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► **B** REGULATION (EU) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 14 September 2016

on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC

(OJ L 251, 16.9.2016, p. 1)

Amended by:

|                    |   | Official Journal |      |            |
|--------------------|---|------------------|------|------------|
|                    |   | No               | page | date       |
| ► <b><u>M1</u></b> | Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 | L 295            | 1    | 14.11.2019 |

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Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC****▼M1****▼B***Article 20***Composition and deployment of European Border and Coast Guard  
teams**

1. The Agency shall deploy border guards and other relevant staff as members of the European Border and Coast Guard teams to joint operations, rapid border interventions and in the framework of the migration management support teams. The Agency may also deploy experts from its own staff.

2. On a proposal by the executive director, the management board shall decide by an absolute majority of its members with a right to vote on the profiles and the overall number of border guards and other relevant staff to be made available for the European Border and Coast Guard teams. The same procedure shall apply with regard to any subsequent changes in the profiles and the overall numbers. Member States shall contribute to the European Border and Coast Guard teams through a national pool on the basis of the various defined profiles by nominating border guards and other relevant staff corresponding to the required profiles.

3. The contribution by Member States as regards their border guards to specific joint operations for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the border guards available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in paragraph 12.

4. As regards rapid border interventions, on a proposal by the executive director, the management board shall decide by a three-quarters majority on the profiles and the minimum number of border guards or other relevant staff that correspond to those profiles to be made available for a rapid reaction pool of European Border and Coast Guard teams. The same procedure shall apply with regard to any subsequent changes in the profiles and the overall number of border guards or other relevant staff of the rapid reaction pool. Member States shall contribute to the rapid reaction pool via a national expert pool on the basis of the various defined profiles by nominating border guards or other relevant staff corresponding to the required profiles.

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5. The rapid reaction pool shall be a standing corps placed at the immediate disposal of the Agency and which can be deployed from each Member State within five working days from when the operational plan is agreed upon by the executive director and the host Member State. For that purpose, each Member State shall, on a yearly basis, make available to the Agency a number of border guards or other relevant staff. Their profiles shall be as defined in the decision of the management board. The total number of staff made available by the Member States shall amount to a minimum of 1 500 border guards or other relevant staff. The Agency may verify whether the border guards proposed by Member States correspond to the defined profiles. The Agency may request that a Member State remove a border guard from the pool in the case of misconduct or infringement of the applicable rules.

6. Each Member State shall be responsible for its contribution to the number of border guards or other relevant staff, as referred to in paragraph 5, in accordance with Annex I.

7. Member States shall make the border guards and/or other relevant staff from the rapid reaction pool available for deployment at the request of the Agency. If a risk analysis and any available vulnerability assessment show that a Member State is faced with a situation that would substantially affect the discharge of national tasks, its contribution to the deployment of a rapid border intervention shall be half of its contribution fixed in Annex I. A host Member State where a rapid border intervention is taking place shall not deploy staff forming part of its fixed contribution to the rapid reaction pool. If there is a shortage of staff for deployment in the rapid border intervention, the management board shall decide how that shortage is to be filled based on a proposal of the executive director.

8. Where necessary, the deployment of European Border and Coast Guard teams from the rapid reaction pool shall be immediately supplemented by additional European Border and Coast Guard teams. For that purpose, Member States shall, at the request of the Agency, immediately communicate the number, names and profiles of border guards and other relevant staff from their national pool whom they are able to make available within seven working days from the start of the rapid border intervention. Member States shall make the border guards and other relevant staff available for deployment at the request of the Agency unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. If a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in paragraph 12.

9. If a situation arises in which more border guards are required than provided for under paragraphs 5 and 8, the executive director shall immediately inform the European Parliament, the Council and the Commission. He or she shall also call upon the Council to seek commitments from Member States to meet the shortage.

10. Member States shall ensure that the border guards and other relevant staff which they contribute match the profiles and the numbers decided upon by the management board. The duration of the deployment shall be determined by the home Member State but in any event shall not be less than 30 days, except if the operation of which the deployment is a part has a shorter duration than 30 days.

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11. The Agency shall contribute to the European Border and Coast Guard teams with competent border guards or other relevant staff seconded by the Member States as national experts to the Agency. The contribution by Member States as regards the secondment of their border guards or other relevant staff to the Agency for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the border guards or other relevant staff available for secondment, unless that would seriously affect the discharge of national tasks. In such situations Member States may recall their seconded border guards or other relevant staff.

Such secondments may be for 12 months or more but in any event shall not be for less than three months. The seconded border guards and other relevant staff shall be considered to be members of the teams and they shall have the tasks and powers of the members of their teams. The Member State that has seconded those border guards or other relevant staff shall be considered to be their home Member State.

Other staff employed by the Agency on a temporary basis who are not qualified to perform border control functions shall only be deployed during joint operations for coordination and other tasks which do not require full border-guard training. They shall not form part of the European Border and Coast Guard teams.

12. The Agency shall inform the European Parliament on an annual basis of the number of border guards that each Member State has committed and the number of border guards actually deployed to the European Border and Coast Guard teams in accordance with this Article. This report shall list the Member States that have invoked the exceptional situation referred to in paragraphs 3 and 8 in the previous year. It shall also include the reasons and information provided by the Member State concerned.

**▼M1****▼B***Article 30***Pool of forced-return escorts**

1. The Agency shall constitute a pool of forced-return escorts from national competent bodies who carry out return operations in accordance with the requirements referred to in Article 8(4) and (5) of Directive 2008/115/EC and who have been trained in accordance with Article 36 of this Regulation.

2. The management board on a proposal of the executive director shall determine the profile and the number of forced-return escorts to be made available to that pool. The same procedure shall apply with regard to any subsequent changes in the profile and overall numbers. Member States shall contribute to the pool by nominating forced-return escorts corresponding to the defined profile. Forced-return escorts with specific expertise in child protection shall be included in the pool.

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3. Member States' contribution of forced-return escorts to return operations and interventions for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the forced-return escorts available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment, or five working days in case of a rapid return intervention.

4. The Agency shall make the forced-return escorts available upon request to participating Member States to escort returnees on their behalf and to take part in return operations and interventions. It shall make available forced-return escorts with specific expertise in child protection for any return operation involving children.

5. Forced-return escorts shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention.

*Article 31***Pool of return specialists**

1. The Agency shall constitute a pool of return specialists from national competent bodies and from the staff of the Agency, who have the skills and expertise required to carry out return-related activities and who have been trained in accordance with Article 36. Those specialists shall be made available to carry out specific tasks, such as identification of particular groups of third-country nationals, the acquisition of travel documents from third countries and facilitation of consular cooperation.

2. The management board, on a proposal of the executive director shall determine the profile and the number of return specialists to be made available to that pool. The same procedure shall apply with regard to any subsequent changes in the profile and overall numbers. Member States shall contribute to the pool by nominating specialists corresponding to the defined profile. Return specialists with specific expertise in child protection shall be included in the pool.

3. Member States' contribution of return specialists to return operations and interventions for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the return specialists available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment, or five working days in case of a rapid return intervention.

4. The Agency shall make the return specialists available upon request to Member States participating in return operations and to take part in return interventions. It shall make available return specialists with specific expertise in child protection for any return operation involving children.

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5. Return specialists shall remain subject to the disciplinary measures either of the Agency or of their home Member State in the course of a return operation or return intervention.

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