



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.7.2006
SEC(2006) 955

COMMISSION STAFF WORKING DOCUMENT

Annex to the

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**

SUMMARY OF THE IMPACT ASSESSMENT

{COM(2006) 401 final}
{SEC(2006) 953}
{SEC(2006) 954}

SUMMARY OF THE IMPACT ASSESSMENT

The emergence of an area of freedom, security and justice in which internal border controls have been abolished has been accompanied by tighter and more harmonised controls at the external borders, in order to ensure a high level of security. The Member States' control authorities thus assume responsibility for these controls on behalf of all their partners, but the security implications and the scale of the burden involved necessitate closer operational cooperation between these authorities.

There have been major advances in this cooperation in recent years, particularly with the implementation of the integrated border management plan, but this assessment has pinpointed certain shortcomings relating, on the one hand, to the lack of any framework laying down the arrangements for rapid intervention in response to unforeseen events and, on the other, to the question of the powers conferred on border guards intervening on the territory of another Member State.

A number of objectives have been identified in the light of the political context established by the Hague programme. The aim is to provide a legal framework for the creation of rapid intervention teams in a coordinated European-wide structure and to define the powers of the officers providing assistance to another Member State. There is also a need for clarity and legal certainty in the scheme, which is intended as a means of providing support to national authorities, not as an alternative to them. The option chosen should help to ensure the uniform application of the border code and improve the cost-effectiveness of the Member States' use of border guards.

Various possibilities for intervention were considered: providing a framework for the bilateral agreements, using the "third pillar" instruments of police cooperation, creating rapid intervention teams within the Frontex Agency, and creating a European border guard corps.

The impact assessment of each of these measures shows that though the creation of a European border guard corps appears to be the most effective option, the legal and political obstacles to such a move rule it out in the short term. The most appropriate solution would therefore seem to be to create rapid intervention teams within the Frontex Agency and to define the legal framework for their deployment.