Basic information

2006/0140(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Rapid Border Intervention Teams Amending Regulation (EC) No 2007/2004 2003/0273(CNS) Repealed by 2015/0310(COD) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DEPREZ Gérard (ALDE)	13/09/2006

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2794	2007-04-19
Justice and Home Affairs (JHA)	2746	2006-07-24
Justice and Home Affairs (JHA)	2781	2007-02-15
Justice and Home Affairs (JHA)	2807	2007-06-12

European Commission

Commission DG	Commissioner
Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
19/07/2006	Legislative proposal published	COM(2006)0401	Summary
24/07/2006	Debate in Council		Summary
26/09/2006	Committee referral announced in Parliament, 1st reading		

15/02/2007	Debate in Council		Summary
11/04/2007	Vote in committee, 1st reading		
13/04/2007	Committee report tabled for plenary, 1st reading	A6-0135/2007	
19/04/2007	Debate in Council		Summary
25/04/2007	Debate in Parliament		
26/04/2007	Decision by Parliament, 1st reading	T6-0162/2007	Summary
26/04/2007	Results of vote in Parliament		
12/06/2007	Act adopted by Council after Parliament's 1st reading		
11/07/2007	Final act signed		
11/07/2007	End of procedure in Parliament		
31/07/2007	Final act published in Official Journal		

Technical information

Procedure reference	2006/0140(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 2007/2004 2003/0273(CNS) Repealed by 2015/0310(COD)
Legal basis	EC Treaty (after Amsterdam) EC 066 EC Treaty (after Amsterdam) EC 062-p2-aa
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/39464

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE380.718	25/10/2006	
Amendments tabled in committee		PE384.476	06/02/2007	
Amendments tabled in committee		PE386.599	22/03/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0135/2007	13/04/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0162/2007	26/04/2007	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03616/2007/LEX	11/07/2007	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0401	19/07/2006	Summary
Document attached to the procedure	SEC(2006)0953	19/07/2006	
Document attached to the procedure	SEC(2006)0954	19/07/2006	
Document attached to the procedure	SEC(2006)0955	19/07/2006	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2007/0863
OJ L 199 31.07.2007, p. 0030 Summary

Rapid Border Intervention Teams

2006/0140(COD) - 11/07/2007 - Final act

PURPOSE: the establishment of Rapid Border Intervention Teams.

LEGISLATIVE ACT: Regulation (EC) No 863/2007 of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (FRONTEX).

BACKGROUND: in 2004, the Council adopted Regulation (EC) 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) (see CNS/2003/0273). The Agency, which became operational in 2005, aimed to improve the integrated management of the external borders of the Member States of the EU. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency facilitated the application of Community measures relating to the management of external borders.

The current possibilities for providing efficient practical assistance with regard to checking persons at the external borders and the surveillance of the external borders at European level are not considered sufficient, in particular where Member States are faced with the arrival of large numbers of third-country nationals trying to enter the territory of the Member States illegally. A Member State should accordingly have the possibility of requesting the deployment, within the framework of the Agency, of Rapid Border Intervention Teams comprising specially trained experts from other Member States on its territory to assist its national border guards on a temporary basis.

CONTENT: **firstly**, it is the precise purpose of this Regulation **to establish a mechanism for the purposes of providing rapid operational assistance** for a limited period to a requesting Member State facing a situation of urgent and exceptional pressure, especially the arrival at points of the external borders of large numbers of third-country nationals trying to enter the territory of the Member State illegally, in the form of Rapid Border Intervention Teams (“the teams”). The Regulation also defines the tasks to be performed and powers to be exercised by members of the teams during operations in a Member State other than their own.

Secondly, the Regulation **amends Regulation (EC) No 2007/2004** as a result of the establishment of the teams and with a view to defining the tasks to be performed and powers to be exercised by border guards of the Member States participating in joint operations and pilot projects in another Member State.

PART I: Rapid Border Intervention Teams

The main points of the Regulation is as follows:

Composition and deployment of Rapid Border Intervention Teams: this will be determined by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU ("the Agency"), in accordance with Regulation (EC) No 2007/2004 as amended here. On a proposal by the Executive Director of the Agency, the Agency's Management Board shall decide by a three-quarters' majority on the profiles and the overall number of border guards to be made available for the teams (the Rapid Pool). Member States shall contribute to the Rapid Pool via a national expert pool on the basis of the various defined profiles by nominating border guards corresponding to the required profiles. The costs will be met by the Agency.

Instructions to the Rapid Border Intervention Teams: during deployment of the teams, instructions to the teams will be issued by the host Member State in accordance with the operational plan referred to Regulation (EC) No 2007/2004. The host Member State must take into consideration any views expressed by the Agency. Members of the teams may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards of the host Member State. While performing their tasks, members of the teams may carry service weapons, ammunition and equipment as authorised according to the home Member State's national law. However, the host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards. The host Member State shall inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency must make this information available to all Member States participating in the deployment.

While performing their tasks members of the teams shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State. Service weapons, ammunition and equipment may be used in legitimate self-defence, in legitimate defence of members of the teams or of other persons, in accordance with the national law of the host Member State. Furthermore, the host Member State may authorise the members of the teams to consult its national and European databases which are necessary for border checks and surveillance. Member States shall, in advance of the deployment of the teams, inform the Agency of the national and European databases which may be consulted. Decisions to refuse entry in accordance with the Schengen Border Code (COD/2004/0127) shall be taken only by border guards of the host Member State.

Status, rights and obligations of members of the teams: members of the teams will remain national border guards of their home Member States and be paid by them. Border guards who are made available to the Rapid Pool must participate in advanced training relevant to their tasks and powers as well as in the regular exercises conducted by the Agency. Border guards will receive a daily subsistence allowance for the duration of their participation in training and exercises organised by the Agency and of their periods of deployment.Members of the teams shall wear their own uniform while performing their tasks and exercising their powers. They shall wear a **blue armband** with the insignia of the European Union and the Agency on their uniforms, identifying them as participating in a deployment of the teams.

Civil and criminal liability: with regard to the former, where members of the teams are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations. However, where such damage results from gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the latter. Each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct. With regard to criminal responsibility, members of the teams shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.

Costs: 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.

Lastly, the Regulation shall apply without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

PART II: Amendments to Regulation (EC) No 2007/2004

The Regulation amends Regulation (EC) No 2007/2004 as a result of the establishment of the teams.

Amendments are made to the Frontex regulation concerning: the definitions of the tasks and competences; the composition of the intervention teams and the description of the situation, with modus operandi and objectives of the deployment, including the operational aim;the foreseeable duration of deployment of the teams; the geographical area of responsibility in the requesting Member State where the teams will be deployed; description of tasks and special instructions for members of the teams, including on permissible consultation of databases and permissible service weapons, ammunition and equipment in the host Member State.

Following the request from the European Parliament, the amended Regulation provides for the setting up of a **national contact point**. Member States shall designate a national contact point for communication with the Agency on all matters pertaining to the teams. The national contact point shall be reachable at all times.

Lastly, the amended Regulation lays down the conditions for the appointment of a **Coordinating Officer** who shall act on behalf of the Agency in all aspects of the deployment of the teams. In particular, the coordinating officer shall act as an interface between the Agency and the host Member State.

Territorial provisions: Regulation (EC) No 863/2007 shall apply to EU except for Denmark, Ireland and the United Kingdom.Denmark may decide within a period of six months after the date of adoption of this Regulation whether it will transpose it in its national law or not. It shall also apply to Norway and Switzerland.

The Commission shall evaluate the application of this Regulation one year after its entry into force and present a report to the European Parliament and the Council accompanied, if necessary, by proposals to amend this Regulation.

ENTRY INTO FORCE: 20/08/2007.

Rapid Border Intervention Teams

2006/0140(COD) - 24/07/2006

The Mixed Committee took note of the Commission proposal for a Regulation establishing a mechanism for the creation of rapid border intervention teams and amending Council Regulation 2007/2004/EC as regards that mechanism.

The Mixed Committee invited the Council's preparatory bodies to start discussions on this proposal without delay.

It should be noted that the European Council adopted a Global Approach to Migration on 15 and 16 December 2005. This Global Approach contains a list of priority actions to be implemented by the Commission, Frontex and the Member States. As one of these actions, the Commission was invited to present a proposal for the creation of rapid-reaction teams made up of national experts able to provide rapid technical and operational assistance at times of high influxes of migrants.

Rapid Border Intervention Teams

2006/0140(COD) - 15/02/2007

The Mixed Committee reviewed progress in relation with the proposed Regulation establishing Rapid Border Intervention Teams. The Presidency urged delegations to work towards early agreement on the proposal with a view to reaching an agreement with the European Parliament under the co-decision procedure in **April 2007.**

Under the proposed Regulation, Member States may request Frontex to establish a rapid border intervention team. The team consisting of border guards of the Member States who can provide rapid operational assistance, for a limited period of time, where a requesting Member State is facing a situation of urgent and exceptional pressure. The Regulation will establish a mechanism for this purpose and will define the powers of and tasks to be performed by border guards of the Member States participating in joint operations and pilot projects.

The Mixed Committee also reviewed progress with the establishment by Frontex of a centralised register of technical equipment (the so-called "toolbox") offered by Member States and which could be put at the disposal of another Member State and welcomed the progress already made in this regard. Member States which had yet to do so were encouraged to actively contribute to the “toolbox”.

Rapid Border Intervention Teams

2006/0140(COD) - 19/04/2007

The Mixed Committee was briefed about the state of play regarding this proposal. In particular, it was informed that the Council and the European Parliament have reached a common understanding on this draft Regulation. Once the European Parliament had voted its opinion, the Regulation would be adopted as soon as possible with a view to having the teams operational by summer 2007.

When operational, the Rapid Border Intervention Teams will be sent to Member States to provide rapid operational assistance, for a limited period of time, to a requesting Member State facing a situation of urgent and exceptional pressure, especially the arrival at points of the external borders of large numbers of third country nationals trying to enter illegally into the territory of a Member State. The Regulation will also set out the powers and tasks which can be performed by Member States' border guards participating in joint operations and pilot projects.

The Commission also informed the Mixed Committee on the progress in relation to the centralised register of technical equipment ("toolbox"), as well as developments regarding the European Patrols Network and the European Surveillance System.

Rapid Border Intervention Teams

2006/0140(COD) - 26/04/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Gerard **DEPREZ** (ALDE, B), with 526 votes for, 63 against and 28 abstentions, and approved the position of its competent committee, making some amendments to the Commission’s proposal.

Aim of the regulation: Parliament considers that the Rapid Border Intervention Teams must be established to provide rapid operational assistance for a limited period to a requesting Member State facing a situation of urgent and exceptional pressure. Accordingly, the Regulation amends Regulation (EC)

No 2007/2004 (FRONTEX Regulation; please see CNS/2003/0273) as a result of the establishment of the mechanism for the purposes of providing rapid operational assistance and with a view to defining the tasks to be performed and powers to be exercised by border guards of the Member States participating in joint operations and pilot projects in another Member State.

Scope: the Regulation shall apply without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

Composition and deployment of Rapid Border Intervention Teams: the Agency's Management Board shall decide by a three-quarters' majority the profiles and the overall number of border guards to be made available for the Rapid Border Intervention Teams (the Rapid Pool). The same procedure shall apply with regard to any subsequent changes in the profiles and the overall number of border guards of the Rapid Pool. Member States shall contribute to the Rapid Pool via a national expert pool based on the different defined profiles by nominating border guards corresponding to the required profiles. They will make the border guards available for deployment at the request of the Agency, unless the Member State faces an exceptional situation substantially affecting the discharge of national tasks. The autonomy of the home Member State in relation to the selection of staff and the duration of their deployment shall remain unaffected.

Tasks and powers of the members of the teams: instructions to the teams shall be issued by the host Member and the Agency may communicate its views on the instructions to the host Member State. If it does so, the host Member State shall consider those views. Members of the teams shall have the capacity to perform all tasks and exercise all powers for border checks or border surveillance in accordance with Regulation (EC) No 562/2006 (the Schengen Borders Code). The details for each deployment shall be specified in the operational plan of that deployment in accordance with the FRONTEX Regulation. Teams may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards of the host Member State. Members of the teams must fully respect human dignity and shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Team members may carry service weapons, ammunition and equipment as authorised according to the home Member State's national law. However, the host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided its own legislation includes the same provisions for its own border guards. The host Member State shall inform the Agency of the permissible service weapons and of the conditions for their use. While performing their tasks, members of the teams shall be authorised to use force, including service weapons with the consent of the home Member State and the host Member State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State . Service weapons, ammunition and equipment may be used in legitimate self-defence, in legitimate defence of members of the teams or of other persons, in accordance with the national law of the host Member State. Furthermore, for the purpose of this Regulation the host Member State may authorise the members of the teams to consult its national and European databases which are necessary for border checks and surveillance. Member States shall, in advance of the deployment of the teams, inform the Agency of the national and European databases which may be consulted. Decisions to refuse entry in accordance with the Schengen Border Code (COD/2004/0127) shall be taken only by border guards of the host Member State.

Status of members of the teams: border guards who are made available to the Rapid Pool shall participate in advanced training relevant for their tasks. Team members shall comply with Community and national law of the host Member State, and shall remain subject to the disciplinary measures of their home Member State.

Civil and criminal liability: with regard to the former, where members of the teams are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations. However, where such damage results from gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the latter. Each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct. With regard to criminal responsibility, members of the teams shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.

Parliament went on to make the necessary amendments to the FRONTEX Regulation in order to reflect those had been made here, and made provision for Member States to designate a national contact point for communication with the Agency on all matters pertaining to the Rapid Border Intervention Teams. The national contact point shall be reachable at all times. Parliament stipulated that the Agency must meet the costs incurred by Member States in making available their border guards for the Rapid Border Intervention Teams and training exercises. The costs are: travel costs from the home Member State to the host Member State and from the host Member State to the home Member State; costs related to vaccinations, and to special insurance needs; costs related to health care; daily subsistence allowances, including accommodation costs; and costs related to the Agency's technical equipment.

Lastly, the Commission must evaluate the implementation of the Regulation one year after its entry into force and present a report accompanied, if necessary, by proposals for its amendment.

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 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.