

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.