



State of the Union 2018: A fully equipped European Border and Coast Guard – Questions and Answers

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Why is the Commission proposing to reinforce the European Border and Coast Guard?

At the June 2018 European Council meeting, EU leaders confirmed the need for a more effective control of the EU's external borders and agreed that the role of the European Border and Coast Guard *"should be further strengthened through increased resources and an enhanced mandate"*. Europe needs to be able to effectively manage its external borders, improve returns and provide a high level of security within the Union.

The establishment of the European Border and Coast Guard in 2016 – put in place in record time following a Commission proposal – was a step change in that regard with significant progress achieved over the past 2 years. But the reliance on voluntary Member State contributions of staff and equipment has resulted in persistent gaps that have affected the efficiency of joint operations. Building on these 2 years of work and responding to the call of the European Council, the Commission is proposing to provide the European Border and Coast Guard with the resources and the mandate to fully respond to the level of ambition needed to effectively protect the EU's external borders and ensure full EU solidarity on migration and border management.

A new standing corps of 10,000 operational EU staff with executive powers and their own equipment will ensure that the EU has the necessary capabilities in place to intervene wherever and whenever needed – along the EU's external borders as well as in non-EU countries. It will be equipped with a stronger mandate on return and will closely cooperate with the new EU Agency for Asylum.

What are the main features of the new standing corps of 10,000 operational EU staff?

Today's proposal includes:

- **A reliable intervention force:** The standing corps will bring together Agency staff as well as border guards and return experts seconded or deployed by Member States. The corps will be fully operational with 10,000 operating staff by 2020.
- **Expanded tasks and powers:** The staff of the standing corps will be able to carry out border control and return tasks in the same way as the border guards and return specialists of the Member States. This includes tasks requiring executive powers in order to play a useful operational role. Under the authority and control of the host Member State, at the external borders, they will be able to check identity, authorise or refuse entry at border crossing points, stamp travel documents, patrol borders and intercept persons who have crossed the border irregularly. The staff will also be able to assist in the implementation of return procedures, notably by preparing return decisions or escorting non-EU nationals subject to forced return.
- **Own equipment:** The European Border and Coast Guard Agency will acquire its own equipment, such as vessels, planes and vehicles, available to be deployed at all times and for all necessary operations. The Commission has earmarked €2.2 billion under the 2021-2027 EU budget to allow the Agency not only to acquire, but also to maintain and operate the air, maritime and land assets needed for its operations.
- **More support on return:** In addition to organising and financing joint return operations, the Agency will also be able to support return procedures in Member States, for example by identifying irregularly staying non-EU nationals, acquiring travel documents and preparing return decisions for national authorities. The final decision for return will remain the competence of Member States;
- **Stronger cooperation with non-EU countries:** The Agency will be allowed – subject to prior

agreement of the country concerned – to launch joint operations and deploy staff outside the EU, beyond the current limitation to countries neighbouring the EU;

- **Fully trained staff and high professional standards:** Operational staff of the European Border and Coast Guard standing corps will receive common training to ensure the highest professional standards and a common operational culture.
- **Antenna offices:** The Agency will be able to set up temporary antenna offices in Member States hosting its operational activities to facilitate close cooperation with national authorities and guarantee the smooth running of the Agency's operations.
- **Increased financial means:** The total cost of the proposed upgrade of the European Border and Coast Guard amounts to €1.3* billion for the period from 2019-2020. Under the next EU budget period 2021-2027, a total of €11.3 billion is proposed.

How will the standing corps be rolled-out in order to reach 10,000 staff by 2020?

The proposed size of the corps, taking into account the experience and operational needs over the past years, will ensure that the EU is equipped to face current needs as well as future challenges at the external borders. The corps will be fully operational with 10,000 operating staff by 2020, based on mandatory and proportionate participation of all Member States and building on the existing mechanisms for pooling of staff.

The standing corps will initially be composed mainly of staff from Member States on short-term or long term deployments. By 2020, 7,000 short-term staff should be available and stand ready, alongside 1,500 staff for long-term deployments. In addition, 1,500 Agency statutory staff will be recruited and trained in 2019 and 2020, and will be available for deployment in 2020. This distribution will allow for the full roll-out of the standing corps by 2020.

Gradually, the pool of national staff on short-term deployments will be replaced by statutory staff of the Agency and staff seconded by Member States for long-term durations to make sure the Agency can work with the predictability and flexibility it needs.



Which criteria have been used to calculate each Member State's contribution to the standing corps?

Contributions by individual Member States are based on the distribution key established and agreed by Member States in 2016 to calculate contributions to the Rapid Reaction Pool. While the Rapid Reaction Pool will eventually be replaced and its function fulfilled by the European Border and Coast Guard standing corps, the corresponding distribution key has contributed to the successful establishment of the Pool and can be considered as a viable and tangible solution in the spirit of European solidarity.

Will Member States be reimbursed for the borders guards deployed to the standing corps?

Member States will contribute to the standing corps by seconding some of their own staff. All the costs arising from the deployment of these staff to the standing corps will be covered by the Agency.

In addition, in order to offset at the national level any resulting shortfall in staff at the national level, a dedicated **financial support system** will be set up under the European Border and Coast Guard's

budget to ensure Member States can replace staff deployed to the standing corps with new recruitments. That way Member States will be able to fully maintain the capacity of their national border authorities while providing for sufficient deployments to the standing corps. The amount of the financial support provided will be calculated based on the number of operational staff expected to be seconded to allow for predictable long-term planning. It will also reflect the number of officers effectively deployed by the Member States for short duration.

Will the reinforced European Border and Coast Guard take over the national responsibility to protect the EU's external borders?

No. The reinforced European Border and Coast Guard will not take over the national responsibility to protect the Union's external borders – this is and will remain a Member State prerogative. What the European Border and Coast Guard will continue to do is to exercise a strengthened supporting role within its new mandate and drawing from its new capabilities, maximise EU support on the ground and ensure full EU solidarity with Member States under pressure.

All operations of the European Border and Coast Guard will take place under the control and command of the host Member State. The teams deployed from the European Border and Coast Guard standing corps will carry out their duties and tasks in accordance with instructions of team leaders from the host country.

Under which circumstances can the European Border and Coast Guard standing corps intervene to support Member States?

The European Border and Coast Guard's standing corps will be able to intervene in the following cases:

- **Following a request by a Member State:** Member States can request assistance from the European Border and Coast Guard at all times. Following such a request, the Agency's executive director can decide to provide operational support by deploying border management, return or migration management support teams from the European Border and Coast Guard's standing corps. Such deployments are based on an operational plan agreed between the Agency and the Member State concerned.
- **In emergency cases:** The decision to launch an emergency intervention without a Member State request is taken only as a last resort, when the Union's interests require it. This can be the case when the control of the external border is considered to be ineffective to an extent which risks the functioning of the Schengen area (when a Member State does not take the necessary measures following a vulnerability assessment or, while facing specific and disproportionate challenges at the external borders, has not requested sufficient support from the Agency or is not implementing such support). In such a case, the proposal envisages that the Commission (and not the Council as it is in the current Regulation) may decide (through an implementing decision) to entrust the Agency with carrying out appropriate operational measures. An operational plan should be drawn up by the Agency together with the Member State concerned in a spirit of cooperation, with the Member State concerned then facilitating its implementation.

How will fundamental rights be guaranteed during European Border and Coast Guard operations?

The activities of the Agency are subject to well-defined fundamental rights safeguards in full compliance with EU law. In line with the requirements set out in the current European Border and Coast Guard regulation, the Agency has developed and implemented a Fundamental Rights Strategy and established a Consultative Forum providing independent advice in fundamental rights matters. A complaint mechanism has been set up and a dedicated Fundamental Rights Officer contributes to the Agency's fundamental rights strategy, monitors its compliance with, and respect of fundamental rights.

Will the European Border and Coast Guard be able to intervene in non-EU countries?

Under the current rules, the Agency can already launch joint operations and deploy staff in countries neighbouring the EU subject to the prior conclusion of a status agreement (one such agreement has been concluded, with Albania, and others are currently being negotiated with a number of countries in the Western Balkans).

Today's proposal gives the possibility to conclude such agreements also with non-neighbouring countries, allowing the European Border and Coast Guard to provide on-the-ground support on border and migration management, including in countries of origin and transit. This includes assisting with return activities, for example in the organisation and coordination of the host countries, return operations or mixed operations organised with the participation of EU Member States.

In addition, the European Border and Coast Guard Agency will continue to exchange information with

relevant third-country authorities and deploy liaison officers to establish trusted information channels, including on irregular migration trends.

How will the reinforced European Border and Coast Guard Agency better support returns?

Supporting Member States in the return of irregularly staying migrants is one of the priority tasks of the European Border and Coast Guard. While Member States keep the responsibility for issuing and enforcing of return decisions, the European Border and Coast Guard Agency can propose the organisation of returns on its own initiative, finance joint return operations and provide support to voluntary departures of migrants.

Since January 2017, three return pools composed of escorts, monitors and return specialists have been set up, and are available for deployment in the Member States, notably those facing particular pressure. In 2017, 14,884 persons were returned with support of the European Border and Coast Guard, with another 8,966 returned from January to August 2018.

The Commission has today proposed to further strengthen the supporting role of the European Border and Coast Guard which will now be able to assist Member States in carrying out return procedures, including in the preparation of return decisions, the identification of individuals to be returned and the acquisition of travel documents. The Agency will also be able to assist non-EU countries with their return activities to other countries. It will benefit from a reinforced mandate to process personal data and to exchange information with non-EU countries in the context of return activities. This will contribute to more efficient returns and will play a key role towards sustainable migration management.

Will EU border guards be allowed to carry weapons?

While performing their tasks and exercising their powers, members of the standing corps may be allowed to carry service weapons, ammunition and equipment provided it is authorised by the host Member State and in accordance with the national law. Service weapons may only be used exceptionally and under clearly defined conditions.

Service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of members of the teams or of other persons in accordance with the national law of the host Member State.

Strong safeguards apply for all members of the standing corps, with seconded and deployed staff bound by the legislation of their home Member State and Agency staff falling under the Agency's Code of Conduct in full respect of EU law and fundamental rights.

Similar arrangements are already in place for the deployment of national border guards to another Member State. The new rules will extend these arrangements to all members of the standing corps including Agency staff. This extension is needed to ensure the utility of all members of the standing corps in order to be able to carry out the normal functions expected of a border guard.

How will the functioning of the European Border and Coast Guard be improved?

Today's proposal includes a number of provisions that will ensure that the European Border and Coast Guard Agency and the national authorities of Member States responsible for border management and for return – which together constitute the European Border and Coast Guard – will be able to work together based on a common European borders strategy and benefit from improved information exchange, cooperation and coordination.

A **multiannual strategic policy cycle for European Integrated Border Management** will be introduced to define common and shared policy objectives and ensure coordination between EU and national integrated border management strategies. The policy cycle will rely on a strategic risk analysis prepared by the Agency every two years and provide overall political guidance for the years ahead.

Today's proposal also reinforces the **early warning mechanisms** of the European Border and Coast Guard and strengthens its function as regards risk analysis and integrated planning of border management activities. In addition, a capability development planning will be established in order to ensure appropriate coordination of the recruitment processes and the acquisition of equipment between the Agency and Member State authorities.

What role would the European Border and Coast Guard Agency have in future 'controlled centres'?

In future 'controlled centres', the Agency could deploy European Border and Coast Guard teams as part of migration management support teams to support Member States. As outlined in the

Commission's [non-paper on controlled centres](#) of 24 July 2018, such centres could be set up to register and process the claims of individuals disembarked in the EU, in order to differentiate rapidly between those in need of protection and those who have no right to stay in the EU. The European Border and Coast Guard's role would be to assist with the identification and return of individuals without a right to stay on EU territory. It would work hand in hand with the EU Agency for Asylum, whose task would be to support the processing of asylum applications.

What will change regarding the Agency's budget? How will the proposed standing corps be funded?

The Agency will be provided with additional funding for 2019 and 2020 to set up the European Border and Coast Guard standing corps and to acquire its own equipment. In total, €577.5 million needs to be added to the existing subsidies for 2019 and 2020 under the current Multiannual Financial Framework.

For the period of 2021-2027, a total of €11.3 billion will be needed to cover the upgraded tasks and functions of the Agency, largely related to the setting up and operation of the European Border and Coast standing corps, including the acquisition of the Agency's own equipment.

What is the European Border Surveillance System and how is the Commission proposing to improve it?

The European Border Surveillance System (EUROSUR) is a common framework for information exchange and cooperation among all authorities with a responsibility for the surveillance of the external land and sea borders in the EU. The European Border Surveillance System is crucial for swift and exhaustive situational awareness of incidents and migration flows and provides shared risk analysis as well as a response mechanism at local, national or EU level.

With today's proposal, the European Border Surveillance System will evolve from a technical information system into a genuine governance framework for information exchange and cooperation between the national authorities of Member States responsible for border management and the Agency. Its scope will be enlarged to include information on checks at border crossing points and air border surveillance. As a result, the EU will be better equipped to better detect, anticipate and react to crisis situations at EU external borders and in non-EU countries.

What is the False and Authentic Documents Online system and why is the Commission proposing to transfer it to the Agency?

The False and Authentic Documents Online (FADO) system is a European image system designed for exchanging information among Member States on genuine and false documents. This common system is a very useful tool for fighting document fraud, as it makes the detection of false documents easier.

The Commission proposes to integrate the False and Authentic Documents Online system within the European Border and Coast Guard framework so that it can benefit from the technical know-how of the Agency in this domain. The Agency will take over the system from the Council General Secretariat and will be mandated to adapt it to current and future needs.

For More Information

[Webpage on the State of the Union 2018](#)

Press release: [Commission proposes last elements needed for compromise on migration and border reform](#)

Factsheets, legal documents and other useful documents – all available [here](#)

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