Basic information

2018/0330A(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European Border and Coast Guard Repealing Regulation (EU) No 1052/2013 2011/0427(COD) Repealing Regulation (EU) 2016/1624 2015/0310(COD) **Subject** 7.10.04 External borders crossing and controls, visas 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	METSOLA Roberta (PPE)	10/10/2018
	Shadow rapporteur NIEDERMÜLLER Péter (S&D) VISTISEN Anders (ECR) GRIESBECK Nathalie (ALDE) ALBIOL GUZMÁN Marina (GUE/NGL) KELLER Ska (Verts/ALE) BAY Nicolas (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
BUDG Budgets	GEIER Jens (S&D)	09/10/2018
PECH Fisheries	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3725	2019-11-08

	Justice and Home Affairs (JHA)	3661	2018-12-06
	Justice and Home Affairs (JHA)	3641	2018-10-12

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	AVRAMOPOULOS Dimitris

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
12/09/2018	Legislative proposal published	COM(2018)0631	Summary
12/10/2018	Debate in Council		
22/10/2018	Committee referral announced in Parliament, 1st reading		
11/02/2019	Vote in committee, 1st reading		
11/02/2019	Committee decision to open interinstitutional negotiations with report adopted in committee		
12/02/2019	Committee report tabled for plenary, 1st reading	A8-0076/2019	Summary
12/02/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
14/02/2019	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
01/04/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2019)003064 PE637.541	
17/04/2019	Decision by Parliament, 1st reading	T8-0415/2019	Summary
17/04/2019	Results of vote in Parliament		
17/04/2019	Debate in Parliament		
08/11/2019	Act adopted by Council after Parliament's 1st reading		
13/11/2019	Final act signed		
13/11/2019	End of procedure in Parliament		
14/11/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0330A(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation

Amendments and repeals	Repealing Regulation (EU) No 1052/2013 2011/0427(COD) Repealing Regulation (EU) 2016/1624 2015/0310(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 079-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/14600

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE630.451	13/11/2018	
Committee opinion	BUDG	PE630.438	11/12/2018	
Amendments tabled in committee		PE631.965	11/12/2018	
Amendments tabled in committee		PE631.966	11/12/2018	
Amendments tabled in committee		PE631.967	11/12/2018	
Amendments tabled in committee		PE631.968	11/12/2018	
Amendments tabled in committee		PE631.970	11/12/2018	
Amendments tabled in committee		PE632.026	18/12/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0076/2019	12/02/2019	Summary
Text agreed during interinstitutional negotiations		PE637.541	01/04/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0415/2019	17/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)003064	01/04/2019	
Draft final act	00033/2019/LEX	13/11/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0631	12/09/2018	Summary
For information	COM(2021)0829	21/12/2021	
For information	COM(2021)0830	21/12/2021	
Follow-up document	COM(2022)0303	24/05/2022	

Follow-up document	COM(2024)0075	02/02/2024	
Follow-up document	SWD(2024)0075	02/02/2024	
For information	COM(2025)0679	12/11/2025	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES4848/2018	12/12/2018	
CofR	Committee of the Regions: opinion	CDR6213/2018	06/02/2019	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2019/1896
OJ L 295 14.11.2019, p. 0001 Summary

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.

European Border and Coast Guard

2018/0330A(COD) - 14/11/2019 - Final act

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

LEGISLATIVE ACT: Regulation (EU) 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

CONTENT: the new Regulation establishes a European Border and Coast Guard to ensure European integrated border management at the external borders with a view to managing those borders efficiently in full compliance with fundamental rights and to increasing the efficiency of the Union return policy.

This Regulation addresses migratory challenges and potential future challenges and threats at the external borders. It ensures a high level of internal security within the Union in full respect of 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 integrated border management

The Regulation is an important element of the EU's comprehensive approach to integrated migration and border management. This concept includes in particular:

- border control, including measures to facilitate the legitimate border crossing;
- search and rescue operations for people in distress at sea;
- analysis of risks to internal security and threats to the security of external borders;

- the exchange of information and cooperation between Member States and between Member States and the European Border and Coast Guard Agency;
- inter-agency cooperation between the national authorities of each Member State responsible for border control and between the authorities of each Member State responsible for returns;
- cooperation with third countries identified by means of a risk analysis as countries of origin or transit for illegal immigration;
- the return of third-country nationals who are the subject of a return decision taken by a Member State.

European Border and Coast Guard Agency

The Agency's resources in terms of staff and technical equipment have been increased. In addition, its mandate is extended to support Member States' action, in particular in the field of border control, return and cooperation with third countries.

This Regulation establishes EUROSUR as an integrated framework for the exchange of information and for operational cooperation within the European Border and Coast Guard in order to improve situational awareness.

European Border and Coast Guard standing corps

The Agency shall have at its disposal a standing corps, which shall be gradually established and shall include up to 10 000 operational staff by 2027. The corps shall be equipped with enforcement powers, where appropriate, to effectively support Member States on the ground in their efforts to protect external borders, combat cross-border crime and significantly accelerate the effective and sustainable return of irregular migrants.

The standing corps should be composed of four categories of operational staff, namely (i) statutory staff, (ii) staff seconded to the Agency by the Member States for a long term, (iii) staff provided by Member States for short-term deployments and (iv) staff forming part of the reserve for rapid reaction for rapid border interventions.

Operational staff shall consist of border guards, return escorts, return specialists, and other relevant staff. The standing corps should be deployed in the framework of teams. The actual number of operational staff deployed from the standing corps should depend on operational needs.

By 31 December 2023, the Commission shall present to the European Parliament and to the Council a review of the overall number and composition of the standing corps.

Return

The new Regulation shall enable the Agency, in full respect of fundamental rights, to provide technical and operational support to Member States in the context of return operations.

The Agency shall provide technical and operational assistance in the implementation of measures relating to return, upon request of the Member State concerned or on its own initiative and with the agreement of the Member State concerned. Member States shall retain sole responsibility for issuing return decisions and for adopting the measures pertaining to the detention of returnee.

Cooperation with third countries

The new rules shall help to strengthen cooperation with third countries by extending the Agency's scope of operation, without limiting the possibilities for joint operations to neighbouring countries only. The Agency shall provide technical and operational assistance to third countries in the context of the Union's external policy, including the protection of fundamental rights and personal data and the principle of non-refoulement.

Multiannual strategic policy cycle

The Commission and the European Border and Coast Guard shall ensure the effectiveness of European integrated border management by means of a multiannual strategic policy cycle.

On the basis of the multiannual strategic policy cycle for European integrated border management, the European Border and Coast Guard shall establish an integrated planning process for border management and return, including operational planning, contingency planning and capability development planning processes.

ENTRY INTO FORCE: 4.12.2019.

European Border and Coast Guard

2018/0330A(COD) - 12/02/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted a report by Roberta METSOLA (EPP, MT) 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

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal.

The proposed amendments aim to strengthen the proposal by increasing the effectiveness of the European Border and Coast Guard Agency, as well as its efficiency and accountability, while respecting the competence of the Member States.

Subject matter

The European Border and Coast Guard seeks to ensure European Integrated Border Management at the external borders of the Union with a view to supporting the capacity of Member States to manage those borders efficiently, ensuring the saving of lives of persons in distress, as well as ensuring compliance with fundamental rights and increasing the efficiency of the common return policy. It addresses migratory and security challenges and potential future challenges and threats at the external borders and the pre-frontier area.

European Integrated Border Management

The sectoral components of integrated European border management should include (i) the establishment of mechanisms and procedures for the identification, communication of information and referral of persons who may require international protection; (ii) capacity and readiness, through the vulnerabilities assessment, in order to assess the capability of Member States to address current and future challenges and threats at the external borders, including disproportionate migratory pressure.

Members proposed that fundamental rights, education and training, as well as research and innovation, should be horizontal components to be present in each sectoral component during its implementation.

No later than two months after the entry into force of the Regulation, the Commission shall present the European Parliament and the Council with a draft multi-annual strategic policy for the first multi-annual strategic policy cycle for the management of external borders. The European Parliament, the Council and the Commission shall then discuss the draft multiannual strategic policy. Following this discussion, the Commission shall be empowered to adopt delegated acts to define the strategic cycle of multi-annual policy guidance for integrated European border management.

The effective implementation of this multiannual strategic cycle of policy guidance shall be the responsibility of the European Border and Coast Guard Agency and the Member States.

The Agency shall not support any measures or participate in any activities related to internal border controls.

Tasks of the European Border and Coast Guard Agency

Members specified that the Agency shall provide assistance and monitor compliance with fundamental rights at all stages of the return process, without addressing the merits of return decisions, which remain the sole responsibility of Member States, and provide assistance in coordinating and organising return operations.

The Agency may, on its own initiative, with the agreement of the Member State concerned, coordinate or organise return operations. It may not organise or coordinate return operations to third countries where risks of violations of fundamental rights or serious deficiencies in the relevant civil and criminal law systems and procedures have been reported.

The Executive Director shall evaluate the results of return operations and shall transmit a detailed evaluation report every six months to the European Parliament, the Council, the Commission and the Management Board.

European Border and Coast Guard standing corps

The European Commission proposes to create, by 2020, a European border and coastguard standing corps of 10 000 operational officers with executive powers covering all its activities in order to effectively support Member States on the ground.

Members proposed that the Agency shall, without delay and in any case within five working days from establishment of the operational plan, deploy the necessary operational staff from the European Border and Coast Guard standing corps.

Operational staff may be deployed as part of the rapid reaction pool from each Member State within five working days from the date on which the operational plan is agreed by the executive director and the host Member State exclusively for rapid border interventions, provided that category 1 to 3 staff required for the operation in question have already been fully deployed. The total number of staff made available by the Member States shall amount to 3 000 border guards or other relevant staff.

Situation at the external borders requiring urgent action

Where external border control is rendered so ineffective that the functioning of the Schengen area may be compromised, the Council, on the basis of a proposal from the Commission, may adopt a decision by means of an implementing act without delay, defining the measures to mitigate these risks to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of these measures.

The Commission shall consult the Agency before submitting its proposal. The Commission shall monitor the implementation of the measures defined in the Council Decision and the measures taken to this end by the Agency.

Costs

Members propose a more flexible payment system giving Member States the possibility to receive advances on annual payments for the purpose of deploying operational staff for a short period of time as members of the teams of the EBCG standing corps. A pro-rata advance and annual payment will also be provided for short-term secondments of less than 4 months.

Parliamentary control

In order to ensure parliamentary control of the Agency and to take into account the objective of shared responsibility at both Union and national level, the control functions conferred on the European Parliament by the Regulation would be complemented by control by a Joint Parliamentary Control Group (JPCG), established jointly by the national parliaments and the competent committee of the European Parliament.

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.