

European Border and Coast Guard

2018/0330A(COD) - 17/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 403 votes to 162 with 44 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council.

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission's proposal as follows:

European Border and Coast Guard

The Regulation establishes a European Border and Coast Guard to ensure European Integrated Border Management with a view to managing the external borders as well as increasing the efficiency of the common return policy.

This Regulation addresses migratory challenges and potential future challenges and threats at the external borders and ensures a high level of internal security within the Union in full respect for fundamental rights, while safeguarding the free movement of persons within the Union. It contributes to the detection, prevention and combating of cross-border crime at the external borders.

European Border and Coast Guard standing corps

The European Border and Coast Guard (Frontex) will include a standing corps of border and coast guards, composed of the following four categories of staff:

- Category 1: operational staff members of the Agency employed in accordance with the Regulation and deployed as team members in operational areas as well as staff responsible for the functioning of the ETIAS Central Unit;
- Category 2: operational staff seconded from Member States to the Agency for a long term duration as part of the standing corps;
- Category 3: operational staff from Member States ready to be provided to the Agency for a short term deployment as part of the standing corps;
- Category 4: the Reserve for Rapid Reaction consisting of operational staff from the Member States ready to be deployed for the purpose of rapid border interventions.

A standing corps of 5,000 Union border guards will be operational from January 2021 and the number of operational staff will gradually increase until a standing corps of 10,000 Union border guards becomes fully operational in 2027.

Standing corps personnel deployed in a Member State will be able to exercise enforcement powers to perform border control and return operations, subject to authorisation by the host Member State, including the use of force and weapons.

By 31 December 2023, the Commission will conduct a review of the overall number and composition of the European Border and Coast Guard standing corps, and propose amendments, if appropriate.

European Integrated Border Management

This will cover border control, including measures to facilitate legitimate border crossings and, where appropriate, measures related to the prevention and detection of cross-border crime at the external borders focusing on migrant smuggling, trafficking in human beings, and terrorism, and mechanisms and procedures for measures related to the identification of vulnerable persons and unaccompanied minors.

It will also cover cooperation with third countries, focusing in particular on neighbouring third countries and on those third countries that have been identified through risk analysis as being countries of origin and /or transit for illegal migration.

Status agreements between the EU and third countries may be concluded in order to allow the deployment of Frontex border management teams and the carrying out of operations in the territory of these third countries. Where the Commission recommends to the Council an authorisation for the former to negotiate a status agreement with a third country, the Commission should assess the fundamental rights situation relevant to the areas covered by the status agreement in that third Country and inform the European Parliament thereof.

Return operations

The Agency will take on new tasks, particularly in the area of returns. It will provide technical and operational assistance for the implementation of return-related measures at the request of the Member State concerned or on its own initiative and in agreement with the Member States concerned. Member States will remain solely responsible for issuing return decisions and measures relating to the detention of persons subject to a return decision.

This support covers all stages of return operations, in the collection of information necessary for issuing return decisions, and other pre-return, return-related and post-arrival and post-return activities of the Member States. It also includes assisted voluntary return and assistance of Member States in the identification of third country nationals and the acquisition of travel documents.

Member States and the Agency should establish operational plans for border management and returns.

The new rules will also strengthen cooperation with the European Asylum Support Office.

Fundamental rights

The amended text ensures respect for fundamental rights and protection of personal data during cooperation with the Agency. Fundamental rights monitors will be responsible for monitoring respect for fundamental rights and providing advice and guidance on fundamental rights in the preparation, conduct and evaluation of the Agency's operational activities for which monitoring has been entrusted to them by the Fundamental Rights Officer.

When carrying out the evaluation of the Regulation, the Commission shall seek input from relevant stakeholders, including the consultative forum and the European Union Agency for Fundamental Rights.