



**COUNCIL OF  
THE EUROPEAN UNION**

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**OUTCOME OF PROCEEDINGS**

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of : Working Party on Frontiers/Mixed Committee (EU-Iceland/Norway/Switzerland)  
dated: 11 September 2006  
No. Cion prop. : 11880/2/06 REV 2 FRONT 152 CODEC 849 COMIX 673 + ADD 1, 2 and 3  
Subject : 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) 2007/2004 as regards that mechanism

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At the Frontiers Working Party meeting on 11 September 2006, delegations had a first exchange of views regarding the above-mentioned draft Regulation. The Presidency started the discussion by pointing out the importance of this proposal and stated that the Presidency intends to finalise the discussions in due time. In general, delegations supported the Commission's proposal, which contributes to Member States' efforts in combating illegal immigration. A number of issues were highlighted on which further discussions will be needed at future meetings;

- the legal instrument:

**HU** queried why the Commission submitted a proposal for a Regulation. **Cion** pointed out that it considered a Regulation as the most appropriate and adequate legal instrument, particularly since it amends another Regulation i.e. Regulation 2007/2004/EC.

**SI** pointed out that European Council Conclusions of December 2005 invited the Commission to bring forward a proposal on the rapid reaction teams only. However, the current proposal also contains provisions regulating the tasks of officers in joint operations, on which **SI** entered a reservation.

- constitutional problems: a number of delegations (**FR, HU, SE**) stated that the proposal in its current form could create constitutional problems in their respective countries. **Cion** stated that the proposal should not be in conflict with Member States' constitutions, as the officers will not be recruited into the national services. They would be under the command of the host Member State and would only carry out the tasks as foreseen in the Schengen Borders Code.

- the time period for the deployment of the Rapid Border Intervention Teams (RABITs): **CZ** considered 10 days to be too short a period to deploy the RABITs whilst other delegations (**HU, ES**) preferred a shorter period. **Cion** pointed out that this issue is open for discussion but called on delegations for a realistic approach.

- conditions of deployment

**NL** and **SE** raised some questions with regard to the deployment of the officers. **NL** wondered when and how the RABITs would be deployed, e.g. when the national capacity falls short or when a European problem arises. **Cion** pointed out that the RABITs are only deployed in crisis situations as set out in Art. 1. The terms of deployment are to be discussed between the Agency and the Member State and deployment is only possible at the request of a Member State. The insurance would be covered by the Agency. An expert who is involved in national tasks, and who receives a deployment order, will have to give priority to the deployment order in the RABIT. The selection criteria will be established by the Agency together with Member States.

- the difference between the Frontex Joint Support Teams (JST) and the RABITs

**Cion** pointed out that the JST have been set up in order to participate in regular joint operations organised by the Agency while the RABITs are created for the sole purpose of assisting Member States facing situations of particular pressure. The members of the RABITs also receive special training. A member of the RABITs could also be member of a Joint Support Team.

- relationship with the emergency provisions of the External Borders Fund.

**Cion** clarified that, contrary to the External Borders Fund, the RABIT proposal does not foresee any financial support for Member States and will provide only technical and human support.

Member States, fulfilling the necessary conditions, could therefore apply for aid both under the EBF and via the RABITs.

- the tasks of the RABITs

**ES**, **IT** and **FR** pointed out that the tasks of the RABITs do not entirely correspond with the specific situations in which these teams are deployed. Other tasks should therefore be added, such as surveillance and return. **IT** and **MT** underlined the importance of tasks related to prevention. **Cion** pointed out that Article 8 contains surveillance tasks. Return operations were not included as the Member States gave only limited powers to the Agency in this field. With regard to prevention, **Cion** stated that this was a Frontex task. **Cion** also pointed out that humanitarian issues fall outside the scope of this proposal and will be covered by another proposal which is currently being prepared.

Following a question from **PL**, **Cion** pointed out that service weapons can only be carried with the consent of the hosting Member State. Separate legislation to cover this issue was not necessary in the **Cion's** opinion.

- liability of the officers:

**NL** and **PL** raised some questions regarding the liability of the officers, i.a. when a task would be contrary to the law of the sending Member State. **Cion** pointed out the provisions regulating the liability were inspired by the provisions as contained in the Council Framework Decision establishing joint investigation teams.