

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.