

Rapid Border Intervention Teams

2006/0140(COD) - 19/07/2006 - Legislative proposal

PURPOSE: the establishment of Rapid Border Intervention Teams.

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

CONTENT: the purpose of this proposal is to establish a mechanism whereby Member States, confronted with extreme difficulties at their external borders, will be able to call on the expertise of and manpower from, other EU Member States. This will be achieved through the creation of “Rapid Border Intervention Teams”, operating under common rules. The Commission proposes establishing such Teams by amending Regulation 2007/2004/EC, on the establishment of a European Agency for the Management of Operational Cooperation, FRONTEX. (For a summary of the Regulation refer to CNS/2003/0273).

Background

The proposal forms a core aspect of one of the Community’s main objectives namely the creation of an area of freedom, security and justice. The creation of such an area depends on the creation of an integrated border management system, which can guarantee a high and uniform level of control and surveillance at the EU’s external borders. This proposal forms a third plank in realising the establishment of an integrated external border management system; the first being the adoption of Regulation 562/2006/EC on the establishment of a Community Code on the rules governing the movement of persons across borders (COD /2004/0127); the second being the establishment of the Agency.

The Commission is presenting this proposal on the invitation of the European Council, which in December 2005, called on the Commission to bring forward a proposal for the creation of rapid reaction teams made up of national experts who are able to provide rapid, technical and operational assistance at times of high migratory pressures and is a response to the increasing level of third country nationals trying to enter the EU illegally.

Rapid Border Intervention Teams

The Commission is at pains to stress that the Rapid Border Intervention teams are distinct from a) “FRONTEX support teams” and b) the proposed cooperation network in the field of asylum – although both will complement this initiative. The joint operations organised by FRONTEX target particular situations or problems. For example, major international events taking place in the territories of the Member States or for controlling certain difficult stretches of the external borders. Such joint operations seek to enhance surveillance at the border in question and provide training on the ground for participating officers. They are not, the Commission points out, suitable for controlling crisis situations.

The Rapid Border Intervention Teams will be created solely for the purpose of assisting those Member States who face a strong pressure from large numbers of third country nationals trying to enter the EU illegally. The Teams will be made up of specialised experts who are capable of filling any gaps in the control and surveillance performed by the national border guard service of the requesting Member State. The period of deployment, as a rule, will be longer than the average duration of joint operations.

The actual proposal itself consists of two parts: firstly, creating the Rapid Border Intervention Teams including their task and funding and secondly, amending Regulation 2007/2004 for the purpose of implementing the Rapid Border Intervention Teams within the Agency’s framework.

Proposed provisions

The proposal states that each Member State may decide whether it wants to participate in the initiative or not by making its officers available to the Rapid Border Intervention Teams. The Teams can only be deployed upon a request from another EU Member State. The tasks of the Teams, regarding control of persons and surveillance at external borders, will be common and defined by the Regulation. This is necessary in order to prevent a situation whereby Teams deployed to crisis situations are dependant on a plethora of differing national rules and regulations. It is also important from a cost efficiency point of view. The creation of common rules is not only cost efficient, it will also put participating officers on an equal footing with the national border guards of the Member State in question.

The officers serving with the Teams will not become Agency staff and will continue to draw their national salaries. The costs connected with participation, however, will be covered by the Agency. The Agency will offer members of the Teams basic and advanced training and conduct regular exercises with them. Team members will be obliged to participate in these activities as well as in deployment to a Member State when requested to do so by the Agency. The Agency may acquire technical equipment for the control and surveillance of external borders to be used in the framework of the rapid Border Intervention Teams.

It will be up to the Agency to decide, within five days, whether or not to deploy the Teams based on information received from a requesting Member State. The Teams will only be deployed for more critical situations, where all other means of assistance, are deemed insufficient. The Agency will be responsible for managing the teams, both in terms of administrations (such as keeping the lists of available officers and organising specialised training for them) and in terms of taking all decisions concerning the deployment of the teams to a requesting Member State.

Lastly, the costs of establishing and maintaining the Rapid Border Intervention Teams, including training, exercise and deployment, will be covered by the budget of the Agency.

For further information concerning the financial implications of this measure, please refer to the financial statement.