



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a mechanism for the creation of Rapid Border Intervention Teams and  
amending Council Regulation (EC) No 2007/2004 as regards that mechanism**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### 1. INTRODUCTION

On 26 October 2004, the Council adopted Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)<sup>1</sup>.

In the course of 2005, the Agency became operational and has since conducted a number of operations at the external borders together with Member States.

Without prejudice to Article 64(2) of the Treaty, Article 8 of Council Regulation (EC) No 2007/2004 provides for support to be given by the Agency to Member States requesting it in circumstances requiring increased technical and operational assistance at the external borders. This may consist in assistance on co-ordination with other Member States and deployment of the Agency's own experts on control and surveillance of the external borders together with their technical equipment.

The practical experience with coordination of operational cooperation of Member States at their external borders, both under the aegis of the Agency and of the former External Borders Practitioners' Common Unit, shows that there is a need for establishing common rules on the tasks that can be performed by border guard officers from one Member State operating in the territory of another Member State as part of a joint operation.

Bearing in mind the critical situations which a number of Member States face in the event of a high influx of illegal immigrants arriving by sea, it is considered necessary to further strengthen the solidarity between Member States and the Community in this field by introducing Rapid Border Intervention Teams, which can directly and efficiently assist the national border guard services of Member States in such situations, including with regard to the correct implementation of the Schengen Borders Code.

The aim of this proposal is accordingly to establish a mechanism whereby Member States facing extreme difficulties in controlling their external borders would be able to make use of the expertise and manpower of border guards of other Member States on a temporary basis. In order to ensure that the officers of border guards of other Member States are used in the most efficient way, the proposal also defines the tasks which these officers should perform during operational activities in another Member State.

The present proposal does not cover the bilateral cooperation by Member States assisting each other in the day-to-day control and surveillance of their external borders. In the so called Hague Programme<sup>2</sup>, which forms part of the conclusions of the European Council on 4 and 5 November 2004 and lays down the priorities for the future development of an area of freedom, security and justice, the European Council has called for the creation of "teams of national experts that can provide rapid technical and operational assistance to Member States requesting it, following proper risk analysis by the Border Management Agency and acting

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<sup>1</sup> OJ L 349, 25.11.2004, p. 1.

<sup>2</sup> Doc. 14292/04 CONCL 3.

within its framework, on the basis of a proposal by the Commission on the appropriate powers and funding of such teams".

The European Council in the conclusions of its meeting on 15 and 16 December 2005<sup>3</sup> invited the Commission to "bring forward a proposal for the creation of rapid reaction teams made up of national experts able to provide rapid technical and operational assistance at times of high influxes of migrants, in accordance with the Hague Programme, by Spring 2006".

This proposal for a Regulation of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union intends to meet that invitation of the European Council.

The proposal, which takes into account the results of a study on conferral of executive powers<sup>4</sup>, combines the creation of teams of national experts, Rapid Border Intervention Teams that will act within the framework of the Agency with the introduction of common rules on the tasks which can be carried out by guest officers of border guards of other Member States operating for the purpose of joint operations or deployment as members of the teams under the aegis of the Agency.

It should be noted that the Rapid Border Intervention Teams will be distinctly different from both the FRONTEX Joint Support Teams, which the Agency itself is setting up, and the proposal for the creation of a cooperation network in the field of asylum which will, *inter alia*, facilitate the pooling of experts in the field of asylum, which the Commission intends to present in the course of 2006.

The future Commission proposal for the establishment of a cooperation network in the field of asylum will be complementary to the present proposal by *inter alia* facilitating the exchange of asylum experts, interpreters, psychologists etc. to a requesting Member State from other Member States, on a voluntary basis, if that Member State is confronted with the sudden arrivals of large numbers of persons who may be in need of international protection, which place a significant strain on its reception facilities or asylum systems.

The FRONTEX Joint Support Teams are essentially a practical system for pooling officers of the national border guards of Member States for the purpose of participation in the regular joint operations organised by the Agency. The joint operations of the Agency target particular situations or problems, e. g. major international events taking place in the territories of the Member States or controlling certain difficult stretches of the external borders and serve the double purpose of enhancing the level of control and surveillance at the border in question and at the same time providing training on the ground to the participating officers. Joint operations and pilot projects are planned a year ahead, and are accordingly not suited for countering crisis situations. The Rapid Border Intervention Teams, however, are created solely for the purpose of assisting Member States facing situations of particular pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union. The Rapid Border Intervention Teams cannot be deployed for the purpose of participation in joint operations or pilot projects,

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<sup>3</sup> Doc. 15914/05 REV 1 CONCL 3.

<sup>4</sup> Study on conferring executive powers to border officers operating at the external borders of the EU prepared by UNISYS (2006).

and unlike a joint operation, the deployment of Rapid Border Intervention Teams to a requesting Member State does not entail any training or exercise aspects, as the members of the teams are specialised experts who shall fill any gaps in the control and surveillance performed by the national border guard service of the requesting Member State. Moreover, the period of deployment of the Rapid Border Intervention Teams will normally be longer than the average duration of joint operations, and contrary to a deployment of the Rapid Border Intervention Teams, the costs of which are borne solely by the Community, the joint operations in which the officers of the FRONTEX Joint Support Teams participate are usually co-financed by Member States. Obviously, this does not exclude that officers listed for service with the Rapid Border Intervention Teams could simultaneously form part of the general pool of experts available to the Agency under the FRONTEX Joint Support Teams.

## 2. OBJECTIVE

The main objective of Community policy in the field of external borders is the creation of an integrated border management ensuring a high and uniform level of control of persons at and surveillance of the external borders. This objective, which is considered an essential prerequisite for an area of freedom, security and justice, requires *inter alia*, as foreseen by Article 62(2)(a) of the Treaty, the establishment of common rules as to the standards and procedures to be followed by Member States when controlling persons at the external borders.

With the adoption by the European Parliament and the Council of the Community Code on the rules governing the movement of persons across borders<sup>5</sup>, the legal provisions of the Schengen acquis on external borders have been restructured and brought up to date.

Similarly, with the establishment of the Agency, a Community mechanism for coordination of operational cooperation between Member States at the external borders has been put in place, thereby enhancing the correct implementation at operational level of the common rules laid down in the above mentioned Community Code.

The next step is the development of an integrated border management system at European level. Hence the objective of this proposal for a Regulation is accordingly to further enhance the efficiency of operational activities undertaken within the framework of the Agency and further promote solidarity between Member States and the Community in the field of external borders by:

- a) establishing a mechanism for the creation of Rapid Border Intervention Teams and introducing provisions enabling the Agency to compose and deploy Rapid Border Intervention Teams, consisting of officers of the national border guards of Member States. These teams may be deployed on a temporary basis to a requesting Member State which faces a situation of particular pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union, and
- b) introducing common rules on the tasks of guest officers of the border guards of other Member States for the purpose of participating in joint operations, or deployment as members of the Rapid Border Intervention Teams in a requesting Member State.

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<sup>5</sup> Regulation (EC) No 562/2006 of 15 March 2006.

The proposal for a Regulation basically consists of two parts, one dealing with the establishment of a mechanism for the creation of the Rapid Border Intervention Teams, their tasks and funding, and the other amending Council Regulation (EC) No 2007/2004 for the purpose of implementing the Rapid Border Intervention Teams in the framework of the Agency.

## **2.1. Rapid Border Intervention Teams**

It should be noted, that it is up to each Member State to decide whether it wants to participate actively in the Rapid Border Intervention Teams or not by making officers available for the establishment of these teams. Furthermore, the Rapid Border Intervention Teams can only be deployed to a Member State at its request. However, the proposal for a Regulation defines the tasks related to the control of persons at, and the surveillance, of the external borders, which guest officers and members of the Rapid Border Intervention Teams shall be able to carry out. This is deemed necessary in order to ensure that the success of joint operations at the external borders and deployment of the Rapid Border Intervention Teams will not depend on the very different national laws of the Member States governing the extent to which the guest officers are able to participate in control and surveillance activities at the external border, as is the case today.

This is also important from a cost-efficiency point of view. If the Community undertakes to organise and pay for the deployment of specialised officers from other Member States to assist a requesting Member State with the tasks of control and surveillance of its external border, then these experts should be employed in the most efficient way, i.e. by participating in the control and surveillance activities on an equal footing with the national border guard service of the Member State in question.

As regards the Rapid Border Intervention Teams, the proposal foresees the establishment of lists of officers of national border guards whom Member States are willing to put at the disposal of the Agency for the purpose of deployment to a requesting Member State in circumstances requiring increased technical and operational assistance at the external borders of that Member State. The officers serving with the Rapid Border Intervention Teams will not become staff of the Agency, but shall remain officers of their respective national border guards, thus forming a permanent pool of expert officers, which the Agency can draw on when requested to deploy the Rapid Border Intervention Teams. The Member States, which have declared themselves willing to put officers at the disposal of the Agency for the establishment of the Rapid Border Intervention Teams, shall make these officers available to the Agency for deployment at short notice to another Member State and for regular training and exercise purposes in accordance with an annual schedule. The costs connected with the participation of the officers in the Rapid Border Intervention Teams, with the exception of regular salaries, shall be covered by the Agency<sup>6</sup>.

In order to ensure that the members of the Rapid Border Intervention Teams have the same high level of expertise on border control related issues and are able to work together efficiently in crisis situations, the Agency shall offer basic and advanced training to the members of the Rapid Border Intervention Teams and conduct regular exercises with them. The team members are obliged to participate in these activities as well as in deployment to a

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<sup>6</sup> The costs to be covered by the Agency would be: Accommodation costs, subsistence costs, travel costs and, where necessary, vaccination and/or special insurance costs.

Member State when requested by the Agency. The team members shall receive a daily subsistence allowance for the periods of training, exercise and deployment from the Agency. The Agency may acquire technical equipment for the control and surveillance of external borders to be used in the framework of the Rapid Border Intervention Teams<sup>7</sup>.

According to the proposal, a Member State in circumstances requiring increased technical and operational assistance at its external borders may request the Agency to deploy one or more Rapid Border Intervention Teams to its territory on a temporary basis. Before deciding on the request, the Agency shall assess the situation at the external borders of the requesting Member State on the basis of the relevant information provided by it or by any other Member State. If necessary, an assessment mission can be organised by the Agency to this end. The Agency shall also make use of its general and tailored risk analyses. It follows from the proposed wording of Article 8a of Council Regulation (EC) No 2007/2004 that the Agency will not be obliged to deploy the Rapid Border Intervention Teams in all circumstances. The decision will depend on the gravity of the situation. In some cases, the Executive Director of the Agency may decide instead to simply assist the requesting Member State on matters of coordination with other Member States with a view to tackling the problems encountered at its external borders. Alternatively, the Executive Director may deploy the Agency's own expert staff to support the requesting Member State in an advisory capacity. The deployment of the Rapid Border Intervention Teams will thus be reserved for more critical situations, where other means of assistance are deemed insufficient.

The Executive Director shall take a decision on the request within five working days from the date of the request and shall notify in writing both the requesting Member State and the Management Board of the decision, which shall set out the main reasons.

If the Executive Director decides to meet the request, an operational plan detailing the duration of deployment of the Rapid Border Intervention Team(s), the precise geographical locations where they will be used, the tasks of the teams, their composition and their numbers, the tasks conferred on them, as well as their place in the chain of command and the names and ranks of their commanders from the national border guard of the requesting Member State shall be drawn up. It should be noted, that the actual composition of a Rapid Border Intervention Team will vary from case to case, depending on the situation and needs on the ground. Any amendments or adaptations to the operational plan proposed either by the requesting Member State or by the liaison officer of the Agency will have to be agreed by the Executive Director and the requesting Member State.

The Rapid Border Intervention Team(s) to be deployed will thus be tailored to the specific situation facing the requesting Member State. They shall be deployed within five working days from the date of the agreement on the operational plan.

A liaison officer appointed by the Executive Director from among the staff of the Agency shall accompany the Rapid Border Intervention Teams when deployed to the requesting Member State. The liaison officer shall represent the Agency both vis-à-vis the members of the teams and the Member State to which they are deployed. He/she shall act as an observer and report on all aspects of the deployment to the Agency.

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<sup>7</sup> The Agency can, where necessary, acquire technical equipment for control and surveillance purposes to be used by the Rapid Border Intervention Teams. This could e.g. be radio communication equipment, night vision binoculars etc.

In particular, the liaison officer shall

- act as an interface between the Agency and the host Member State;
- act as an interface between the Agency and the members of the team(s), providing assistance, on behalf of the Agency, on all issues related to the conditions for their deployment with the team(s);
- monitor the implementation of the operational plan;
- assess the impact of the deployment of the team(s).

The host Member State shall inform the liaison officer about all decisions taken by its authorities with regard to the Rapid Border Intervention Teams.

While deployed, all travel and accommodation costs of the Rapid Border Intervention Teams and the liaison officer of the Agency shall be covered by the Agency. The requesting Member State shall have command over the Rapid Border Intervention Teams, the members of which shall not take any orders from their Member States of origin during periods of deployment.

## **2.2. Tasks of guest officers and members of the Rapid Border intervention Teams with regard to the control of persons at, and the surveillance of, the external borders**

Today the legal situation for guest officers of border guards of one Member State operating in another Member State vary considerably from Member State to Member State. In some Member States there is a possibility to confer a whole array of tasks upon these officers, whereas in other Member States only very few tasks are conferrable upon guest officers.

Given that control of persons at the external borders is governed by Community law, and that the operational cooperation between Member States at the external borders is coordinated by a Community agency, the present legal situation of guest officers, as governed by the national law of Member States, can no longer be deemed sufficient to attain the desired results.

If, for instance, in Member State A guest officers participating in a joint operation coordinated by the Agency cannot control persons at the border crossing points, but must remain observers, whereas in the neighbouring Member State B the same guest officers participating in the same kind of joint operation can do such controls, then the output of the two joint operations will be very different, both in terms of cost-efficiency and the promotion of cooperation at European level between the national border guards of Member States. The same obviously applies to the deployment of Rapid Border Intervention Teams in Member States.

There is accordingly a need to establish a list of tasks that can be conferred upon guest officers of border guards of other Member States. The proposal for a Regulation, however, explicitly limits the scope of the harmonisation of the tasks related to the control and surveillance of external borders that can be performed by guest officers and members of the Rapid Border Intervention Teams to joint operations coordinated by the Agency and to the deployment of the Rapid Border Intervention Teams in the framework of the Agency to a requesting Member State.

The tasks to be performed by guest officers and members of the Rapid Border Intervention Teams for the purposes of participating in joint operations coordinated by the Agency and deployment to a requesting Member State are the following.

As regards checks of persons at the external borders:

- (a) to check the travel documents of any person crossing the border, in order to ascertain the validity and authenticity of such documents and establish the identity of the persons;
- (b) to use technical devices to check the travel documents in accordance with point (a);
- (c) to interview any person crossing the border in order to verify the purpose and conditions of the journey, as well as that he/she possesses sufficient means of subsistence and the required documents;
- (d) to check that the person is not the object of an alert for refusal of entry in the Schengen information system (SIS);
- (e) to stamp travel documents, in accordance with Article 10 of the Community Code, both at entry and exit;
- (f) to search means of transport and objects in the possession of the persons crossing the border, in accordance with the national law of the host Member State.

As regards surveillance of the external borders:

- (a) to make use of technical means for monitoring the external border area;
- (b) to participate in patrols on foot and in means of transport in the external border area of the host Member State;
- (c) to prevent persons from crossing illegally the external border of the host Member State in accordance with the national law of that Member State;

The Commission considers the performance of these tasks necessary for guest officers participating in joint operations coordinated by the Agency and for members of the Rapid Border Intervention Teams deployed to a requesting Member State. They are based on the common rules on control of persons at and surveillance of the external borders, as laid down in the Community Code on the rules governing the movement of persons across borders.

Guest officers and members of the Rapid Border Intervention Teams shall moreover be entitled to wear their own uniforms, however with insignia clearly identifying them as participating in a joint operation/deployment of the Rapid Border Intervention Teams. They shall also be issued with a document identifying them and giving proof of their right to exercise the above mentioned tasks.

The issues of the criminal and civil liability of guest officers and members of the Rapid Border Intervention Teams while on duty in another Member State than their own is also

regulated using the model of the Council Framework Decision of 13 June 2002 on joint investigation teams<sup>8</sup>.

The tasks to be performed by guest officers and members of the Rapid Border Intervention Teams do not pertain to joint return operations, as the role of the Agency in this respect is limited to providing Member States with the necessary support in organising joint return operations. Furthermore, the present proposal deals with how to integrate guest officers and members of the Rapid Border Intervention Teams into the system of the national border guard of the host Member State for the duration of a joint operation or a deployment by the teams taking place on territory of that Member State. In most cases, the nature of joint return operations and the powers necessary for carrying out such operations differ significantly from the above mentioned situation regarding joint operations at external borders and would require a different legal framework.

### **3. IMPLEMENTATION**

The Rapid Border Intervention Teams shall be set up by the Agency in close cooperation with the Member States. The Agency shall be responsible for managing the teams, both in terms of administration (keeping the lists of available officers and organising specialised training for them), and in terms of taking all decisions concerning the deployment of the teams to requesting Member States.

The provisions defining the tasks related to the control of persons at and the surveillance of external borders performed by guest officers and members of the Rapid Border Intervention Teams shall be implemented in the framework of Member States operational cooperation at the external borders under the coordination of the Agency.

### **4. FUNDING**

The costs of establishing and maintaining the Rapid Border Intervention Teams, including training, exercises and deployment, shall be covered by the budget of the Agency.

### **5. THE CHOICE OF THE LEGAL BASIS**

Articles 62(2)(a) and 66 of the Treaty establishing the European Community is the legal basis of this Regulation whose immediate objective is to further enhance the efficiency of operational cooperation between Member States on control of persons at the external borders and to promote solidarity between Member States and the Community in this field.

### **6. SUBSIDIARITY AND PROPORTIONALITY**

Title IV on visas, asylum, immigration and other policies related to the free movements of persons confers powers upon the Community in these fields. This responsibility must, however, be exercised in accordance with Article 5 of the Treaty establishing the European Community; *i. e.* if and in so far as action taken at Community level offers clear advantages,

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<sup>8</sup> OJ L 162, 20.6.2002, p. 1.

by reason of its scale or effects, over action at Member State level. The proposal for a Regulation satisfies these criteria.

### *Subsidiarity*

Individual Member States cannot ensure a coherent and harmonised legislation on the conferral of tasks upon guest officers of border guards of other Member States for the purposes of participating in joint operations at the external borders coordinated by the Agency and for deployment to a requesting Member State. A Community legislative act is therefore necessary to ensure a sufficient level of harmonisation.

Likewise, the creation and management of Rapid Border Intervention Teams cannot be achieved at the level of the Member States, but require action and coordination by the Community.

### *Proportionality*

The Regulation establishes common rules for the conferral of tasks upon guest officers of border guards of other Member States for the purposes of participating in joint operations at the external borders coordinated by the Agency and for deployment to a requesting Member State. It also provides for the establishment of Rapid Border Intervention Teams. Such issues must be subject to clear and uniform rules contained in a Regulation, which is the appropriate instrument for amending Regulations establishing Community Agencies. The Regulation does not go beyond what is necessary to achieve those objectives.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) and 66 thereof,

Having regard to the proposal from the Commission<sup>9</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>10</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>11</sup>,

Whereas:

- (1) On 26 October 2004, the Council adopted Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (the Agency).
- (2) A Member State facing circumstances requiring increased technical and operational assistance at its external borders may, without prejudice to Article 64(2) of the Treaty, under Article 8 of Regulation (EC) No 2007/2004 request the Agency for assistance in the form of coordination, where more Member States are involved, and/or deployment of experts of the Agency to support its competent authorities.
- (3) Bearing in mind the critical situations which Member States from time to time have to deal with at their external borders, in particular as regards the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union, the current possibilities of rendering efficient practical assistance with regard to the control of persons at and the surveillance of the external borders at European level are not considered sufficient.
- (4) A Member State should in addition have the possibility to request the deployment, in the framework of the Agency, of rapid Border Intervention Teams comprising specially trained experts from other Member States to its territory to assist its national border guards on a temporary basis.

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<sup>9</sup> OJ C , , p. .

<sup>10</sup> OJ C , , p. .

<sup>11</sup> OJ C , , p. .

- (5) A mechanism for the creation of Rapid Border Intervention Teams should therefore be established.
- (6) In order to work effectively together with national border guards, the experts should be able to carry out tasks related to the control of persons at and the surveillance of the external borders while deployed to the Member State requesting their assistance.
- (7) Similarly, the efficiency of joint operations coordinated by the Agency should be further improved by enabling, on a temporary basis, guest officers of other Member States to carry out tasks related to the control of persons at and the surveillance of the external borders while deployed to the Member State requesting their assistance.
- (8) It is therefore necessary to introduce new provisions in Regulation (EC) No 2007/2004 concerning the tasks of guest officers of border guards of other Member States and the specially trained experts of other Member States deployed to a Member State at its request in the framework of the Agency.
- (9) Regulation (EC) No 2007/2004 of 26 October 2004 should therefore be amended accordingly.
- (10) Since the objectives of this Regulation, namely the introduction of common legislation on tasks to be performed by guest officers of border guards of other Member States and the establishment of teams of experts from other Member States to be deployed at the request of a Member State to its territory, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (11) This Regulation respects the fundamental rights and observes the principles recognised by Article 6(2) of the Treaty on European Union and reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in the Charter of Fundamental Rights of the European Union.
- (12) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC<sup>12</sup> on certain arrangements for the application of that Agreement.
- (13) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article

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<sup>12</sup> OJ L 176, 10.7.1999, p. 31.

1, point A, of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decisions 2004/849/EC<sup>13</sup> and 2004/860/EC<sup>14</sup>.

- (14) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it, or subject to its application. Given that this Regulation builds upon the Schengen acquis under the provisions of Title IV, Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law or not.
- (15) This Regulation constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000<sup>15</sup> concerning the request of the United Kingdom to take part in some of the provisions of the Schengen acquis. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (16) This Regulation constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002<sup>16</sup> concerning Ireland's request to take part in some of the provisions of the Schengen acquis. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (17) In this Regulation, the provisions of Article 7(1)(d) and (2) constitute, to the extent that they refer to access being given to the Schengen Information System (SIS), provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 and 2005 Acts of Accession,

HAVE ADOPTED THIS REGULATION:

*Article 1*  
*Subject matter*

This Regulation establishes a mechanism for the purposes of providing rapid technical and operational assistance to a requesting Member State facing a situation of particular pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union, in form of Rapid Border Intervention Teams. The Regulation also defines the tasks to be performed by guest officers and members of the Rapid Border Intervention Teams during operations in a Member State other than their own.

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<sup>13</sup> OJ L 368, 15.12.2004, p. 26.

<sup>14</sup> OJ L 370, 17.12.2004, p. 78.

<sup>15</sup> OJ L 131, 1.6.2000, p. 43.

<sup>16</sup> OJ L 64, 7.3.2002, p. 20.

*Article 2*  
*Definitions*

For the purposes of this Regulation, the following definitions shall apply:

- (1) “the Agency” means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for deployment of the Rapid Border Intervention Teams;
- (2) "joint operations" means joint operations as referred to in Article 3 of Regulation (EC) No 2007/2004;
- (3) "pilot projects" means pilot projects as referred to in Article 3 of Regulation (EC) No 2007/2004;
- (4) "guest officers" means officers of border guard services of other Member States participating in joint operations and pilot projects [on the territory of a Member State];
- (5) "members of the team(s)" means officers of border guard services of Member States serving with the Rapid Border Intervention Teams;
- (6) "requesting Member State" means a Member State which requests the Agency to deploy the Rapid Border Intervention Teams in its territory;
- (7) "host Member State" means a Member State on the territory of which a joint operation, a pilot project or the deployment of the Rapid Border Intervention Teams takes place;
- (8) “home Member State” means the Member State in which the guest officer or member of the team is a national border guard.

*Article 3*  
*Composition and deployment of Rapid Border Intervention Teams*

1. The composition of the Rapid Border Intervention Teams shall be determined by the Agency in accordance with Article 8b of Regulation (EC) No 2007/2004.  
  
The teams shall be deployed by the Agency in accordance with Article 8f of that Regulation.
2. Member States shall provide the names of any officers of their national border guards whom they intend to make available for the Rapid Border Intervention Teams to the Agency.
3. Upon request, Member States shall make the officers referred to in paragraph 2 available to the Agency for the purpose of participating in: the following activities
  - (a) training courses and exercises in accordance with the schedule included in the Agency's annual programme of work;

- (b) deployment, at short notice, in another Member State.
4. The costs relating to the activities referred to in paragraph 3 shall be met by the Agency in accordance with Article 8d of Regulation (EC) No 2007/2004.

#### *Article 4*

##### *Rights and obligations of members of the teams*

1. Members of the teams shall remain officers of the national border guards of their Member States and shall continue to be paid by them. While deployed as members of the teams they shall, however, only take instructions from the host Member State in accordance with the operational plan agreed between the Agency and that Member State, as laid down in Article 8d(4) of Regulation (EC) No 2007/2004.
2. Officers whose names have been provided to the Agency pursuant to Article 3(2) of this Regulation shall participate in basic and additional training relevant for their tasks as well as the regular exercises provided by the Agency in accordance with Article 8c of Regulation (EC) No 2007/2004.
3. Officers shall receive a daily subsistence allowance for the duration of their participation in training courses and exercises organised by the Agency, and periods of deployment as members of the teams in accordance with Article 8d of Regulation (EC) No 2007/2004.

#### *Article 5*

##### *Deployment of the Rapid Border Intervention Teams*

1. During deployment of the Rapid Border Intervention Team(s), command over the team(s) shall be held by the host Member State in accordance with the operational plan. The requesting Member State shall immediately inform the Agency of all decisions taken by its competent authorities with regard to the team(s), including in particular any proposals for amendments or adaptations to the operational plan.
2. The host Member State shall give all necessary assistance to the liaison officer of the Agency accompanying the Rapid Border Intervention Team(s), including full access to the team(s) at all times throughout the deployment.

#### *Article 6*

##### *Tasks of guest officers and members of the teams*

1. For the purpose of joint operations and pilot projects coordinated by the Agency and the deployment of the Rapid Border Intervention Teams, guest officers and members of the teams shall perform the tasks referred to in Articles 7 and 8 for the durations of such activities.
2. When carrying out the tasks referred to in Articles 7 and 8, guest officers and members of the teams shall comply with Community law and the national law of the host Member State. They shall act under the command of officers of the national border guard of the host Member State.

3. Guest officers and members of the teams shall be authorised to wear their own uniform while performing the tasks referred to in Articles 7 and 8.

They shall wear a blue armband with the insignia of the European Union on their uniforms, identifying them as participating in a joint operation or pilot project coordinated by the Agency or a deployment of the Rapid Border Intervention Teams.

For the purposes of identification vis-à-vis national authorities of the host Member State and citizens, guest officers and members of the teams shall at all times carry an accreditation document, as provided for in Article 9, which they shall present on request.

4. Guest officers and members of the teams authorized to carry service weapons in their Home Member State may carry such weapons while performing the tasks referred to in Articles 7 and 8 only with the consent of the host Member State and in accordance with its national law.

#### *Article 7* *Border checks*

1. Guest officers and members of the teams participating in border checks activities, within the meaning of Article 7 of Regulation (EC) No 562/2006 shall perform the following tasks in the host Member State:
  - (a) checking the travel documents of any person crossing the border, in order to ascertain the validity and authenticity of such documents and establish the identity of the persons;
  - (b) using technical devices to check the travel documents in accordance with point (a);
  - (c) interviewing any person crossing the border in order to verify the purpose and conditions of the journey, as well as that the person concerned possesses sufficient means of subsistence and the required documents;
  - (d) checking that any person crossing the border is not the object of an alert for refusal of entry in the Schengen information System (SIS);
  - (e) stamping travel documents, in accordance with Article 10 of Regulation (EC) No 562/2006, both at entry and exit;
  - (f) searching means of transport and objects in the possession of the persons crossing the border, in accordance with the national law of the host Member State.
2. Access by guest officers and members of the teams to the SIS and to national databases for the purposes of paragraph 1(d) shall be regulated by Community law and the national law of the host Member State respectively.
3. Decisions to refuse entry in accordance with Article 13 of Regulation (EC) No 562/2006 shall be taken by guest officers and members of the teams only after

consultation with, and subject to the agreement of, a commanding officer of the national border guard of the host Member State.

Any appeal against such a decision shall be addressed to the competent authorities of the host Member State.

### *Article 8* *Surveillance*

Guest officers and members of the teams participating in surveillance activities, within the meaning of Article 12 of Regulation (EC) No 562/2006 shall perform the following tasks in the host Member State:

- (a) making use of technical means for monitoring the external border area;
- (b) participating in patrols on foot and in means of transport in the external border area of the host Member State;
- (c) preventing persons from illegally crossing the external border of the host Member State in accordance with Community law and the national law of that Member State;

### *Article 9* *Accreditation document*

1. The host Member State shall issue a document to guest officers and members of the teams for the purpose of identifying them and as proof of the holder's rights to carry out the tasks referred to in Articles 7 and 8. The documents shall include the following features:
  - (a) name and nationality of the guest officer/member of the team;
  - (b) rank of the guest officer/member of the team;
  - (c) a recent digitalised photo of the guest officer/member of the team;
  - (d) information on the joint operation/deployment in which the guest officer/member of the team is participating;
  - (e) the tasks the guest officer/member of the team may carry out pursuant to Articles 7 and 8;
  - (f) the period in which the guest officer/member of the team is to carry out the tasks referred to in Articles 7 and 8.
2. The document shall be returned to the host Member State at the end of the joint operation, pilot project or deployment of the Rapid Border Intervention Teams.

#### *Article 10*

##### *Civil liability regarding guest officers and members of the teams*

1. Where guest officers and members of the teams are operating in a Member State other than that of whose border guards they are officers, the home Member State(s) shall be liable for any damage caused by them during the joint operations or deployment of the teams, in accordance with the national law of the host Member State.
2. The host Member State shall make good such damage to the victims or persons entitled on their behalf in accordance with its national law.
3. The home Member State(s) shall reimburse the host Member State in full any sums it has paid to the victims or persons entitled on their behalf.
4. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, each Member State shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of damages it has sustained from another Member State.

#### *Article 11*

##### *Criminal liability regarding guest officers and members of the teams*

During joint operations, pilot projects or deployment of Rapid Border Intervention Teams, guest officers and members of the teams shall be regarded as officials of the host Member State with respect to offences committed against them or by them.

#### *Article 12*

##### *Amendment*

Regulation (EC) No 2007/2004 is amended as follows:

- (1) In Article 2(1), the following point (g) is added:

"(g) deploy Rapid Border Intervention Teams to Member States requesting assistance when faced with situations of particular pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union;"

- (2) Article 8(3) is replaced by the following:

"3. The Agency may acquire technical equipment for control and surveillance of external borders to be used by its experts and [in the framework of] the Rapid Border Intervention Teams for the duration of their deployment in the Member State(s) in question."

- (3) The following Articles 8a to 8h are inserted:

*"Article 8a  
Rapid Border Intervention Teams*

Where the measures referred to in Article 8(2)(a) and (b) are not deemed sufficient to counter a situation of particular pressure, the Agency may deploy one or more Rapid Border Intervention Teams to a requesting Member State for the appropriate duration.

*Article 8b  
Composition of Rapid Border Intervention Teams*

1. The Agency shall draw up and keep lists of the names of the officers of the national border guards which the Member States have provided to the Agency pursuant to Article 3(2) of Regulation (EC) No .../...[*this Regulation*]

When drawing up the lists, the Agency shall take into account the relevant professional experience of the officers, in particular the knowledge of languages.

2. When determining the composition of a Rapid Border Intervention Team for deployment, the Agency shall take into account the particular circumstances which the requesting Member State is facing. The team shall be composed in accordance with the operational plan drawn up pursuant to Article 8f(3).

*Article 8c  
National contact point*

Member States shall designate a national contact point for communication with the Agency on all matters pertaining to the Rapid Border Intervention Teams. The national contact point shall be reachable at all times.

*Article 8d  
Costs*

1. The Agency shall cover the following costs, except regular salaries, incurred by Member States in making available officers of their national border guards for the Rapid Border Intervention Teams for the purposes mentioned in Article 3(3) (a) and (b):
  - (a) travel costs from the Member State of origin to the host Member State;
  - (b) costs related to vaccinations;
  - (c) costs related to special insurance needs in connection with the deployment
  - (d) daily subsistence allowances, as provided for in Article 4(3) of Regulation (EC) No .../...[*this Regulation*].

2. Detailed rules concerning the payment of the daily subsistence allowance of members of the Rapid Border Intervention Teams shall be established by the Management Board.

*Article 8e*  
*Training and exercises*

The Agency shall provide officers whose names appear on the lists referred to in Article 8b(1) with basic and additional training relevant for their tasks. It shall also conduct regular exercises with those officers in accordance with a schedule laid down in the Agency's annual programme of work.

*Article 8f*  
*Procedure for deciding on deployment of the Rapid Border Intervention Teams*

1. When deciding on the request of a Member State for deployment of the Rapid Border Intervention Teams in accordance with Article 8a, the Executive Director shall take into account the findings of the Agency's risk analyses as well as any other relevant information provided by the requesting Member State or another Member State. If required, the Executive Director may send an expert from the Agency to assess the situation at the external borders of the requesting Member State.
2. The Executive Director shall take a decision on the request for deployment of the Rapid Border Intervention Teams as soon as possible and no later than five working days from the date of the receipt of the request. The Executive Director shall simultaneously notify the requesting Member State and the Management Board in writing of the decision. The decision shall state the main reasons on which it is based.
3. If the Executive Director decides to deploy one or more Rapid Border Intervention Teams an operational plan shall immediately be drawn up by the Agency and the requesting Member State in accordance with Article 8g.
4. As soon as the operational plan has been agreed, the Executive Director shall inform the Member States whose border guard officers are to be deployed in the Rapid Border Intervention Team. This information shall be provided, in writing, to the national contact points established under Article 8c and shall indicate the date on which the deployment is to take place. A copy of the operational plan shall also be provided.
5. Deployment of the Rapid Border Intervention Team(s) shall take place no later than five working days after the date on which the operational plan is agreed between the Agency and the requesting Member State.

*Article 8g*  
*Operational plan*

1. The Agency and the requesting Member State shall agree on an operational plan detailing the precise conditions for deployment of the Rapid Border Intervention Team(s). The operational plan shall include the following:
  - (a) the anticipated duration of deployment of the Rapid Border Intervention Team(s);
  - (b) the precise geographical locations in the requesting Member State where the Rapid Border Intervention Team(s) will be deployed;
  - (c) the tasks of the Rapid Border Intervention Team(s) throughout the period of deployment;
  - (d) the composition of the Rapid Border Intervention Team(s);
  - (e) the technical equipment to be deployed together with the Rapid Border Intervention Teams;
  - (f) any additional tasks to be conferred by the requesting Member State upon the members of the Rapid Border Intervention Team(s) during the period of deployment;
  - (g) the names and ranks of officers from the national border guard of the requesting Member State, who will be in command of the Rapid Border Intervention Team(s) during the period of deployment, and the place of the team(s) in the chain of command.
2. Any amendments or adaptations to the operational plan shall require the agreement of both the Executive Director of the Agency and the requesting Member State.

*Article 8h*  
*Liaison officer*

1. The Executive Director shall appoint one or more experts from the staff of the Agency to be deployed as a liaison officer together with the team(s) to represent the Agency and act as an observer. The Executive Director shall notify the host Member State of the appointment.
2. The liaison officer shall report to the Agency on all aspects of the deployment of the teams.

In particular, the liaison officer shall:

- (a) act as an interface between the Agency and the host Member State;
- (b) act as an interface between the Agency and the members of the Rapid Border Intervention Team(s), providing assistance, on behalf of the Agency, on all issues related to the conditions for their deployment with the team(s);

- (c) monitor the implementation of the operational plan;
  - (d) assess the impact of the deployment of the Rapid Border Intervention Team(s), in particular with a view to proposing possible amendments or adaptations of the operational plan to the Agency.
3. In discharging his duties, the liaison officer shall only take instructions from the Agency."
- (4) Article 10 is deleted.

### *Article 13*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 11 shall only apply from [*three months after the date of entry into force*].

This Regulation shall be binding in its entirety and directly applicable in all Member States, in accordance with the Treaty establishing the European Community.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## LEGISLATIVE FINANCIAL STATEMENT

### 1. NAME OF THE PROPOSAL:

Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

### 2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Policy Area: 18 – Justice and Home Affairs.

Activities: 18 02 – External borders, visa policy and free movement of people

### 3. BUDGET LINES

#### 3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

18 02 03 01: Administrative expenditure (Titles 1 and 2)

18 02 03 02: Operational expenditure (Title 3)

#### 3.2. Duration of the action and of the financial impact:

The action will begin on the date when the proposed Regulation will come into force. Its duration will be for as long as the Regulation continues to remain applicable.

Through this proposed Regulation, an amendment is being made to the Regulation setting up the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. The proposed Regulation will add a task to the Agency. There is no financial impact on the revenue. The financial impact is *only* on the expenditure of the budget due to the additional task foreseen through the proposed Regulation.

#### 3.3. Budgetary characteristics :

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
18 02 03 01	Non-comp	Diff	NO	NO	NO	No 3A
18 02 03 02	Non-comp	Diff	NO	NO	NO	No 3A

## 4. SUMMARY OF RESOURCES

### 4.1. Financial Resources

#### 4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

The amounts in this table refer only to the financial resources that will be required by the Agency in order to carry out the **new tasks as a result of the proposal**. Therefore the costs relating to other tasks already being carried out by the Agency are not included here.

The amounts are included within the amounts foreseen in the multi-annual financial programming (document V of the 2007 Preliminary Draft Budget) and as such do not consist of a demand for supplementary appropriations.

EUR million (to 3 decimal places)

Expenditure type	Section No		2008	2009	2010	2011	2012	2013 and later	Total
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#### Operational expenditure<sup>17</sup>

Commitment Appropriations (CA)	8.1	a	2.100	2.100	2.100	2.100	2.100	2.100	12.600
Payment Appropriations (PA)		b	2.100	2.100	2.100	2.100	2.100	2.100	12.600

#### Administrative expenditure within reference amount<sup>18</sup>

Technical & administrative assistance (NDA)	8.2.4	c	0	0	0	0	0	0	0
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#### TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c	2.100	2.100	2.100	2.100	2.100	2.100	12.600
Payment Appropriations		b+c	2.100	2.100	2.100	2.100	2.100	2.100	12.600

#### Administrative expenditure not included in reference amount<sup>19</sup> - Not applicable

Human resources and associated expenditure (NDA)	8.2.5	d							
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e							

#### Total indicative financial cost of intervention - Not applicable

<sup>17</sup> Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

<sup>18</sup> Expenditure within article xx 01 04 of Title xx.

<sup>19</sup> Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

<b>TOTAL CA including cost of Human Resources</b>		a+c +d +e							
<b>TOTAL PA including cost of Human Resources</b>		b+c +d +e							

### Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		2008	2009	2010	2011	2012	2013 and later	Total
Norway and Iceland	f	0.043	0.043	0.043	0.043	0.043	0.043	0.259
<b>TOTAL CA including co-financing</b>	a+c +d+ e+f	2.143	2.143	2.143	2.143	2.143	2.143	12.859

The Regulation establishing the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Council Regulation (EC) No 2007/2004 of 26 October 2004), constitutes a development of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis.

The full participation of Norway and Iceland in the activities of Frontex is made possible on the basis of an arrangement. A financial contribution is foreseen to be made by these two countries to enable their participation.

*Indicative contribution: 2,06 % (2006 figures).*

#### 4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement<sup>20</sup> (i.e. flexibility instrument or revision of the financial perspective).

<sup>20</sup> See points 19 and 24 of the Interinstitutional agreement.

#### 4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

EUR million (to one decimal place)

Budget line		Revenue	Prior to action [Year n-1]	Situation following action						
				[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] <sup>21</sup>	
		<i>a) Revenue in absolute terms</i>								
		<i>b) Change in revenue</i>	$\Delta$							

#### 4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	2008	2009	2010	2011	2012	2013 and later
Total number of human resources						

## 5. CHARACTERISTICS AND OBJECTIVES

### 5.1. Need to be met in the short or long term

The main objective of this proposed Regulation is to improve the operational co-operation between the Member States at the external borders of the EU by adding another task to the list of tasks already being carried out by the Agency in accordance with Council Regulation (EC) 2007/2004 of 26 October 2004. The new task concerns the establishment of 'Rapid Border Intervention Teams', responsible for the control and surveillance of land, air and maritime borders respectively. Refer also to the 'Explanatory Memorandum' for further detail.

### 5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

The proposed Regulation amends Council Regulation (EC) No 2007/2004 setting up the Agency. It complements the existing Regulation by adding a new task to the tasks being carried out by the Agency. As with the existing Regulation, the proposed Regulation will complement other existing financial instruments such as ARGO. This proposal continues to build on the added-value already provided by the

<sup>21</sup> Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years.

establishment of the Agency through the fact that it is carrying out horizontal tasks which previously were national projects, but which are not being managed centrally therefore ensuring coherence and uniformity.

### 5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

#### *Objective:*

Effective control and surveillance of land, air and maritime borders of the Member States.

#### *Results:*

The establishment of Rapid Border Intervention Teams to assist Member States confronted with circumstances requiring increased technical and operational assistance.

#### *Indicators:*

Number of Rapid Border Intervention Teams deployed to provide rapid technical and operational assistance to Member States requesting it.

Number of training courses and exercises carried out for the officers within the Rapid Border Intervention Teams.

### 5.4. Method of Implementation (indicative)

#### ✓ *Centralised Management*

- directly by the Commission
- indirectly by delegation to:
  - executive Agencies
  - ✓ bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
  - national public-sector bodies/bodies with public-service mission

#### *Shared or decentralised management*

- with Member states
- with Third countries

#### *Joint management with international organisations (please specify)*

Relevant comments:

The activity will be implemented by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the

European Union (FRONTEX), established by the Council Regulation (EC) No 2007/2004 of 26 October 2004.

## **6. MONITORING AND EVALUATION**

### **6.1. Monitoring system**

The monitoring of the activities carried out by the Agency, including the new activities resulting from the proposed Regulation will continue to be carried out through the annual activity report adopted by the Management Board for the previous year and the work programme for the coming year, which will both be forwarded to the Commission, the Council and the European Parliament.

### **6.2. Evaluation**

#### *6.2.1. Ex-ante evaluation*

An impact assessment is being carried out by the Commission.

#### *6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)*

Not applicable.

#### *6.2.3. Terms and frequency of future evaluation*

Within three years from the date of the Agency having taken up its responsibilities, and every five years thereafter, the Management Board shall commission an independent external evaluation on the implementation of Council Regulation (EC) No 2007/2004 setting up the Agency. Given that this proposed Regulation amends Council Regulation (EC) No 2007/2004, the evaluation will also concern the proposed Regulation.

The evaluation shall examine how effectively the Agency fulfils its mission, including therefore also the new tasks assigned to the Agency through this proposed Regulation. It shall also assess the impact of the Agency and its working practices. The evaluation shall take into account the views of stakeholders, at both European and national level.

The Management Board shall receive the findings of the evaluation and issue recommendations regarding changes to this Regulation, the Agency and its working practices to the Commission, which may forward them, together with its own opinion as well as appropriate proposals, to the Council. An action plan with a timetable shall be included, if appropriate. Both the findings and the recommendations of the evaluation shall be made public.

## **7. ANTI-FRAUD MEASURES**

The Executive Director will implement the Agency's budget. He/she will each year submit to the Commission, the Management Board and the Court of Auditors the detailed accounts of

all revenue and expenditure from the previous financial year. In addition, the Commission's Internal Audit Service will assist in the management of the Agency's financial operations by controlling risks, monitoring compliance by providing an independent opinion on the quality of management and control systems and making recommendations in order to improve the efficiency and the effectiveness of operations and to ensure economy in the use of the Agency's resources.

The Agency will put in place an internal audit system similar to that introduced by the Commission in the framework of its own restructuring.

The staff will fully cooperate with OLAF to combat fraud.

The Court of Auditors will examine the accounts in accordance with Article 248 of the Treaty and publish an annual report on the Agency's activities.

## 8. DETAILS OF RESOURCES

### 8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	2008		2009		2010		2011		2012		2013		TOTAL	
			No outputs	Total cost												
OPERATIONAL OBJECTIVE No1 <sup>22</sup> Effective control and surveillance of land, air and maritime borders of the Member States.																
<b>Action 1</b> The establishment of Rapid Border Intervention Teams to assist Member States confronted with circumstances requiring increased technical and operational assistance.																
<b>Output 1</b> Number of Rapid Border Intervention Teams deployed to provide rapid technical and operational assistance to Member States requesting it.		0.650	2	1.300	2	1.300	2	1.300	2	1.300	2	1.300	2	1.300	12	7.800
<b>Output 2</b> Number of training courses and exercises carried out for the officers within the Rapid Border Intervention Teams.		0.500	1	0.500	1	0.500	1	0.500	1	0.500	1	0.500	1	0.500	6	3.000

<sup>22</sup>

As described under Section 5.3.

<b>Output 3</b> Provision of technical and other equipment to the Rapid Border Intervention Teams		0.100	1	0.100	1	0.100	1	0.100	1	0.100	1	0.100	1	0.100	6	0.600
<b>TOTAL COST</b>				1.900		1.900		1.900		1.900		1.900		1.900		11.400

## 8.2. Administrative Expenditure

### 8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources ( <b>number of posts/FTEs</b> )					
		2008	2009	2010	2011	2012	2013
Officials or temporary staff <sup>23</sup> (XX 01 01)	A*/AD						
	B*, C*/AST						
Staff financed <sup>24</sup> by art. XX 01 02							
Other staff <sup>25</sup> financed by art. XX 01 04/05							
<b>TOTAL</b>							

### 8.2.2. Description of tasks deriving from the action

Co-ordination of all the activities relating to the new tasks assigned to the Agency which concerns the establishment of 'Rapid Border Intervention Teams', responsible for the control and surveillance of land, air and maritime borders respectively.

### 8.2.3. Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

<sup>23</sup> Cost of which is NOT covered by the reference amount

<sup>24</sup> Cost of which is NOT covered by the reference amount

<sup>25</sup> Cost of which is included within the reference amount

8.2.4. Other Administrative expenditure included in reference amount ((18 02 03 01 – Expenditure on administrative management)

EUR million (to 3 decimal places)

Budget line (number and heading)	2008	2009	2010	2011	2012	2013	TOTAL
<b>1 Technical and administrative assistance (including related staff costs)</b>							
Executive agencies <sup>26</sup>							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
<b>Total Technical and administrative assistance</b>							

8.2.5. Financial cost of human resources and associated costs *not* included in the reference amount **NOT APPLICABLE since no additional resources are required.**

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)						
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
<b>Total cost of Human Resources and associated costs (NOT in reference amount)</b>						

<sup>26</sup> Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Calculation– *Officials and Temporary agents*

Calculation– *Staff financed under art. XX 01 02*

8.2.6. *Other administrative expenditure not included in reference amount*

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees <sup>27</sup>							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
<b>2 Total Other Management Expenditure (XX 01 02 11)</b>							
<b>3 Other expenditure of an administrative nature</b> (specify including reference to budget line)							
<b>Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)</b>							

<sup>27</sup> Specify the type of committee and the group to which it belongs.

Calculation - *Other administrative expenditure not included in reference amount*