

## The idea behind

The basic idea of Rapid Border Intervention Teams was to create such a mechanism that could allow, in case of urgent and exceptional migratory pressure, rapid deployment of border guards on a European level.

Rapid Border Intervention Teams are intended to provide short-term assistance. The responsibility for the control and surveillance of the external borders remains to lie with the Member States.

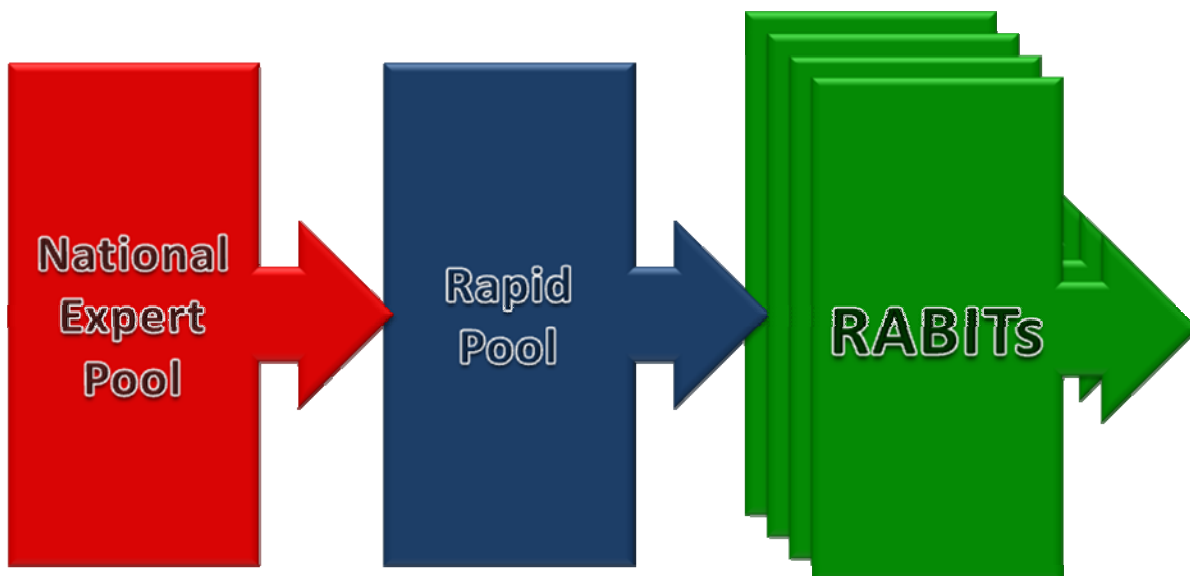
Legal base:

*Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers*

## Rapid Border Intervention Teams – who are those officers?

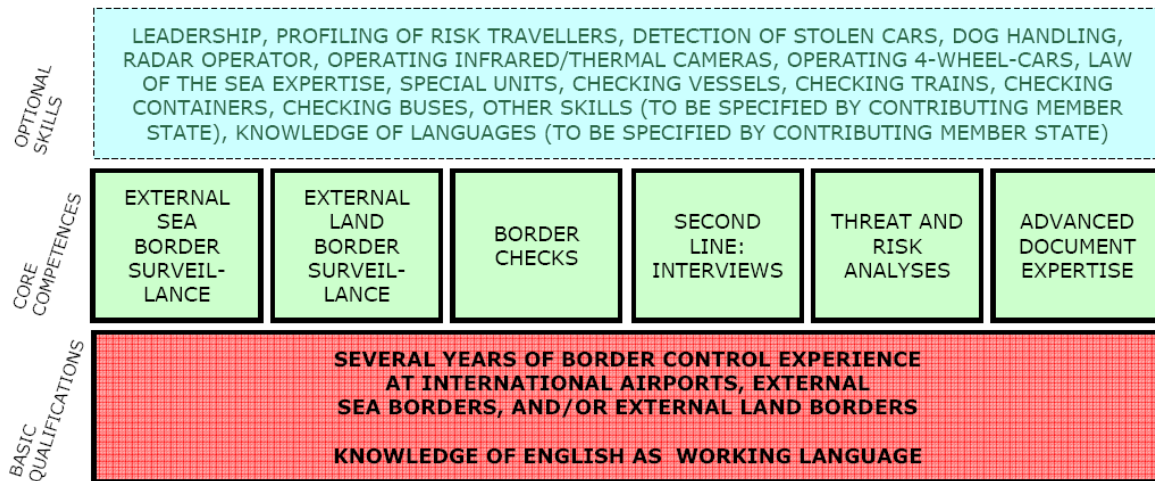
Members of the Rapid Border Intervention Teams are officers of national law enforcement bodies responsible for border management (border guards, police officers, immigration officers etc.).

Frontex has established and maintains the Rapid Pool, which is composed of all national expert pools of the Member States.



The overall number of border guards to be made available by the Member States via their national expert pools for the Rapid Pool is between 500 and 600 officers.

The profiles of border guards being members of the Rapid Border Intervention Teams are composed of basic qualifications, core competences and operational skills.



*\*The overall number of border guards does not include the number of crew members operating vessels, fixed wing aircrafts and/or helicopters or carrying out other purely technical functions related to technical equipment.*

## Tasks and Powers

Members of the teams may only perform tasks and exercise powers under instruction from and, as a general rule, in the presence of border guards of the host Member State.

Members of the teams shall, in the performance of their tasks and in the exercise of their powers, fully respect human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, members of the teams shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Members of the teams shall have the capacity to perform all tasks and exercise all powers for border checks or border surveillance in accordance with the Schengen Borders Code (Regulation (EC) No 526/2006), and that are necessary for the realisation of the objectives of the Regulation (EC) No 863/2007 (establishing RABITs).

Members of the teams have the power to carry out border control as defined in the Schengen Borders Code:

- border checks

- border surveillance
- stamping
- interviewing undocumented persons
- consultation of databases

The certain, concrete tasks of deployed Rapid Border Intervention Teams will be clearly defined, case by case, in the agreed Operational Plan. These tasks defined in the plan depend on the operational aim within the frame of the legal powers.

## Use of force

While performing their tasks and exercising their powers, members of the teams may carry service weapons, ammunition and equipment as authorised according to the home Member State's national law. However, the host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards.

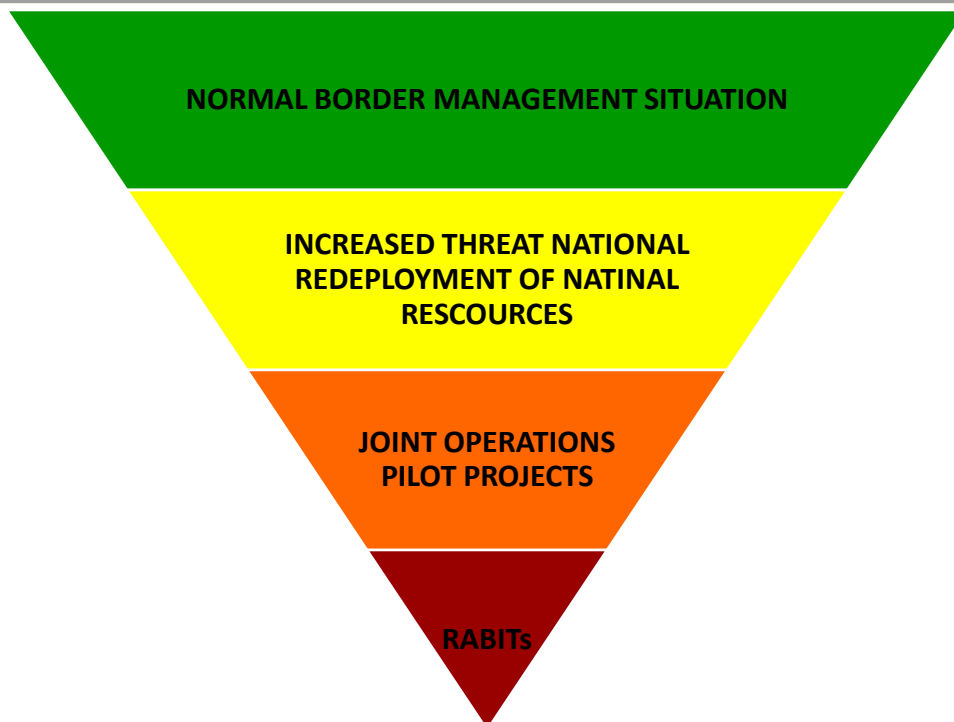
Condition for use of force:

- I. Consent of:
  - a. the home Member State
  - b. the host Member State
- II. Presence of border guard(s) of the host Member State
- III. In accordance with the national law of the host Member State

The only exception for these conditions is a legitimate self-defence and legitimate defence of member of the teams or of other persons (Art. 6(7) of the Regulation 863/2007).

## How are they deployed?

A member State is entitled to request the assistance of the Rapid Border Intervention Teams while facing a situation of urgent and exceptional pressure, especially the arrival at point of the external borders of large numbers of third-country nationals trying to enter the territory of the Member State illegally.



The decision on deployment of the Rapid Border Intervention Teams belongs to the Executive Director of Frontex. The final decision is preceded by a number of procedural steps:

- a) Request of a Member State.
- b) Information about the request from the Executive Director to the Management Board.
- c) Assessment of the situation based on Frontex risk analyses and information provided by a Member State. The Executive Director may also send experts to the operational theatre in order to assess the situation.
- d) Decision of the Executive Director (no later than five days from the date of the receipt of the request).
- e) Communication on the decision to the requesting Member State and the Management Board.
- f) If the decision is positive:
  1. Preparation of the Operational Plan
  2. Selection and composition of the teams to be sent
  3. Deployment

## Who commands?

During the deployment instructions to the teams should be issued by the host Member State. Every Rapid Border Intervention Team shall be complemented by a command officer of the host Member State. The command officer has the operational responsibility for the team and has the power to give instructions to his assigned team.

Frontex Executive Director shall appoint expert from Frontex to be deployed as coordinating officer. The coordinating officer shall act on behalf of Frontex in all aspects of the deployment of the teams. In particular, the coordinating officer shall:

- act as an interface between Frontex and the host Member State
- act as interface between Frontex and the members of the teams, providing assistance, on behalf of Frontex, on all issues relating to the conditions for their deployments with the teams
- monitor the correct implementation of the Operational Plan
- report to Frontex on all aspects of the deployment of the teams

## How to recognise a RABITs Member?

Members of the teams shall wear their national uniform while performing their tasks and exercise their powers. They shall wear a blue armband with the insignia of the European Union and Frontex on their uniforms, identifying them as participating in a deployment of the teams. The purpose of wearing armbands is to identify members of the teams as participants in a deployment of the Rapid Border Intervention Teams in real mission or during exercises.



For the purpose of identification vis-à-vis the national authorities of the host Member State and its citizens, members of the teams shall at all times carry an accreditation document provided by Frontex.

## Are they skilled enough?

A special Rapid Curriculum was prepared by Frontex and national experts of all Member States in order to provide members of the teams with training to complement their abilities and knowledge. Curriculum covers, among others:

- the history of EU and Schengen
- EU legislation (special focus on Frontex Regulation, RABITs Regulation, Schengen Border Code)
- human rights (Charter of Fundamental Rights of the EU, Geneva Convention and New York Protocol, Common European Asylum System)
- practical policing (intercultural management, practical work on the border).

## Civil and criminal liability

### *Civil liability*

While performing the tasks and exercising the powers, the members of the teams shall comply with Community law and the national law of the host Member State.

While performing the tasks and exercising the powers, the members of the teams shall remain subject to the disciplinary measures of their home Member State.

Where members of the teams are operating in a host Member State that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.

Where such damage is caused by gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the home Member State.

Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.

Any dispute between Member States relating to the application of paragraphs 2 and 3 which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Communities in accordance with Article 239 of the Treaty.

Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs related to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.

### ***Criminal liability***

During the deployment of the teams, members of the teams shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.

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