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Answer given by Ms Johansson
on behalf of the European Commission
(2.8.2022)

The Commission expects the European Border and Coast Guard Agency to carry out the necessary investigations if any of its staff is allegedly involved in the violation of fundamental rights. Persons who consider themselves to have been subject to a breach of their fundamental rights by staff involved in an Agency operation may submit a complaint to the Agency’s Fundamental Rights Officer. That procedure is without prejudice to the competence of the Member State authorities for investigation and, where necessary, prosecution.

The Commission notes that it did not propose freezing part of the Agency’s annual budget. It is the Agency’s Management Board that exercises the relevant power, including disciplinary authority, over Agency staff.

Under EU law, border control must always be exercised in compliance with the fundamental rights and obligations of the EU. The Commission oversees the transposition and implementation of the EU’s asylum acquis and reiterates that Member States must act in full compliance with relevant international and EU law, including the Charter of Fundamental Rights of the European Union. Should facts reported be confirmed and would reveal systemic violations of those rules, the Commission may decide to open infringement proceedings in line with its institutional role as Guardian of the Treaties.

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