

European Border and Coast Guard Agency

A proposed regulation establishing a European Border and Coast Guard Agency (the Agency) is expected to be submitted to the European Parliament for a vote at first reading during the July plenary, and subsequently to the Council for adoption. The text agreed in trilogue negotiations between the two institutions expands the Agency's prerogatives on return operations, on migration management, the fight against cross-border crimes and search and rescue operations. Fundamental rights safeguards and the accountability of the Agency *vis-à-vis* the EP and the Council have been strengthened. If a Member State opposes a Council decision to provide assistance, putting the Schengen area at risk, the other EU countries may temporarily reintroduce internal border controls.

Proposals for the Agency

On 15 December 2015, the European Commission put forward a [proposal](#) to set up a European Border and Coast Guard System (EBCGS), building on the mandate and experience of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union ([Frontex](#)). On 22 June 2016, the Committee of Permanent Representatives (COREPER) confirmed, on behalf of the Council, the [compromise text](#) agreed with the EP on the proposed regulation on the European Border and Coast Guard. The [text](#) is due to be submitted for a vote of endorsement in the Civil Liberties Committee on 4 July. The Committee's report (rapporteur: Artis Pabriks, EPP, Latvia) will then be submitted to the European Parliament for a vote at first reading during the July plenary; following that the regulation would then be adopted by the Council.

Trilogue agreement

According to the compromise text, the Agency will have a greater role in returning migrants to their country of origin, but only when it comes to executing decisions taken by national authorities. The Agency will not be involved in returns between non-EU countries. Fundamental rights accountability has been reinforced by introducing specific reference to the rights of the children and of people with disabilities. The scope of the agency's activities (Articles 1, 7) now also includes support to Member States in the field of migration management, the fight against cross-border crimes and search and rescue operations.

Regarding the Agency's right to intervene, it was clarified that when a Member State does not comply (within a set time limit) with the a binding decision of the Management Board of the Agency (Article 12) to address vulnerabilities in its border management or in the event of specific and disproportionate pressure at the external border that would put the functioning of the Schengen area at risk, the Council, on the basis of a proposal from the Commission, may rapidly adopt a decision requiring the Agency to provide assistance, and the Member State concerned to cooperate with the Agency (Article 18). The Commission shall consult the Agency before making such a proposal and inform the European Parliament without delay. Furthermore, pursuant to Article 78a (which amends the [Schengen Borders Code](#)), if a Member State opposes a Council decision to provide assistance, the other EU countries may temporarily reintroduce internal border checks.

Experts from the staff of the Agency will be deployed as liaison officers to monitor all EU Member States with external borders. Each liaison officer may cover up to four geographically close countries, to ensure greater cooperation between the Agency and the Member State concerned. The accountability and information of the Agency *vis-à-vis* the Parliament and the Council has been reinforced (Article 6a). For instance, the European Parliament will be kept informed through regular reporting and have access to information for MEPs. Parliament's role has also been strengthened in the procedure for selecting the Agency's Executive Director.

