning of the European Border and Coast Guard, including **cooperation with third countries**: the European Border and Coast Guard will be enabled to act in third countries without being limited to neighbouring third countries, including in the area of return. The Agency's operations may take place at any borders of the third country concerned, where appropriate, with the agreement of the Member State(s) bordering the operational area. The proposal improves information exchange with third countries in the framework of the European Border Surveillance System (EUROSUR).

BUDGETARY IMPLICATIONS: to set up the European Border and Coast Guard standing corps and acquire the Agency's own equipment, as well as to adequately address other new or upgraded tasks in the proposal, an amount of **EUR 577.5 million** needs to be added to the existing EU contribution for 2019 and 2020 under the current Multiannual Financial Framework, which may require the use of special instruments foreseen in the MFF Regulation. For the period of 2021-2027, a total EU contribution of **EUR 11 270 million** will be needed.

As for the human resources, the Agency is expected to have **1 000 staff members by 2020**.

In order to establish the European Border and Coast Guard standing corps, the Agency will be allocated with additional posts: starting with 750 posts in 2019 and reaching 3 000 posts by 2025.