


Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision 2018/0330A(COD) procedure) Regulation</p>	<p>Provisional agreement between Parliament and Council on final act</p> <p>14/02/2019 Decision to enter into interinstitutional negotiations confirmed by plenary (Rule 69c)</p>
<p>European Border and Coast Guard</p> <p>Repealing Joint Action 98/700/JHA Repealing Regulation (EU) No 1052/2013 2011/0427(COD) Repealing Regulation (EU) 2016/1624 2015/0310(COD)</p> <p>Subject 7.10.04 External borders crossing and controls, visas 8.40.08 Agencies and bodies of the EU</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		10/10/2018
		PPE METSOLA Roberta	
		Shadow rapporteur	
		S&D NIEDERMÜLLER Péter	
		ECR VISTISEN Anders Primdahl	
		ALDE GRIESBECK Nathalie	
	GUE/NGL ALBIOL GUZMÁN Marina		
	Verts/ALE KELLER Ska		
	EFDD FERRARA Laura		
	ENF BAY Nicolas		
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		The committee decided not to give an opinion.
	BUDG Budgets		09/10/2018
		S&D GEIER Jens	
	PECH Fisheries		The committee decided not to give an opinion.
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	3661	06/12/2018
	Justice and Home Affairs (JHA)	3641	12/10/2018
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
	Legislative proposal published		Summary

12/09/2018		COM(2018)0631	
12/10/2018	Debate in Council	3641	
22/10/2018	Committee referral announced in Parliament, 1st reading/single reading		
11/02/2019	Vote in committee, 1st reading/single 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/single reading	A8-0076/2019	Summary
01/04/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE637.541 GEDA/A/(2019)003064	
17/04/2019	Debate in Parliament		
17/04/2019	Decision by Parliament, 1st reading/single reading	T8-0415/2019	Summary

Technical information

Procedure reference	2018/0330A(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Joint Action 98/700/JHA 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 EU TFEU 079-p2; Treaty on the Functioning of the EU TFEU 077-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Provisional agreement between Parliament and Council on final act
Committee dossier	LIBE/8/14600

Documentation gateway

Legislative proposal		COM(2018)0631	12/09/2018	EC	Summary
Committee draft report		PE630.451	13/11/2018	EP	
Committee opinion	BUDG	PE630.438	11/12/2018	EP	
Amendments tabled in committee		PE631.965	11/12/2018	EP	
Amendments tabled in committee		PE631.966	11/12/2018	EP	
Amendments tabled in committee		PE631.967	11/12/2018	EP	
Amendments tabled in committee		PE631.968	11/12/2018	EP	
Amendments tabled in committee		PE631.970	11/12/2018	EP	
Economic and Social Committee: opinion,		CES4848/2018	12/12/2018	ESC	

report					
Amendments tabled in committee		PE632.026	18/12/2018	EP	
Committee of the Regions: opinion		CDR6213/2018	06/02/2019	CofR	
Committee report tabled for plenary, 1st reading/single reading		A8-0076/2019	12/02/2019	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2019)003064	01/04/2019	CSL	
Text adopted by Parliament, 1st reading/single reading		T8-0415/2019	17/04/2019	EP	Summary

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 EUs 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 force on 6 October 2016. However, the Unions 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 Parliaments 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.

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.

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.

Parliaments position adopted in first reading following the ordinary legislative procedure amended the Commissions 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.