

Brussels, 12.9.2018 COM(2018) 631 final

ANNEXES 1 to 6

ANNEXES

to the proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council

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ANNEX I

Composition of the European Border and Coast Guard standing corps per year and category in accordance with Article XX

Category Year	Category 1 Agency Staff	Category 2 Operational staff for long term secondments	Category 3 Operational staff for short term deployments	Total for the European Border and Coast Guard standing Corps
2020	1500	1500	7000	10000
2021	2000	2000	6000	10000
2022	2000	2000	6000	10000
2023	2500	2500	5000	10000
2024	2500	2500	5000	10000
2025	3000	3000	4000	10000
2026	3000	3000	4000	10000
2027	3000	3000	4000	10000

ANNEX II

List of tasks to be carried out by the Agency's statutory staff as team members deployed from the European Border and Coast Guard standing corps and requiring executive powers

- 1. verification of the identity and nationality of persons, including consultation of relevant EU and national databases;
- 2. authorisation of entry upon border check carried out at the border crossing points(in case that entry conditions laid down in Article 6 of the Schengen Borders Code;
- 3. refusal of entry upon border check carried out at the border crossing points are fulfilled; in accordance with Article 14 of the Schengen Border Code;
- 4. stamping of travel documents in accordance with Article 11 of the Schengen Border Code;
- 5. issuing or refusing of visas at the border in accordance with Article 35 of the Visa Code and introduce the relevant data in VIS;
- 6. border surveillance including patrolling between border crossing points to prevent unauthorised border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally, including interception/apprehension;
- 7. register fingerprints of persons apprehended in connection with the irregular crossing of an external border in EURODAC (category 2) in accordance with Chapter III of the EURODAC Regulation;
- 8. liaising with third countries in view of identification of and obtaining travel documents for third country nationals subject to return;
- 9. escorting third country nationals subject to forced return.

ANNEX III

Table with annual contributions of Member States to be provided to the European Border and Coast Guard standing corps through the long term secondment of operational staff in accordance with Article 57

Country / Year	2020	2021	2022	2023	2024	2025	2026	2027
Belgium	30	40	40	50	50	60	60	60
Bulgaria	40	53	53	67	67	80	80	80
Czech Republic	20	27	27	33	33	40	40	40
Denmark	29	39	39	48	48	58	58	58
Germany	225	298	298	377	377	450	450	450
Estonia	18	24	24	30	30	36	36	36
Greece	50	67	67	83	83	100	100	100
Spain	111	148	148	185	185	222	222	222
France	170	225	225	285	285	340	340	340
Croatia	65	87	87	108	108	130	130	130
Italy	125	167	167	208	208	250	250	250
Cyprus	8	11	11	13	13	16	16	16
Latvia	30	40	40	50	50	60	60	60
Lithuania	39	52	52	65	65	78	78	78
Luxembourg	8	11	11	13	13	16	16	16
Hungary	65	87	87	108	108	130	130	130
Malta	6	8	8	10	10	12	12	12
Netherlands	50	67	67	83	83	100	100	100
Austria	34	45	45	57	57	68	68	68
Poland	100	133	133	167	167	200	200	200
Portugal	47	63	63	78	78	94	94	94
Romania	75	100	100	125	125	150	150	150
Slovenia	35	47	47	58	58	70	70	70
Slovakia	35	47	47	58	58	70	70	70
Finland	30	40	40	50	50	60	60	60

Country / Year	2020	2021	2022	2023	2024	2025	2026	2027
Sweden	17	23	23	28	28	34	34	34
[Switzerland]	16	21	21	27	27	32	32	32
[Iceland]	2	3	3	3	3	4	4	4
[Liechtenstein]*	0	0	0	0	0	0	0	0
[Norway]	20	27	27	33	33	40	40	40
TOTAL	1500	2000	2000	2500	2500	3000	3000	3000

^(*) Liechtenstein will contribute through proportional financial support

ANNEX IV

Annual contributions of Member States to the EBCG standing corps for short term deployments of operational staff in accordance with Article 58

Country / Year	2020	2021	2022	2023	2024	2025	2026	2027
Belgium	140	120	120	100	100	80	80	80
Bulgaria	187	160	160	133	133	107	107	107
Czech Republic	93	80	80	67	67	53	53	53
Denmark	135	116	116	97	97	77	77	77
Germany	1052	900	900	748	748	602	602	602
Estonia	84	72	72	60	60	48	48	48
Greece	233	200	200	167	167	133	133	133
Spain	518	444	444	370	370	296	296	296
France	795	680	680	565	565	455	455	455
Croatia	303	260	260	217	217	173	173	173
Italy	583	500	500	417	417	333	333	333
Cyprus	37	32	32	27	27	21	21	21
Latvia	140	120	120	100	100	80	80	80
Lithuania	182	156	156	130	130	104	104	104
Luxembourg	37	32	32	27	27	21	21	21
Hungary	303	260	260	217	217	173	173	173
Malta	28	24	24	20	20	16	16	16
Netherlands	233	200	200	167	167	133	133	133
Austria	159	136	136	113	113	91	91	91
Poland	467	400	400	333	333	267	267	267
Portugal	219	188	188	157	157	125	125	125
Romania	350	300	300	250	250	200	200	200
Slovenia	163	140	140	117	117	93	93	93
Slovakia	163	140	140	117	117	93	93	93
Finland	140	120	120	100	100	80	80	80
Sweden	79	68	68	57	57	45	45	45
[Switzerland]	75	64	64	53	53	43	43	43
[Iceland]	9	8	8	7	7	5	5	5
[Liechtenstein]*	0	0	0	0	0	0	0	0
[Norway]	93	80	80	67	67	53	53	53
TOTAL	7000	6000	6000	5000	5000	4000	4000	4000

^(*) Liechtenstein will contribute through proportional financial support.

ANNEX V

Rules on the use of force, including the supply, training, control and use of service firearm weapons and non-lethal equipment applicable to the Agency's statutory staff when acting as team members during their deployment from the European Border and Coast Guard standing corps

1. GENERAL PRINCIPLES GOVERNING THE USE OF FORCE AND WEAPONS

For the purposes of this Regulation, the 'use of force' refers to recourse by the Agency's statutory operational staff to physical means for the purposes of performing its functions or to ensure self-defence, that include the use of hands and body, the use of any instruments, weapons or equipment and firearms.

The use of force and weapons by members of the teams deployed from the Agency's statutory operational staff shall comply with the principles of necessity, proportionality, and precaution (the "core principles") as set out below.

The Principle of Necessity

Use of force, whether through direct physical contact, or by use of weapons or equipment, shall be exceptional and shall only take place when it is strictly necessary to ensure the performance of the Agency's duties or in self-defence. Force may only be used as a last resort, after every reasonable effort has been made to resolve a situation using non-violent means including by means of persuasion, negotiation, or mediation. The use of force or coercive measures shall never be arbitrary or abusive.

The Principle of Proportionality

Whenever the lawful use of force or firearms is unavoidable, the Agency's statutory operational staff shall act in proportion to the seriousness of the offence and the legitimate objective to be achieved. During operational activities, the proportionality principle should guide both the nature of force used (e.g. the need for use of weapons) as well as the extent of force applied. The Agency's statutory operational staff shall not use more force than is absolutely necessary to achieve the legitimate law enforcement objective. If a firearm is used, the Agency's statutory operational staff shall ensure that such use causes the least possible injuries and minimizes injury or damage to the greatest possible extent. The principle requires the Agency to provide equipment and self-defensive tools for its statutory staff necessary to enable the appropriate level of force to be applied.

The Duty of Precaution

Operational activities carried out by the Agency's statutory operational staff shall fully respect and aim to preserve human life. All necessary steps that can minimise the risk of injury and damage during operations shall be done. This obligation includes a general obligation for the Agency's statutory operational staff to provide clear warnings of the intention to use force unless provision of such a warning would unduly place the members of the teams at risk or would create a risk of death or serious harm to others, or would be clearly inappropriate or ineffective in the particular circumstances.

2. PRACTICAL RULES FOR USE OF FORCE, SERVICE WEAPON, AMMUNITION AND EQUIPMENT

General practical rules for the use of force, weapons and other equipment

In accordance with Article 83(3), the Agency's statutory operational staff shall exercise their executive power, including, the use of force, under the command and control of the host Member State and may only use force, including weapons, ammunition and equipment, following the receipt of authorisation from the competent authorities of the host Member State and in the presence of the border guards of the host Member State. Nevertheless, the competent authorities of the host Member State may authorize, with the consent of the Agency, the latter's statutory operational staff to use force in the absence of officers of the host Member State.

The use of force and weapons by the Agency's statutory operational staff shall:

- (a) comply with the Agency's Code of Conduct
- (b) respect fundamental rights as guaranteed under international and Union law, including, in particular, under the Charter of Fundamental Rights, the European Convention on Human Rights, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), and the UN Code of Conduct for Law Enforcement Officials (1979)
- (c) comply with the core principles referred to in Part I.

Specific practical rules for the most commonly used instruments of force in law enforcement (elements of the personal equipment of the Agency's statutory operational staff)

In accordance with the core principles, the use of force is only permissible to the extent necessary for achieving the immediate law enforcement aim, and only after:

- attempts to resolve a potentially violent confrontation by means of persuasion, negotiation, mediation have been exhausted and failed;
- a warning on the intent to use force has been provided.

In case where it is necessary to escalate the level of intervention (for example, deployment of the use of a weapon or of a different form of weapon), clear warning of such an escalation should also be provided unless provision of such a warning would unduly place the members of team at risk or would create a risk of death or serious harm to others, or would be clearly inappropriate or ineffective in the particular circumstances.

Firearms

The Agency's statutory operational staff shall not use firearms against persons except in the following circumstances, and only when less extreme means are insufficient to achieve the necessary objectives:

- the Agency's statutory operational staff may use firearms only as a last resort, in an extreme emergency, especially if there is any risk that bystanders might be endangered;
- to defend themselves or others against an imminent threat of death or serious injury;
- to prevent an imminent threat of death or serious injury;
- to repel an actual attack or prevent an impending dangerous attack on essential institutions, services or facilities;

Prior to the use of firearms, operational staff of the Agency must provide a clear warning on the intention of using such arms. Warnings may be provided by statement or by the firing of warning shots.

Non-lethal weapons

Baton

Approved batons may be used as primary source of defence or as weapons, if appropriate, in line with the core principles, as follows:

- when lesser use of force is considered clearly unsuitable for the purpose;
- to avert an actual or impending attack on property;

Prior to the use of batons, operational staff of the Agency must provide a clear warning on the intention of using batons. In using batons, deployed operational staff shall always aim to minimise the risk of injury suffered and avoid contact with the head.

<u>Lachrymatory agents (e.g. pepper spray)</u>

Approved lachrymatory agents may be used as a source of defence or as weapons, if appropriate, in line with the core principles, as follows:

- when lesser use of force is considered clearly unsuitable for the purpose;
- to avert an actual or impending attack

Other equipment

Handcuffs

 Shall only be placed on persons who are considered to represent a danger to themselves or to others to ensure their safe detention or transportation and the safety of the Agency's statutory operational staff and other team members.

3. CONTROL MECHANISM

The Agency shall provide the following safeguards in relation to the use of force, weapons, ammunition and equipment, and shall provide a stock taking in its Annual Report.

Training

The training provided in accordance with Article 62(2) shall cover theoretical and practical aspects in relation to the prevention and the use of force. The theoretical training shall incorporate psychological training (including training in resilience and working in situations of high pressure), as well as techniques to prevent the use of force, such as negotiation and mediation. The theoretical training shall be followed by an obligatory and adequate theoretical and practical training on the use of force, weapons, ammunition and equipment. The practical training, to ensure a common practical understanding and approach, shall be concluded, by a simulation relevant for the activities to be carried out during the deployment.

Use of narcotics, drugs and alcohol consumption

The Agency's statutory operational staff shall not consume alcohol while on duty or at a reasonable time prior to commencing duty.

They shall not possess or use narcotics or drugs, unless prescribed on medical grounds. Staff requiring drugs for medical purposes shall immediately inform his or her immediate superior

of such a requirement. Participation in operational activities may be reviewed having regard to potential effects and side-effects associated with the use of the substance.

The Agency shall establish a control mechanism to ensure that its statutory operational staff carry out their functions without any influence of use of narcotics, drugs or alcohol. This mechanism shall be based on a regular medical test of the staff concerning possible consumption of narcotics, drugs or alcohol. Any positive results found at these tests shall be immediately reported to Executive Director of the Agency.

Reporting

Any incidents involving the use of force shall be immediately reported through the chain of command to the coordination structure relevant for each operation and to the Fundamental Rights Officer and Executive Director of the Agency. The report shall provide full details of the circumstances in which such use arose.

Duty to cooperate and inform

The Agency's statutory operational staff and any other participants in the operations shall cooperate in the gathering of facts of any incident which was reported during an operational activity.

Complaints mechanism

Any person may report suspected breaches by the Agency's statutory operational staff of the rules on the use of force applicable under this Annex under the complaint mechanism provided for in Article 107.

Sanctions

Without prejudice to Article 86, in case the Agency establishes that a member of its statutory operational staff has performed activities in breach of rules applicable under this Regulation, including fundamental rights protected under the Charter, the European Convention on Human Rights and under international law, the Executive Director shall take adequate measure which may include the immediate recall of the staff member from the operational activity, and any disciplinary measures in accordance with the Staff Regulation, including the removal of the staff member from the Agency.

Role of the Fundamental Rights Officer

The Fundamental Rights Officer shall verify and provide feedback on the content of the inception and refreshment training with special regards to their fundamental rights aspects and the situation where the use of force is necessary, and ensure relevant preventive techniques are included.

The Fundamental Rights Officer shall report on the respect of fundamental rights in law enforcement practice in the host Member State. This report shall be submitted to the Executive director and shall be taken into account while designing the operational plan.

The Fundamental Rights Officer shall ensure that an incidents related to the use of force, use of weapons, ammunition and equipment shall be reported without delay to the Executive Director.

All activities related to the use of force, weapons, ammunition and equipment shall be regularly monitored by the Fundamental Rights Officer, and all incidents shall be reported in the Fundamental Rights Officer's reports as well in the Annual Report of the Agency.

4. PROVISION OF SERVICE WEAPONS

Authorization of weapons

For the purposes of determining the exact service weapons, ammunition and other equipment to be used by the Agency's statutory operational staff, the Agency shall establish an exhaustive list of items to be included in the personal equipment set.

The personal equipment set shall be used by all the Agency's statutory operational staff deployed as team members of the three types of teams deployed from the European Border and Coast Guard standing corps. The Agency may also complement the personal equipment set by additional weapon, ammunition or other equipment specific for the purpose of carrying specific tasks within one or two types of teams.

The Agency shall ensure for its statutory operational staff that all the provided equipment, including firearms, are compliant with all the necessary technical standards tools.

Weapons, ammunition and equipment that are authorised for use shall be listed in the operational plan in line with the requirements on admissible and prohibited weapons of the host Member State.

Prohibition of weapons

The host Member State may prohibit the carrying of certain service weapons, ammunition and equipment in accordance with Article 83(2) second indent.

Instructions for duty period

Weapons, ammunition and equipment can be carried and used during operations. Carrying or using them off duty periods is not allowed. The Agency shall establish specific rules and measures to facilitate the storage of weapons, ammunition and other equipment of the Agency's statutory operational staff during off duty periods in secured facilities.

ANNEX VI

CORRELATION TABLE

Regulation (EU) 2016/1624	Regulation (EU) No 1052/2013	Joint Action 98/700/JHA	This Regulation
Article 1 first sentence			Article 1 paragraph 1
Article 1 second sentence			Article 1 paragraph 2
Article 2 introductory wording	Article 3 introductory wording		Article 2 introductory wording
Article 2 point 1			Article 2 point 1
			Article 2 point 2
Article 2 point 2			Article 2 point 3
			Article 2 point 4 Article 2 point 5
	Article 3 points a		Article 2 point 3
Article 2 point 3			Article 2 point 6
	Article 3 point b		Article 2 point 7
	Article 3 point c		Article 2 point 8
			Article 2 point 9
	Article 3 point d		Article 2 point 10
	Article 3 point f		Article 2 point 11
Article 2 point 16	Article 3 point e		Article 2 point 12
	Article 3 point g		Article 2 point 13
	Article 3 point i		Article 2 point 14
	Article 3 points h		
			Article 2 point 15
Article 2 point 4			Article 2 point 16
Article 2 point 8			Article 2 point 18
Article 2 point 9			Article 2 point 19
Article 2 point 5			Article 2 point 20
Article 2 point 6			Article 2 point 21
Article 2 point 7			Article 2 point 22
Article 2 point 10			Article 2 point 23
			Article 2 point 24
Article 2 point 11			Article 2 point 25

Article 2 point 12		 Article 2 point 26
Article 2 point 13		 Article 2 point 27
Article 2 point 14		 Article 2 point 28
Article 2 point 15		 Article 2 point 29
		 Article 2 point 30
		 Article 2 point 31
Article 4 points a to		 Article 3 points a to
d		d
Article 4 point e		 Article 3 points e
_		and f
Article 4 points f to		 Article 3 points g
k		to h
Article 3 paragraph		 Article 4
1		A .: 1 . 7
Article 6		 Article 5
Article 7		 Article 6
Article 5 paragraph		 Article 7 paragraph
1		 Article 7 paragraph
		2
Article 5		 Article 7
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		 Article 8
		paragraphs 1 to 4
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Article 3 paragraph		 Article 8 paragraph
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1 O 1		 Article 9
Article 8 paragraph 1 point a		 Article 10 paragraph 1 point 1
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Autiala O mana anari		Article 10
Article 8 paragraph 1 points b to h		 paragraph 1 points
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1 point i		paragraph 1 points
		12 i and ii

Article 8 paragraph 1 points j k		
		 Article 10 paragraph 1 points 12 iii
	Article 6 paragraph 1 points bcd	
Article 8 paragraph 1 points l		 Article 10 paragraph 1 point 13
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Article 8 paragraph 1 points n and o		 Article 10 paragraph 1 points 14 and 15
Article 8 paragraph 1 point m		 Article 10 paragraph 1 point 16
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Article 8 paragraph 1 points p and q		 Article 10 paragraph 1 points 22 and 23
	Article 6 paragraph 1 point a	 Article 10 paragraph 1 point 25
Article 8 paragraph 1 points r and s		 Article 10 paragraph 1 points 26 and 27
Article 8 paragraph 1 points t and u		
		 Article 10 paragraph 1 points 28 and 29
Article 8 paragraph 2		 Article 7 paragraph 5
	Article 11	 points included in Article 10
Article 9		 Article 11
Article 10 paragraph 3 2nd and 4th sentence		 Article 12 paragraph 3
Article 10 paragraph 3 1st and third sentence		

		 Article 12 paragraph 4
Article 10 paragraphs1 and 2		 Article 12 paragraphs 1 and 2
Article 23		 Article 13 first half
		 Article 13 second half
	Article 7 paragraphs 1 and 2	 Article 14
	Article 7 paragraphs 3 4 5	
Article 44 paragraph 1		 Article 15 paragraph 1
Article 44 paragraph 2		 Article 15 paragraph 4
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	Article 1	 Article 18
	Article 2 paragraph 1	 Article 19 paragraph 1
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	Article 4 paragraph 1 points a b	 Article 20 paragraph 1 points a b
	Article 4 paragraph 1 points d	 Article 20 paragraph 1 points c
	Article 4 paragraph 1 points c e f	
		 Article 20 paragraph 1 points d e f
	Article 4 paragraph 4	
	Article 4 paragraphs 2 and 3	 Article 20 paragraphs 2 and 3
		 Article 21 paragraph 3 point i
	Article 5	 Article 21 (but 3 i)

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	Article 21	 Article 24
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	Article 22	
	paragraph 1	
		 Article 24
		paragraphs 2 and 3
	Article 10	 Article 25
	paragraph 5	paragraph 2 points
		(included in the general definition
		of the layers)
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		paragraphs 1 and 2
		 Article 25
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	Article 9 paragraph	 Article 26
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	Article 9 paragraph	 Article 26
	2 points a) to e)	paragraph 2 points
		a) to e)
		 Article 26 paragraph 2 point f
	A	
	Article 9 paragraph 2 points f) to k)	 Article 26 paragraph 2 points
	2 points 1) to k)	g) to h)
	Article 9 paragraph	 Article 25
	3	paragraph 5 points
		in the
	Artiala O management	implementing act Article 26
	Article 9 paragraph 4	 paragraph 3 first
		half
	Article 9 paragraph	 Article 25
	5 points a first	paragraph 5 points
	half	in the
		 implementing act Article 26
		 paragraph 3 second
		half
	Article 9 paragraph	 Article 26
	5 points a second	paragraph 4
	half	

 Article 9 paragraph 5 points b	 Article 25 paragraph 5 points in the
	implementing act
 Article 9 paragraphs 6,7,8,10	 Article 25 paragraph 5 points in the implementing act
 Article 9 paragraph 9 points a and b	 Article 25 paragraph 5 points in the implementing act
 Article 9 paragraphs 9 introductory wording	 Article 26 paragraph 5
 Article 10 paragraphe 2 points a,b,f	 Article 27 paragraphe 2 points a,b,f
 Article 10 paragraph 2 points c	 Article 25 paragraph 5 points in the implementing act
 Article 10 paragraphe 2 points d,e	 Article 27 paragraph 2 points c
 	 Article 27 paragraph 2 points e
 Article 10 paragraph 3	 Article 27 paragraph 3
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		 Article 29 paragraph 2 points f to h
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	Article 14	 Article 31 points
		First sentence
		 Article 31 Second
		sentence
		 Article 31 Second
		part
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		paragraph 2 point j
Article 12		 Article 32 (but 2 j)
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Tittlete 13		paragraphs but 9
		Article 33
		paragraph 9
		 Article 34
		 Article 35
		paragraph 1 points
		d
	Article 15	 Article 35 (but 1d)
		 Article 36
		paragraph 3 points
	Article 16	 d Article 36
	paragraph 5	 paragraph 4
	Article 16	Article 36
	paragraphs 1,2,3	 paragraphs 1,2,3
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paragraph 2 points a	paragraph 4 points	 paragraph 2 points
to e	b to d	a to e
	Article 16	 Article 37
	paragraph 4 point a	paragraph 2 point f
	Article 16	
	paragraph 4	
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paragraph 1 point c		
Article 27	 	Article 49
paragraph 1 except	 	paragraph 1 except
c		c
Article 27	 	Article 49
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		a to d
	 	Article 49
		paragraph 2 point e
Article 27	 	Article 49
paragraphs3 and 4		paragraphs 3 and 4

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		1	paragraphs 1 and
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b			a b
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Article 60 Article 61 points a		 Article 97 points a
and b		 and b
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		and f
Article 61 points c		 Article 97 points d
and d		and e
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paragraph 2 points a		paragraph 2 points
to z		1,2,4 and 6 to 27

			Article 98 paragraph 2 points 3 and 5
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