

**Question for written answer E-001236/2016
to the Commission**

Rule 130

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Subject: Proposed European Border and Coast Guard (EBCG) and Complaints Mechanism in respect of violation of human rights

On 15 December 2015, the Commission published a proposal for setting up a European Border and Coast Guard¹ with broad competences for the management of migration flows at the external borders of the EU, even without the consent of the Member States, raising questions regarding serious risks of violation of refugees' fundamental rights, as was previously the case with FRONTEX. In order to deal with such risks, the draft regulation provides for a Consultative Forum on Fundamental Rights, a Fundamental Rights Officer, and a Complaints Mechanism in respect of violation of rights by its actions (Articles 70, 71, 72)².

However, the proposed mechanism is subject to the control of the Fundamental Rights Officer and, through him to the Executive Director of EBCG, for whose decisions there is no guarantee of impartiality and transparency.

1. How will the independence of the Complaints Mechanism of the EBCG be enhanced and monitored?
2. Will the Parliament's LIBE/DROIT Committees be involved, thereby strengthening the democratic profile and credibility of the mechanism?
3. Will the Consultative Forum on Fundamental Rights, bringing together organisations such as the UNHCR and the European FRA, play a decisive role?

¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/regulation_on_the_european_border_and_coast_guard_en.pdf

² European Union Agency for Fundamental Rights.