



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 12 April 2007**

**8325/07**

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**Interinstitutional File:  
2006/0140 (COD)**

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**FRONT 39  
CODEC 336  
COMIX 356**

**NOTE**

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from : the General Secretariat  
to : Permanent Representatives Committee

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No. prev. doc.: 7647/07 FRONT 37 CODEC 256 COMIX 295  
No. Cion prop. : 11880/2/06 REV 2 FRONT 152 CODEC 849 COMIX 673

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Subject : **Draft 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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Delegations will find attached a table with the text of the above-mentioned proposal. The table has three columns:

- the text of the Commission proposal (doc. 11880/2/06) appears in the left hand column;
- the text as it stands following discussions in SCIFA on 19-20 March 2007 (doc. 7647/07) appears in the central column (changes to the original Commission proposal are shown in bold);
- the draft text adopted by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs on 11 April 2007 appears in the right hand column (changes to the original Commission proposal are shown in bold).

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism</p>	<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EC) No .../2007 of ...</p> <p>establishing a mechanism for the creation of Rapid Border Intervention Teams amending Council Regulation (EC) No. 2007/2004 as regards that mechanism <b>and regulating the powers and tasks of guest officers</b></p>	<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism <b>and regulating the powers and tasks of guest officers</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) and 66 thereof,</p> <p>Having regard to the proposal from the Commission<sup>1</sup>,</p> <p>Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,</p> <p>Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>3</sup>,</p> <p>Whereas:</p>	<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) and 66 thereof,</p> <p>Having regard to the proposal from the Commission<sup>4</sup>,</p> <p><b>After consulting</b> the European Economic and Social Committee<sup>5</sup>,</p> <p>Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>6</sup>,</p> <p>Whereas:</p>	<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) and 66 thereof,</p> <p>Having regard to the proposal from the Commission<sup>7</sup>,</p> <p><b>After consulting</b> the European Economic and Social Committee,</p> <p>Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>8</sup>,</p> <p>Whereas:</p>

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1 OJ C , , p. .  
2 OJ C , , p. .  
3 OJ C , , p. .  
4 OJ C , , p. .  
5 OJ C , , p. .  
6 OJ C , , p. .  
7 OJ C , , p. .  
8 OJ C , , p. .

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(1) On 26 October 2004, the Council adopted Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (the Agency).</p>	<p>(1) On 26 October 2004, the Council adopted Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (the Agency).</p>	<p>(1) On 26 October 2004, the Council adopted Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (“the Agency”).</p>
<p>(2) A Member State facing circumstances requiring increased technical and operational assistance at its external borders may, without prejudice to Article 64(2) of the Treaty, under Article 8 of Regulation (EC) No 2007/2004 request the Agency for assistance in the form of coordination, where more Member States are involved, and/or deployment of experts of the Agency to support its competent authorities.</p>	<p>(2) A Member State facing circumstances requiring increased technical and operational assistance at its external borders may, without prejudice to Article 64(2) of the Treaty, <b>in accordance with Articles 7 and 8</b> of Regulation (EC) No 2007/2004 request the Agency for assistance in the form of coordination, where more Member States are involved. <b>In such a situation, the Agency may decide on the deployment of border guards of the Member States in the form of Rapid Border Intervention Teams.</b></p>	<p>(2) A Member State facing circumstances requiring increased technical and operational assistance at its external borders may, without prejudice to Article 64(2) of the Treaty, <b>in accordance with Articles 7 and 8</b> of Regulation (EC) No 2007/2004, request the Agency for assistance in the form of coordination, where more Member States are involved. <b>In such a situation, the Agency may decide on the deployment of border guards of the Member States in the form of Rapid Border Intervention Teams.</b></p>
	<p>(3) <b>Effective management of the external borders through checks and surveillance helps to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations. Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control.</b></p>	<p>(2a) <b>Effective management of the external borders through checks and surveillance helps to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations. Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(3) Bearing in mind the critical situations which Member States from time to time have to deal with at their external borders, in particular as regards the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union, the current possibilities of rendering efficient practical assistance with regard to the control of persons at and the surveillance of the external borders at European level are not considered sufficient.</p>	<p><b>(4) The responsibility for the control of the external borders lies with the Member States.</b> Bearing in mind the critical situations which Member States from time to time have to deal with at their external borders, in particular as regards the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the <b>territory of the Member States, it may be necessary to assist Member States by providing appropriate and sufficient resources, in particular personnel.</b></p>	<p><b>(3) Responsibility for the control of the external borders lies with the Member States.</b> Bearing in mind the critical situations which Member States from time to time have to deal with at their external borders, in particular as regards the arrivals at points of the external borders of large numbers of third-country nationals trying to enter illegally the <b>territory of the Member States, it may be necessary to assist Member States by providing appropriate and sufficient resources, in particular personnel.</b></p>
	<p><b>(5) The current possibilities of rendering efficient practical assistance with regard checking persons at external borders and the surveillance of the external borders at European level are not considered sufficient, in particular where Member States face the arrival of large number of third country nationals trying to enter illegally the territory of the Member States.</b></p>	<p><b>(3a) The current possibilities of rendering efficient practical assistance with regard to checking persons at external borders and the surveillance of the external borders at European level are not considered sufficient, in particular where Member States face the arrival of large numbers of third-country nationals trying to enter illegally the territory of the Member States.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(4) A Member State should in addition have the possibility to request the deployment, in the framework of the Agency, of rapid Border Intervention Teams comprising specially trained experts from other Member States to its territory to assist its national border guards on a temporary basis</p>	<p>(6) A Member State should <b>accordingly</b> have the possibility to request the deployment, in the framework of the Agency, of <b>Rapid</b> Border Intervention Teams comprising specially trained experts from other Member States to its territory to assist its national border guards on a temporary basis. <b>The deployment of the Rapid Border Intervention Teams will contribute to increasing solidarity and mutual assistance between Member States.</b></p>	<p>(4) A Member State should <b>accordingly</b> have the possibility to request the deployment, in the framework of the Agency, of <b>Rapid</b> Border Intervention Teams comprising specially trained experts from other Member States to its territory to assist its national border guards on a temporary basis. <b>The deployment of the Rapid Border Intervention Teams will contribute to increasing solidarity and mutual assistance between Member States.</b></p>
	<p>(7) <b>Rapid Border Intervention Teams will depend on the planned duties, availability and frequency of deployment. To ensure effective operation Member States should provide the Rapid Pool with an appropriate number of border guards reflecting especially the specialisation and size of their own border guard organisation. The Member States should therefore create national pools of experts to help increase the effectiveness of the Regulation. The different sizes of the Member States and technical specializations are taken into consideration by the Agency.</b></p>	<p>(4a) <b>Rapid Border Intervention Teams will depend on the planned duties, availability and frequency of deployment. To ensure its effective operation Member States should provide the Rapid Pool with an appropriate number of border guards reflecting especially the specialisation and size of their own border guard organisations. The Member States should therefore create national pools of experts to help increase the effectiveness of this Regulation. The different sizes of the Member States and technical specialisations are taken into consideration by the Agency.</b></p>
<p>(5) A mechanism for the creation of Rapid Border Intervention Teams should therefore be established.</p>	<p>(8) A mechanism for the creation of Rapid Border Intervention Teams should therefore be established, <b>which offers both the Agency and the Member States sufficient flexibility and ensures that operations are carried out with a high level of efficiency and effectiveness.</b></p>	<p>(5) A mechanism for the creation of Rapid Border Intervention Teams should therefore be established, <b>which offers both the Agency and the Member States sufficient flexibility and ensures that operations are carried out with a high level of efficiency and effectiveness.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p><b>(9) Best practices from numerous Member States show that knowing the profiles (skills and qualifications) of available border guards before deployment, significantly contributes to the efficient planning and conducting of operations.</b></p>	<p><b>(5a) Best practices from numerous Member States show that knowing the profiles (skills and qualifications) of available border guards before deployment significantly contributes to the efficient planning and conduct of operations.</b></p>
	<p><b>(10) The Agency's Management Board should determine the profiles and overall number of border guards to be provided for the Rapid Border Intervention Teams.</b></p>	<p><b>(5b) The Agency's Management Board should determine the profiles and overall number of border guards to be provided for the Rapid Border Intervention Teams.</b></p>
	<p><b>(11) The deployment of Rapid Border Intervention Teams to provide support for a limited period of time takes place in exceptional and urgent situations. Situations of this kind would arise when a Member State is faced with a mass influx of third country nationals attempting to enter its territory illegally which requires an immediate response and where the deployment of a Rapid Border Intervention Team would contribute to providing an effective response. Rapid Border Intervention Teams are not intended to provide long-term assistance.</b></p>	<p><b>(5c) The deployment of Rapid Border Intervention Teams to provide support for a limited period of time takes place in exceptional and urgent situations. Situations of this kind would arise when a Member State is faced with a mass influx of third-country nationals attempting to enter its territory illegally which requires an immediate response and where the deployment of a Rapid Border Intervention Team would contribute to providing an effective response. Rapid Border Intervention Teams are not intended to provide long-term assistance.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<b>(12) When a Member State is faced with a mass influx of third-country national attempting to enter its territory illegally, or another exceptional situation substantially affecting the discharge of national tasks, it may refrain from making its national border guards available for deployment following a specific request from the Agency</b>	<b>(5d) When a Member State is faced with a mass influx of third country nationals attempting to enter its territory illegally, or another exceptional situation substantially affecting the discharge of national tasks, it may refrain from making its national border guards available for deployment following a specific request from the Agency.</b>
	<b>(13) The Agency should, inter alia, coordinate the composition, training and deployment of the Rapid Border Intervention Teams. It is therefore necessary to introduce new provisions in Regulation (EC) No 2007/2004 concerning the role of the Agency with respect to those Teams.</b>	<b>(5e) The Agency should, inter alia, coordinate the composition, training and deployment of the Rapid Border Intervention Teams. It is therefore necessary to introduce new provisions in Regulation (EC) No 2007/2004 concerning the role of the Agency with respect to those teams.</b>
(6) In order to work effectively together with national border guards, the experts should be able to carry out tasks related to the control of persons at and the surveillance of the external borders while deployed to the Member State requesting their assistance.	<b>(14)</b> In order to work effectively together with national border guards, the experts should be able to carry out tasks related to the control of persons at and the surveillance of the external borders while deployed to the Member State requesting their assistance.	(6) In order to work effectively together with national border guards, the experts should be able to carry out tasks related to the <b>checks</b> of persons at and the surveillance of the external borders while deployed to the Member State requesting their assistance.
(7) Similarly, the efficiency of joint operations coordinated by the Agency should be further improved by enabling, on a temporary basis, guest officers of other Member States to carry out tasks related to the control of persons at and the surveillance of the external borders while deployed to the Member State requesting their assistance.	<b>(15)</b> Similarly, the efficiency of joint operations coordinated by the Agency should be further improved by enabling, on a temporary basis, guest officers of other Member States to carry out tasks related to the control of persons at and the surveillance of the external borders [...].	(7) Similarly, the efficiency of joint operations coordinated by the Agency should be further improved by enabling, on a temporary basis, guest officers of other Member States to carry out tasks related to the <b>checks</b> of persons at and the surveillance of the external borders [...].

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(8) It is therefore necessary to introduce new provisions in Regulation (EC) No 2007/2004 concerning the tasks of guest officers of border guards of other Member States and the specially trained experts of other Member States deployed to a Member State at its request in the framework of the Agency.</p>	<p><b>(16)</b> It is therefore necessary to introduce new provisions in Regulation (EC) No 2007/2004 concerning the tasks <b>and powers</b> of guest officers [...] deployed to a Member State at its request in the framework of the Agency.</p>	<p>(8) It is therefore necessary to introduce new provisions in Regulation (EC) No 2007/2004 concerning the tasks <b>and powers</b> of guest officers [...] deployed to a Member State at its request in the framework of the Agency.</p>
<p>(9) Regulation (EC) No 2007/2004 of 26 October 2004 should therefore be amended accordingly.</p>	<p><b>(17) This Regulation supports the correct application of the Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). To this end, the guest officers and members of the team, while carrying out border checks and surveillance, should not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures.</b></p>	<p><b>(9) This Regulation supports the correct application of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)<sup>9</sup>. To this end, the guest officers and members of the teams, while carrying out border checks and surveillance, should not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Any measures taken in the performance of their tasks and in the exercise of their powers should be proportionate to the objectives pursued by such measures.</b></p>

<sup>9</sup> OJ L 105, 13.4.2006, p. 1.

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(10) Since the objectives of this Regulation, namely the introduction of common legislation on tasks to be performed by guest officers of border guards of other Member States and the establishment of teams of experts from other Member States to be deployed at the request of a Member State to its territory, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p>[...]</p>	<p>(10) [...]</p>
<p>(11) This Regulation respects the fundamental rights and observes the principles recognised by Article 6(2) of the Treaty on European Union and reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in the Charter of Fundamental Rights of the European Union.</p>	<p><b>(18)</b> This Regulation respects [...] fundamental rights and observes the principles recognised <b>in particular</b> by the Charter of Fundamental Rights of the European Union. <b>It should be applied in accordance with the Member States' obligations as regards international protection, and non-refoulement.</b></p>	<p>(11) This Regulation respects [...] fundamental rights and observes the principles recognised <b>in particular</b> by the Charter of Fundamental Rights of the European Union. <b>It should be applied in accordance with the Member States' obligations as regards international protection and non-refoulement.</b></p>
	<p><b>(19)</b> This Regulation should be applied in full respect of obligations arising under the international law of the sea, in particular as concerns search and rescue.</p>	<p><b>(11a)</b> This Regulation should be applied with full respect for obligations arising under the international law of the sea, in particular as concerns search and rescue.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p><b>(20) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and of the free movement of such data applies to the processing of personal data by the Member States in application of this Regulation.</b></p>	<p><b>(11b) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and of the free movement of such data<sup>10</sup> applies to the processing of personal data by the Member States in application of this Regulation.</b></p>
<p>(12) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC<sup>11</sup> on certain arrangements for the application of that Agreement.</p>	<p><b>(21)</b> As regards Iceland and Norway, this Regulation constitutes a development of <b>provisions of</b> the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the <b>latters'</b> association [...] with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC <b>of 17 May 1999</b> on certain arrangements for the application of that Agreement.</p>	<p>(12) As regards Iceland and Norway, this Regulation constitutes a development of <b>provisions of</b> the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the <b>latters'</b> association [...] with the implementation, application and development of the Schengen acquis<sup>12</sup> which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC <b>of 17 May 1999</b><sup>13</sup> on certain arrangements for the application of that Agreement.</p>

<sup>10</sup> OJ L 281, 23.11.1995, p. 31.

<sup>11</sup> OJ L 176, 10.7.1999, p. 31.

<sup>12</sup> OJ L 176, 10.7.1999, p. 36.

<sup>13</sup> OJ L 176, 10.7.1999, p. 31.

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(13) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decisions 2004/849/EC<sup>14</sup> and 2004/860/EC<sup>15</sup>.</p>	<p><b>(22)</b> As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decisions 2004/849/EC<sup>16</sup> and 2004/860/EC<sup>17</sup>.</p>	<p>(13) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decisions 2004/849/EC<sup>18</sup> and 2004/860/EC<sup>19</sup>.</p>

<sup>14</sup> OJ L 368, 15.12.2004, p. 26.

<sup>15</sup> OJ L 370, 17.12.2004, p. 78.

<sup>16</sup> OJ L 368, 15.12.2004, p. 26.

<sup>17</sup> OJ L 370, 17.12.2004, p. 78.

<sup>18</sup> OJ L 368, 15.12.2004, p. 26.

<sup>19</sup> OJ L 370, 17.12.2004, p. 78.

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(14) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it, or subject to its application. Given that this Regulation builds upon the Schengen acquis under the provisions of Title IV, Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law or not.</p>	<p><b>(23)</b> In accordance with Articles 1 and 2 of the Protocol on the <b>Position</b> of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis under the provisions of Title IV <b>of</b> Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the <b>date of adoption</b> of this Regulation whether it will implement it in its national law or not.</p>	<p>(14) In accordance with Articles 1 and 2 of the Protocol on the <b>Position</b> of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis under the provisions of Title IV <b>of</b> Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the <b>date of adoption</b> of this Regulation whether it will implement it in its national law or not.</p>
<p>(15) This Regulation constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000<sup>20</sup> concerning the request of the United Kingdom to take part in some of the provisions of the Schengen acquis. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>	<p><b>(24)</b> This Regulation constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom <b>of Great Britain and Northern Ireland</b> to take part in some of the provisions of the Schengen acquis<sup>21</sup>. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to <b>its</b> application.</p>	<p>(15) This Regulation constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom <b>of Great Britain and Northern Ireland</b> to take part in some of the provisions of the Schengen acquis<sup>22</sup>. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to <b>its</b> application.</p>

<sup>20</sup> OJ L 131, 1.6.2000, p. 43.

<sup>21</sup> OJ L 131, 1.6.2000, p. 43.

<sup>22</sup> OJ L 131, 1.6.2000, p. 43.

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(16) This Regulation constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002<sup>23</sup> concerning Ireland's request to take part in some of the provisions of the Schengen acquis. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>	<p><b>(25)</b> This Regulation constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002<sup>24</sup> concerning Ireland's request to take part in some of the provisions of the Schengen acquis. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>	<p>(16) This Regulation constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis<sup>25</sup>. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>
<p>(17) In this Regulation, the provisions of Article 7(1)(d) and (2) constitute, to the extent that they refer to access being given to the Schengen Information System (SIS), provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 and 2005 Acts of Accession,</p>	<p><b>(26)</b> In this Regulation, the provisions of <b>Article 5 (5A) and (5B)</b> constitute, to the extent that they refer to access being given to the Schengen Information System (SIS), provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 and <b>Article 4(2) of the</b> 2005 Acts of Accession.</p>	<p>(17) In this Regulation, the provisions of <b>Article 6 (4c) and (4d)</b> constitute, to the extent that they refer to access being given to the Schengen Information System (SIS), provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 and <b>Article 4(2) of the</b> 2005 Acts of Accession.</p>
<p>HAVE ADOPTED THIS REGULATION:</p>	<p>HAVE ADOPTED THIS REGULATION:</p>	<p>HAVE ADOPTED THIS REGULATION:</p>

<sup>23</sup> OJ L 64, 7.3.2002, p. 20.

<sup>24</sup> OJ L 64, 7.3.2002, p. 20.

<sup>25</sup> OJ L 64, 7.3.2002, p. 20.

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 1</i> <i>Subject matter</i></p> <p>This Regulation establishes a mechanism for the purposes of providing rapid technical and operational assistance to a requesting Member State facing a situation of particular pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union, in form of Rapid Border Intervention Teams. The Regulation also defines the tasks to be performed by guest officers and members of the Rapid Border Intervention Teams during operations in a Member State other than their own.</p>	<p style="text-align: center;"><i>Article 1</i> <i>Subject matter</i></p> <p>1. This Regulation establishes a mechanism for the purposes of providing rapid [...] operational assistance <b>for a limited period</b> to a requesting Member State facing a situation of <b>urgent and exceptional</b> pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the <b>territory of the Member State</b>, in <b>the</b> form of Rapid Border Intervention Teams. <b>This</b> Regulation also defines the tasks <b>and powers</b> to be performed by [...] members of the Rapid Border Intervention Teams during operations in a Member State other than their own.</p>	<p style="text-align: center;"><i>Article 1</i> <i>Subject matter</i></p> <p>1. This Regulation establishes a mechanism for the purposes of providing rapid [...] operational assistance <b>for a limited period</b> to a requesting Member State facing a situation of <b>urgent and exceptional</b> pressure, especially the arrivals at points of the external borders of large numbers of third-country nationals trying to enter illegally into the <b>territory of the Member State</b>, in <b>the</b> form of Rapid Border Intervention Teams. <b>This</b> Regulation also defines the tasks <b>and powers</b> to be performed by [...] members of the Rapid Border Intervention Teams during operations in a Member State other than their own.</p>
	<p>2. <b>This Regulation amends Regulation (EC) 2007/2004 pursuant to the establishment of the mechanism as referred to in paragraph 1 and in view of defining the tasks to be performed and powers to be exercised by border guards of the Member States participating in joint operations and pilot projects in another Member State.</b></p>	<p>2. <b>This Regulation amends Regulation (EC) No 2007/2004 as a result of the establishment of the mechanism referred to in paragraph 1 and with a view to defining the tasks to be performed and powers to be exercised by border guards of the Member States participating in joint operations and pilot projects in another Member State.</b></p>
	<p>3. <b>Necessary technical assistance to a requesting Member State is to be provided in accordance with Articles 7 and 8 of Regulation (EC) No 2007/2004.</b></p>	<p>3. <b>Necessary technical assistance to a requesting Member State shall be provided in accordance with Articles 7 and 8 of Regulation (EC) No 2007/2004.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p style="text-align: center;"><i>Article 1A</i> <i>Scope</i></p> <p><b>This Regulation shall apply without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.</b></p>	<p style="text-align: center;"><i>Article 1a</i> <i>Scope</i></p> <p><b>This Regulation shall apply without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.</b></p>
	<p style="text-align: center;"><b>CHAPTER I</b> <b>Rapid Border Intervention Teams</b></p>	<p style="text-align: center;"><b>CHAPTER I</b> <b>Rapid Border Intervention Teams</b></p>
<p style="text-align: center;"><i>Article 2</i> <i>Definitions</i></p> <p>For the purposes of this Regulation, the following definitions shall apply:</p> <p>(1) “the Agency” means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for deployment of the Rapid Border Intervention Teams;</p>	<p style="text-align: center;"><i>Article 2</i> <i>Definitions</i></p> <p>For the purposes of this Regulation, the following definitions shall apply:</p> <p>(1) “the Agency” means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union [...];</p>	<p style="text-align: center;"><i>Article 2</i> <i>Definitions</i></p> <p>For the purposes of this Regulation, the following definitions shall apply:</p> <p>(1) “the Agency” means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union [...];</p>
<p>(2) “joint operations” means joint operations as referred to in Article 3 of Regulation (EC) No 2007/2004;</p>	<p>[...]</p>	<p>(2) [...]</p>
<p>(3) “pilot projects” means pilot projects as referred to in Article 3 of Regulation (EC) No 2007/2004;</p>	<p>[...]</p>	<p>(3) [...]</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
(4) “guest officers” means officers of border guard services of other Member States participating in joint operations and pilot projects [on the territory of a Member State];	[...]	(4) [...]
(5) “members of the team(s)” means officers of border guard services of Member States serving with the Rapid Border Intervention Teams;	<b>(2)</b> “members of the <b>teams</b> ” means [...] border <b>guards</b> of Member States serving with the Rapid Border Intervention Teams <b>other than those of the host Member State;</b>	(5) “members of the <b>teams</b> ” means [...] border <b>guards</b> of Member States serving with the Rapid Border Intervention Teams <b>other than those of the host Member State;</b>
(6) “requesting Member State” means a Member State which requests the Agency to deploy the Rapid Border Intervention Teams in its territory;	<b>(3)</b> “requesting Member State” means a Member State <b>whose competent authorities request</b> the Agency to deploy [...] Rapid Border Intervention Teams in its territory;	(6) “requesting Member State” means a Member State <b>whose competent authorities request</b> the Agency to deploy [...] Rapid Border Intervention Teams in its territory;
(7) “host Member State” means a Member State on the territory of which a joint operation, a pilot project or the deployment of the Rapid Border Intervention Teams takes place;	<b>(4)</b> “host Member State” means a Member State on the territory of which a [...] deployment of <b>one or more</b> Rapid Border Intervention Teams takes place;	(7) “host Member State” means a Member State on the territory of which a [...] deployment of [...] Rapid Border Intervention Teams takes place;
(8) “home Member State” means the Member State in which the guest officer or member of the team is a national border guard.	<b>(5)</b> “home Member State” means the Member State <b>of</b> which [...] a member of the team is a [...] border guard.	(8) “home Member State” means the Member State <b>of</b> which [...] a member of the team is a [...] border guard.

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 3</i> <i>Composition and deployment of Rapid Border Intervention Teams</i></p> <p>1. The composition of the Rapid Border Intervention Teams shall be determined by the Agency in accordance with Article 8b of Regulation (EC) No 2007/2004.</p> <p>The teams shall be deployed by the Agency in accordance with Article 8f of that Regulation.</p>	<p style="text-align: center;"><i>Article 3</i> <i>Composition and deployment of Rapid Border Intervention Teams</i></p> <p>1. The composition of the Rapid Border Intervention Teams shall be determined by the Agency in accordance with Article 8b of Regulation (EC) No 2007/2004.</p> <p>The <b>deployment</b> shall be <b>governed by Article 8d</b> of that Regulation.</p>	<p style="text-align: center;"><i>Article 3</i> <i>Composition and deployment of Rapid Border Intervention Teams</i></p> <p>1. The composition of the Rapid Border Intervention Teams shall be determined by the Agency in accordance with Article 8b of Regulation (EC) No 2007/2004.</p> <p>The <b>deployment</b> shall be <b>governed by Article 8f</b> of that Regulation.</p>
<p>2. Member States shall provide the names of any officers of their national border guards whom they intend to make available for the Rapid Border Intervention Teams to the Agency.</p>	<p><b>1AA. Upon a proposal of the Executive Director of the Agency, the Agency’s Management Board shall decide by a three-quarters majority the profiles and the overall number of border guards to be made available for the Rapid Border Intervention Teams (the Rapid Pool). The same procedure shall apply with regard to any subsequent changes in the profiles and the overall number of border guards of the Rapid Pool. Member States shall contribute to the Rapid Pool via a national expert pool based on the different defined profiles by nominating border guards corresponding to the required profiles.</b></p>	<p><b>2. On a proposal by the Executive Director of the Agency, the Agency’s Management Board shall decide by a three-quarters’ majority the profiles and the overall number of border guards to be made available for the Rapid Border Intervention Teams (the Rapid Pool). The same procedure shall apply with regard to any subsequent changes in the profiles and the overall number of border guards of the Rapid Pool. Member States shall contribute to the Rapid Pool via a national expert pool based on the different defined profiles by nominating border guards corresponding to the required profiles.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>3. Upon request, Member States shall make the officers referred to in paragraph 2 available to the Agency for the purpose of participating in: the following activities</p>	<p><b>1A. Member States shall make the border guards available for deployment at the request of the Agency, unless the Member State faces an exceptional situation substantially affecting the discharge of national tasks. The autonomy of the home Member State in relation to the selection of staff and the duration of their deployment shall remain unaffected.</b></p>	<p><b>3. Member States shall make the border guards available for deployment at the request of the Agency, unless the Member State faces an exceptional situation substantially affecting the discharge of national tasks. The autonomy of the home Member State in relation to the selection of staff and the duration of their deployment shall remain unaffected.</b></p>
<p>(a) training courses and exercises in accordance with the schedule included in the Agency's annual programme of work;</p>	<p>[...]</p>	<p>[...]</p>
<p>(b) deployment, at short notice, in another Member State.</p>	<p>[...]</p>	<p>[...]</p>
<p>4. The costs relating to the activities referred to in paragraph 3 shall be met by the Agency in accordance with Article 8d of Regulation (EC) No 2007/2004.</p>	<p><b>2.</b> The costs relating to the activities referred to in <b>paragraph 1</b> shall be met by the Agency in accordance with <b>Article 8h</b> of Regulation (EC) No. 2007/2004.</p>	<p>4. The costs relating to the activities referred to in <b>paragraph 1</b> shall be met by the Agency in accordance with <b>Article 8ha</b> of Regulation (EC) No 2007/2004.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 4</i> <i>Rights and obligations of members of the teams</i></p> <p>1. Members of the teams shall remain officers of the national border guards of their Member States and shall continue to be paid by them. While deployed as members of the teams they shall, however, only take instructions from the host Member State in accordance with the operational plan agreed between the Agency and that Member State, as laid down in Article 8f(3) of Regulation (EC) No 2007/2004.</p>	<p style="text-align: center;"><i>Article 6</i> <i>Status, rights and obligations of members of the teams</i></p> <p>1. Members of the teams shall remain [...] national border guards of their Member States and shall [...] be paid by them. [...]</p>	<p style="text-align: center;"><i>Article 6 a</i> <i>Status, rights and obligations of members of the teams</i></p> <p>1. Members of the teams shall remain [...] national border guards of their Member States and shall [...] be paid by them. [...]</p>
<p>2. Officers whose names have been provided to the Agency pursuant to Article 3(2) of this Regulation shall participate in basic and additional training relevant for their tasks as well as the regular exercises provided by the Agency in accordance with Article 8e of Regulation (EC) No 2007/2004.</p>	<p>2. <b>Border guards who are made available to the Rapid Pool</b> pursuant to <b>Article 3</b> shall participate in <b>advanced</b> training relevant for their tasks as well as the regular exercises provided by the Agency in accordance with <b>Article 8c</b> of Regulation (EC) No. 2007/2004.</p>	<p>2. <b>Border guards who are made available to the Rapid Pool</b> pursuant to <b>Article 3</b> shall participate in <b>advanced</b> training relevant for their tasks as well as <b>in</b> the regular exercises provided by the Agency in accordance with Article 8e of Regulation (EC) No 2007/2004.</p>
<p>3. Officers shall receive a daily subsistence allowance for the duration of their participation in training courses and exercises organised by the Agency, and periods of deployment as members of the teams in accordance with Article 8d of Regulation (EC) No 2007/2004.</p>	<p>3. <b>Border guards</b> shall receive a daily subsistence allowance, <b>including accommodation costs</b>, for the duration of their participation in training courses and exercises organised by the Agency, and periods of deployment [...] in accordance with <b>Article 8h</b> of Regulation (EC) No. 2007/2004.</p>	<p>3. <b>Border guards</b> shall receive a daily subsistence allowance, <b>including accommodation costs</b>, for the duration of their participation in training [...] and exercises organised by the Agency, and periods of deployment [...] in accordance with <b>Article 8ha</b> of Regulation (EC) No 2007/2004.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 5</i> <i>Deployment of the Rapid Border Intervention Teams</i></p> <p>1. During deployment of the Rapid Border Intervention Team(s), command over the team(s) shall be held by the host Member State in accordance with the operational plan. The requesting Member State shall immediately inform the Agency of all decisions taken by its competent authorities with regard to the team(s), including in particular any proposals for amendments or adaptations to the operational plan.</p>	<p style="text-align: center;"><i>Article 4</i> <b><i>Instructions to the Rapid Border Intervention Teams</i></b></p> <p>1. During deployment of the Rapid Border Intervention <b>Teams, instructions to the teams</b> shall be <b>issued</b> by the host Member State in accordance with the operational plan <b>referred to in Article 8e of Regulation (EC) No. 2007/2004.</b></p>	<p style="text-align: center;"><i>Article 5</i> <b><i>Instructions to the Rapid Border Intervention Teams</i></b></p> <p>1. During deployment of the Rapid Border Intervention <b>Teams, instructions to the teams</b> shall be <b>issued</b> by the host Member State in accordance with the operational plan <b>referred to in Article 8g of Regulation (EC) No 2007/2004.</b></p>
	<p>2. <b>The Agency via its coordinating officer as referred to in Art. 8g of Regulation (EC) No. 2007/2004, may communicate its views on the instructions to the host Member State. If it does so, the host Member State shall consider those views.</b></p>	<p>2. <b>The Agency, via its coordinating officer as referred to in Article 8h of Regulation (EC) No 2007/2004, may communicate its views on the instructions to the host Member State. If it does so, the host Member State shall consider those views.</b></p>
<p>2. The host Member State shall give all necessary assistance to the liaison officer of the Agency accompanying the Rapid Border Intervention Team(s), including full access to the team(s) at all times throughout the deployment.</p>	<p>3. <b>In accordance with Art. 8g of Regulation (EC) No. 2007/2004 the host Member State shall give <b>the coordinating</b> officer <b>all necessary assistance</b>, including full access to the <b>teams</b> at all times throughout the deployment.</b></p>	<p>3. <b>In accordance with Article 8h of Regulation (EC) No 2007/2004 the host Member State shall give <b>the coordinating</b> officer <b>all necessary assistance</b>, including full access to the <b>teams</b> at all times throughout the deployment.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 6</i></p> <p style="text-align: center;"><i>Tasks of guest officers and members of the teams</i></p> <p>1. For the purpose of joint operations and pilot projects coordinated by the Agency and the deployment of the Rapid Border Intervention Teams, guest officers and members of the teams shall perform the tasks referred to in Articles 7 and 8 for the durations of such activities.</p>	<p style="text-align: center;"><i>Article 5</i></p> <p style="text-align: center;"><b><i>Powers and tasks of [...] the members of the teams</i></b></p> <p>1. <b>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 Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (the Schengen Borders Code), and that are necessary for the realisation of the objectives of that Regulation. The details for each deployment shall be specified in the operational plan of that deployment in accordance with Art. 8e of Regulation (EC) No. 2007/2004.</b></p>	<p style="text-align: center;"><i>Article 6</i></p> <p style="text-align: center;"><b><i>Tasks and powers of the [...] members of the teams</i></b></p> <p>1. <b>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 Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (the Schengen Borders Code), and that are necessary for the realisation of the objectives of that Regulation. The details for each deployment shall be specified in the operational plan of that deployment in accordance with Article 8g of Regulation (EC) No 2007/2004.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>2. When carrying out the tasks referred to in Articles 7 and 8, guest officers and members of the teams shall comply with Community law and the national law of the host Member State. They shall act under the command of officers of the national border guard of the host Member State. *</p>	<p><b>2AA. Members of the teams shall, in the performance of their duties, fully respect human dignity. Any measures taken in the performance of their duties 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.</b></p>	<p><b>2. 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.</b></p>
	<p><b>2A. Members of the teams may only perform tasks and exercise powers under the instruction and, as a general rule, in the presence of border guards of the host Member State.</b></p>	<p><b>2a. Members of the teams may only perform tasks and exercise powers under instructions from and, as a general rule, in the presence of border guards of the host Member State.</b></p>

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\* Article 6 (2) of the Commission proposal as amended by the Council is contained in Article 8 of the Council text (second column, page 30). The EP amendments are contained in Article 9 a (third column, page 30)

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>3. Guest officers and members of the teams shall be authorised to wear their own uniform while performing the tasks referred to in Articles 7 and 8. They shall wear a blue armband with the insignia of the European Union on their uniforms, identifying them as participating in a joint operation or pilot project coordinated by the Agency or a deployment of the Rapid Border Intervention Teams. For the purposes of identification vis-à-vis national authorities of the host Member State and citizens, guest officers and members of the teams shall at all times carry an accreditation document, as provided for in Article 9, which they shall present on request.</p>	<p>3. [...] <b>Members</b> of the teams shall [...] wear their own uniform while performing <b>their</b> tasks [...]. They shall wear a blue armband with the insignia of the European Union <b>and the Agency</b> on their uniforms, identifying them as participating in [...] a deployment of the Rapid Border Intervention Teams. For the purposes of identification vis-à-vis national authorities of the host Member State and citizens, [...] members of the teams shall at all times carry an accreditation document, as provided for in <b>Article 7</b>, which they shall present on request.</p>	<p>3. [...] <b>Members</b> of the teams shall [...] wear their own uniform while performing <b>their</b> tasks [...]. They shall wear a blue armband with the insignia of the European Union <b>and the Agency</b> on their uniforms, identifying them as participating in [...] a deployment of the Rapid Border Intervention Teams. For the purposes of identification vis-à-vis national authorities of the host Member State and citizens, [...] members of the teams shall at all times carry an accreditation document, as provided for in Article 9, which they shall present on request.</p>
<p>4. Guest officers and members of the teams authorized to carry service weapons in their Home Member State may carry such weapons while performing the tasks referred to in Articles 7 and 8 only with the consent of the host Member State and in accordance with its national law.</p>	<p><b>4A. While performing their tasks</b>, members of the teams <b>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 its own legislation includes the same provisions for its own border guards. That Member State shall in advance of the deployment of the teams inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to all Member States participating in the deployment.</b></p>	<p><b>4. While performing their tasks</b>, members of the teams <b>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 its own legislation includes the same provisions for its own border guards. The host Member State shall, in advance of the deployment of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to all Member States participating in the deployment.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p><b>4B. While performing their tasks, members of the teams shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State in presence of border guards of the host Member State and in accordance with its national law.</b></p>	<p><b>4a. While performing their tasks, members of the teams shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State.</b></p>
	<p><b>4C. By way of derogation from paragraph 4B, service weapons, ammunition and equipment may be used [...] in legitimate self defence, in legitimate defence of members of the teams or of others, in accordance with the national law of the host Member State.</b></p>	<p><b>4b. By way of derogation from paragraph 4a, service weapons, ammunition and equipment may be used in legitimate self-defence, in legitimate defence of members of the teams or of other persons, in accordance with the national law of the host Member State.</b></p>
<p style="text-align: center;"><i>Article 7</i> <i>Border checks</i></p> <p>1. Guest officers and members of the teams participating in border checks activities, within the meaning of Article 7 of Regulation (EC) No 562/2006 shall perform the following tasks in the host Member State:</p>	<p>[...]</p>	<p style="text-align: center;"><i>Article 7</i></p> <p>[...]</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
(a) checking the travel documents of any person crossing the border, in order to ascertain the validity and authenticity of such documents and establish the identity of the persons;	[...]	
(b) using technical devices to check the travel documents in accordance with point (a);	[...]	
(c) interviewing any person crossing the border in order to verify the purpose and conditions of the journey, as well as that the person concerned possesses sufficient means of subsistence and the required documents;	[...]	
(d) checking that any person crossing the border is not the object of an alert for refusal of entry in the Schengen information System (SIS);	[...]	
(e) stamping travel documents, in accordance with Article 10 of Regulation (EC) No 562/2006, both at entry and exit;	[...]	
(f) searching means of transport and objects in the possession of the persons crossing the border, in accordance with the national law of the host Member State.	[...]	

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>2. Access by guest officers and members of the teams to the SIS and to national databases for the purposes of paragraph 1(d) shall be regulated by Community law and the national law of the host Member State respectively.</p>	<p><b>5A. For the purpose of this Regulation the host Member State may authorize the members of the teams to consult its national and European databases which are necessary for border checks and surveillance. The members of the teams shall consult only the data which are required for performing their tasks. The Member States shall in advance of the deployment of the teams inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.</b></p>	<p><b>4c. For the purpose of this Regulation the host Member State may authorise the members of the teams to consult its national and European databases which are necessary for border checks and surveillance. The members of the teams shall consult only the data which are required for performing their tasks. The Member States shall, in advance of the deployment of the teams, inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.</b></p>
	<p><b>5B. The consultation as referred to in paragraph 5 (A) shall be carried out in accordance with Community law and national law of the host Member State in the area of data protection.</b></p>	<p><b>4d. The consultation as referred to in paragraph 4c shall be carried out in accordance with Community law and the national law of the host Member State in the area of data protection.</b></p>
<p>3. Decisions to refuse entry in accordance with Article 13 of Regulation (EC) No 562/2006 shall be taken by guest officers and members of the teams only after consultation with, and subject to the agreement of, a commanding officer of the national border guard of the host Member State.</p> <p>Any appeal against such a decision shall be addressed to the competent authorities of the host Member State.</p>	<p><b>6. Decisions to refuse entry in accordance with Article 13 of Regulation (EC) No. 562/2006 shall be taken only by border guards of the host Member State.</b></p>	<p><b>4e. Decisions to refuse entry in accordance with Article 13 of Regulation (EC) No 562/2006 shall be taken only by border guards of the host Member State.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 8</i> <i>Surveillance</i></p> <p>Guest officers and members of the teams participating in surveillance activities, within the meaning of Article 12 of Regulation (EC) No 562/2006 shall perform the following tasks in the host Member State:</p>	<p>[...]</p>	<p style="text-align: center;"><i>Article 8</i></p> <p>[...]</p>
<p>(a) making use of technical means for monitoring the external border area;</p>		
<p>(b) participating in patrols on foot and in means of transport in the external border area of the host Member State;</p>		
<p>(c) preventing persons from illegally crossing the external border of the host Member State in accordance with Community law and the national law of that Member State;</p>		

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 9</i> <i>Accreditation document</i></p> <p>1. The host Member State shall issue a document to guest officers and members of the teams for the purpose of identifying them and as proof of the holder's rights to carry out the tasks referred to in Articles 7 and 8. The documents shall include the following features:</p>	<p style="text-align: center;"><i>Article 7</i> <i>Accreditation document</i></p> <p>1. The <b>Agency</b> shall, <b>in cooperation with the host Member State</b>, issue a document <b>in the official language of the host Member State and another official language of the institutions of the European Union</b> to members of the teams for the purpose of identifying them and as proof of the holder's rights to <b>perform the tasks and exercise the powers as</b> referred to in <b>Article 5(1)</b>. The <b>document</b> shall include the following features <b>of the member of the team</b>:</p>	<p style="text-align: center;"><i>Article 9</i> <i>Accreditation document</i></p> <p>1. The <b>Agency</b> shall, <b>in cooperation with the host Member State</b>, issue a document <b>in the official language of the host Member State and another official language of the institutions of the European Union</b> to members of the teams for the purpose of identifying them and as proof of the holder's rights to <b>perform the tasks and exercise the powers as</b> referred to in <b>Article 6(1)</b>. The <b>document</b> shall include the following features <b>of the member of the team</b>:</p>
(a) name and nationality of the guest officer/member of the team;	(a) name and nationality [...];	(a) name and nationality [...];
(b) rank of the guest officer/member of the team;	(b) rank [...] <b>and</b>	(b) rank [...] <b>and</b>
(c) a recent digitalised photo of the guest officer/member of the team;	(c) a recent digitalised photo [...].	(c) a recent <b>digitised photograph</b> [...].
(d) information on the joint operation/deployment in which the guest officer/member of the team is participating;	[...]	[...]
(e) the tasks the guest officer/member of the team may carry out pursuant to Articles 7 and 8;	[...]	[...]

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
(f) the period in which the guest officer/member of the team is to carry out the tasks referred to in Articles 7 and 8.	[...]	[...]
2. The document shall be returned to the host Member State at the end of the joint operation, pilot project or deployment of the Rapid Border Intervention Teams.	2. The document shall be returned to the <b>Agency</b> at the end of the [...] deployment of the Rapid Border Intervention <b>Team</b> .	2. The document shall be returned to the <b>Agency</b> at the end of the [...] deployment of the Rapid Border Intervention <b>Team</b> .
	<p style="text-align: center;"><i>Article 8</i> <i>Applicable law</i></p> <p>1. While performing the tasks and exercising the powers as referred to in Article 5(1), the members of the teams shall comply with Community law and the national law of the host Member State.</p>	<p style="text-align: center;"><i>Article 9a</i> <i>Applicable law</i></p> <p>1. While performing the tasks and exercising the powers as referred to in Article 6(1), the members of the teams shall comply with Community law and the national law of the host Member State.</p>
	2. While performing the tasks and exercising the powers as referred to in Article 5(1), the members of the teams shall remain subject to the disciplinary measures of their home Member State.	2. While performing the tasks and exercising the powers as referred to in Article 6(1), the members of the teams shall remain subject to the disciplinary measures of their home Member State.
	3. Specific rules concerning the carrying and use of service weapons, ammunition and equipment, as well as on the use of force are set out in Article 5(4A), (4B) and (4C).	3. Specific rules concerning the carrying and use of service weapons, ammunition and equipment, as well as the use of force are set out in Article 6(4), (4a) and (4b).
	4. Specific rules concerning civil and criminal liability are set out in Articles 9 and 9A respectively.	4. Specific rules concerning civil and criminal liability are set out in Articles 10 and 11 respectively.

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 10</i> <i>Civil liability regarding guest officers and members of the teams</i></p> <p>1. Where guest officers and members of the teams are operating in a Member State other than that of whose border guards they are officers, the home Member State(s) shall be liable for any damage caused by them during the joint operations or deployment of the teams, in accordance with the national law of the host Member State.</p>	<p style="text-align: center;"><i>Article 9</i> <i>Civil liability [...]</i></p> <p>1. Where [...] members of a <b>team</b> are operating in a <b>host</b> Member State [...], <b>that Member State</b> shall be liable <b>in accordance with its national law</b> for any damage caused by them during their [...] operations [...].</p>	<p style="text-align: center;"><i>Article 10</i> <i>Civil liability [...]</i></p> <p>1. Where [...] members of the <b>teams</b> are operating in a <b>host</b> Member State [...], <b>that Member State</b> shall be liable <b>in accordance with its national law</b> for any damage caused by them during their [...] operations [...].</p>
<p>2. The host Member State shall make good such damage to the victims or persons entitled on their behalf in accordance with its national law.</p>	<p>2. <b>Where such damage results from gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid</b> to the victims or persons entitled on their behalf <b>reimbursed by the latter.</b></p>	<p>2. <b>Where such damage results from gross negligence or wilful misconduct, the host Member State may approach the home Member State in order to have any sums it has paid</b> to the victims or persons entitled on their behalf <b>reimbursed by the latter.</b></p>
<p>3. The home Member State(s) shall reimburse the host Member State in full any sums it has paid to the victims or persons entitled on their behalf.</p>	<p>3. <b>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 damages it has sustained, except in cases of gross negligence or wilful misconduct.</b></p>	<p>3. <b>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.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p><b>4. 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 in accordance with Article 239 of the Treaty.</b></p>	<p><b>3a. 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.</b></p>
<p>4. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, each Member State shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of damages it has sustained from another Member State.</p>	<p><b>5. Without prejudice to the exercise of its rights vis-à-vis third parties, costs related to damages caused to the equipment of the Agency during deployment shall be covered by the Agency, except in cases of gross negligence or wilful misconduct.</b></p>	<p>4. Without prejudice to the exercise of its rights vis-à-vis third parties, <b>costs related to damage caused to the Agency's equipment during deployment shall be met by the Agency, except in cases of gross negligence or wilful misconduct.</b></p>
<p><i>Article 11</i> <i>Criminal liability regarding guest officers and members of the teams</i></p> <p>During joint operations, pilot projects or deployment of Rapid Border Intervention Teams, guest officers and members of the teams shall be regarded as officials of the host Member State with respect to offences committed against them or by them</p>	<p><i>Article 9A</i> <i>Criminal liability [...]</i></p> <p>During [...] <b>the</b> deployment of Rapid Border Intervention Teams, [...] members of the teams shall be regarded <b>in the same way</b> as officials of the host Member State with <b>regard to any criminal offences that might be</b> committed against them or by them.</p>	<p><i>Article 11</i> <i>Criminal liability [...]</i></p> <p>During [...] <b>the</b> deployment of Rapid Border Intervention Teams, [...] members of the teams shall be <b>treated in the same way</b> as officials of the host Member State with <b>regard to any criminal offences that might be</b> committed against them or by them.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<b>CHAPTER II</b> <b>Amendments to Regulation (EC) No</b> <b>2007/2004</b>	<b>CHAPTER II</b> <b>Amendments to Regulation (EC) No</b> <b>2007/2004</b>
<p style="text-align: center;"><i>Article 12</i> <i>Amendment</i></p> <p>Regulation (EC) No 2007/2004 is amended as follows:</p>	<p style="text-align: center;"><i>Article 10</i> <i>Amendments related to Rapid Border Intervention Teams as well as Joint Operations and Pilot Projects</i></p> <p>Regulation (EC) No. 2007/2004 is hereby amended as follows:</p> <p><b>In Article 1, the following paragraphs shall be added:</b></p> <p><b>"5. For the purposes of this Regulation, host Member State means a Member State on the territory of which a deployment of one or more Rapid Border Intervention Teams or a joint operation or a pilot project takes place.</b></p>	<p style="text-align: center;"><i>Article 12</i> <i>Amendments related to Rapid Border Intervention Teams as well as joint operations and pilot projects</i></p> <p>Regulation (EC) No 2007/2004 is hereby amended as follows:</p> <p><b>In Article 1, the following paragraphs shall be added:</b></p> <p><b>"5. For the purposes of this Regulation, "host Member State" means a Member State on the territory of which a deployment of one or more Rapid Border Intervention Teams or a joint operation or a pilot project takes place.</b></p>
	<p><b>6. For the purposes of this Regulation, home Member State means the Member State of which a member of the team or the guest officer is a border guard. "</b></p>	<p><b>6. For the purposes of this Regulation, "home Member State" means the Member State of which a member of the team or the guest officer is a border guard."</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p style="text-align: center;"><i>Article 10A</i> <i>Amendments related to Rapid Border Intervention Teams</i></p> <p>Regulation (EC) No. 2007/2004 is amended as follows:</p> <p>(1) In Article 1, the following paragraphs shall be added:</p> <p>”7. For the purposes of this Regulation, members of the team means border guards of Member States serving with the Rapid Border Intervention Team other than those of the host Member State.</p>	<p style="text-align: center;"><i>Article 12a</i> <i>Amendments related to Rapid Border Intervention Teams</i></p> <p>Regulation (EC) No 2007/2004 is amended as follows:</p> <p>(1) In Article 1, the following paragraphs shall be added:</p> <p>”7. For the purposes of this Regulation, ”members of the teams” means border guards of Member States serving with the Rapid Border Intervention Team other than those of the host Member State.</p>
	<p>8. For the purposes of this Regulation, requesting Member State means a Member State whose competent authorities request the Agency to deploy the Rapid Border Intervention Teams in its territory.”</p>	<p>8. For the purposes of this Regulation, ”requesting Member State” means a Member State whose competent authorities request the Agency to deploy the Rapid Border Intervention Teams in its territory.”</p>
<p>(1) In Article 2(1), the following point (g) is added:</p> <p>” (g) deploy Rapid Border Intervention Teams to Member States requesting assistance when faced with situations of particular pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union; ”</p>	<p>(2) In Article 2(1), the following point <b>shall</b> be added:</p> <p>”(g) deploy Rapid Border Intervention Teams to Member States <b>in accordance with Regulation (EC) No. ..../2007 of ... establishing a mechanism for the creation of Rapid Border Intervention Teams.</b>”</p>	<p>(2) In Article 2(1), the following point <b>shall</b> be added:</p> <p>”(g) deploy Rapid Border Intervention Teams to Member States <b>in accordance with Regulation (EC) No .../2007 of ... 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 powers and tasks of guest officers.</b>”</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p>(2) Article 8(3) is replaced by the following:            ”3. The Agency may acquire technical equipment for control and surveillance of external borders to be used by its experts and [in the framework of] the Rapid Border Intervention Teams for the duration of their deployment in the Member State(s) in question. ”</p>	<p>(3) Article 8(3) <b>shall be</b> replaced by the following:            ”3. The Agency may acquire technical equipment for control and surveillance of external borders to be used by its experts and [...] in the framework of [...] the Rapid Border Intervention Teams for the duration of their deployment [...].”</p>	<p>(3) Article 8(3) <b>shall be</b> replaced by the following:            ”3. The Agency may acquire technical equipment for <b>checks</b> and surveillance of external borders to be used by its experts and [...] in the framework of [...] the Rapid Border Intervention Teams for the duration of their deployment. [...]”</p>
<p>(3) The following Articles 8a to 8h are inserted:</p>	<p>(4) The following Articles [...] <b>shall be</b> inserted:</p>	<p>(4) The following Articles [...] <b>shall be</b> inserted:</p>
<p style="text-align: center;"><i>”Article 8a            Rapid Border Intervention Teams</i></p> <p>Where the measures referred to in Article 8(2)(a) and (b) are not deemed sufficient to counter a situation of particular pressure, the Agency may deploy one or more Rapid Border Intervention Teams to a requesting Member State for the appropriate duration.</p>	<p style="text-align: center;"><i>“Article 8a            Rapid Border Intervention Teams</i></p> <p><b>Upon a request from a Member State facing a situation of urgent and exceptional pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally the territories of the Member States,</b> the Agency may deploy <b>for a limited period</b> one or more Rapid Border Intervention Teams to a requesting Member State for the appropriate duration, <b>in accordance with Article 3 of Regulation (EC) No. .../... (this Regulation).</b></p>	<p style="text-align: center;"><i>“Article 8a            Rapid Border Intervention Teams</i></p> <p><b>At the request of a Member State facing a situation of urgent and exceptional pressure, especially the arrivals at points of the external borders of large numbers of third-country nationals trying to enter illegally the territory of the Member State,</b> the Agency may deploy <b>for a limited period</b> one or more Rapid Border Intervention Teams to a requesting Member State for the appropriate duration, <b>in accordance with Article 3 of Regulation (EC) No .../... (this Regulation).</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 8b</i> <i>Composition of Rapid Border Intervention Teams</i></p> <p>1. The Agency shall draw up and keep lists of the names of the officers of the national border guards which the Member States have provided to the Agency pursuant to Article 3(2) of Regulation (EC) No .../...[<i>this Regulation</i>]</p> <p>When drawing up the lists, the Agency shall take into account the relevant professional experience of the officers, in particular the knowledge of languages.</p>	<p style="text-align: center;"><i>Article 8b</i> <i>Composition of Rapid Border Intervention Teams</i></p> <p>1. <b>In case of a situation as described in Article 8a, Member States shall communicate upon request by the Agency immediately the number, names and profiles of border guards from their national pool which they are able to make available within five days to be members of Rapid Border Intervention Team. Member States shall make the border guards available for deployment at the request of the Agency, unless the Member State faces an exceptional situation substantially affecting the discharge of national tasks.</b></p>	<p style="text-align: center;"><i>Article 8b</i> <i>Composition of Rapid Border Intervention Teams</i></p> <p>1. <b>In the event of a situation as described in Article 8a, Member States shall, at the request of the Agency, immediately communicate the number, names and profiles of border guards from their national pool which they are able to make available within five days to be members of a Rapid Border Intervention Team. Member States shall make the border guards available for deployment at the request of the Agency, unless the Member State faces an exceptional situation substantially affecting the discharge of national tasks.</b></p>
<p>2. When determining the composition of a Rapid Border Intervention Team for deployment, the Agency shall take into account the particular circumstances which the requesting Member State is facing. The team shall be composed in accordance with the operational plan drawn up pursuant to Article 8f(3).</p>	<p>2. When determining the composition of a Rapid Border Intervention Team for deployment, the <b>Executive Director</b> shall take into account the particular circumstances which the requesting Member State is facing. The team shall be composed in accordance with the operational plan drawn up pursuant to <b>Article 8e</b>.</p>	<p>2. When determining the composition of a Rapid Border Intervention Team for deployment, the <b>Executive Director</b> shall take into account the particular circumstances which the requesting Member State is facing. The team shall be composed in accordance with the operational plan <b>referred to in Article 8g</b>.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 8c</i> <i>National contact point</i></p> <p>Member States shall designate a national contact point for communication with the Agency on all matters pertaining to the Rapid Border Intervention Teams. The national contact point shall be reachable at all times.</p>	<p style="text-align: center;"><i>Article 8f</i> <i>National contact point</i></p> <p>Member States shall designate a national contact point for communication with the Agency on all matters pertaining to the Rapid Border Intervention Teams. The national contact point shall be reachable at all times.</p>	<p style="text-align: center;"><i>Article 8ga</i> <i>National contact point</i></p> <p>Member States shall designate a national contact point for communication with the Agency on all matters pertaining to the Rapid Border Intervention Teams. The national contact point shall be reachable at all times.</p>
<p style="text-align: center;"><i>Article 8d</i> <i>Costs</i></p> <p>1. The Agency shall cover the following costs, except regular salaries, incurred by Member States in making available officers of their national border guards for the Rapid Border Intervention Teams for the purposes mentioned in Article 3(3)(a) and (b) of Regulation (EC) No .../... [<i>this Regulation</i>].</p>	<p style="text-align: center;"><i>Article 8h</i> <i>Costs</i></p> <p>1. The Agency shall <b>fully</b> cover the following costs [...] incurred by Member States in making available <b>their</b> border guards [...] for the purposes mentioned in <b>Article 8a and 8c</b> [...].</p>	<p style="text-align: center;"><i>Article 8ha</i> <i>Costs</i></p> <p>1. The Agency shall <b>fully meet</b> the following costs [...] incurred by Member States in making available <b>their</b> border guards [...] for the purposes mentioned in <b>Articles 8a and 8e</b> [...].</p>
(a) travel costs from the Member State of origin to the host Member State;	(a) travel costs from the <b>home</b> Member State [...] to the host Member State <b>and from the host Member State to the home Member State</b> ;	(a) travel costs from the <b>home</b> Member State [...] to the host Member State <b>and from the host Member State to the home Member State</b> ;
(b) costs related to vaccinations;	(b) costs related to vaccinations;	(b) costs related to vaccinations;
(c) costs related to special insurance needs in connection with the deployment	(c) costs related to special insurance needs [...];	(c) costs related to special insurance needs [...];
	<b>(d) costs related to health care;</b>	<b>(d) costs related to health care;</b>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
(d) daily subsistence allowances, as provided for in Article 4(3) of Regulation (EC) No .../...[this Regulation].	(e) daily subsistence allowances, <b>including accommodation costs;</b>	(e) daily subsistence allowances, <b>including accommodation costs;</b>
	(f) <b>costs related to the Agency's technical equipment.</b>	(f) <b>costs related to the Agency's technical equipment.</b>
2. Detailed rules concerning the payment of the daily subsistence allowance of members of the Rapid Border Intervention Teams shall be established by the Management Board.	2. Detailed rules concerning the payment of the daily subsistence allowance of members of the Rapid Border Intervention Teams shall be established by the Management Board.	2. Detailed rules concerning the payment of the daily subsistence allowance of members of the [...] teams shall be established by the Management Board.
<p style="text-align: center;"><i>Article 8e</i> <i>Training and exercises</i></p> <p>The Agency shall provide officers whose names appear on the lists referred to in Article 8b(1) with basic and additional training relevant for their tasks. It shall also conduct regular exercises with those officers in accordance with a schedule laid down in the Agency's annual programme of work.</p>	<p style="text-align: center;"><i>Article 8c</i> <i>Training and exercises</i></p> <p>The Agency shall provide <b>border guards who are part of the Rapid Pool with advanced</b> training relevant for their tasks. It shall also conduct regular exercises with those <b>border guards</b> in accordance with <b>an advanced training and exercise schedule referred to</b> in the Agency's annual <b>working</b> programme.</p>	<p style="text-align: center;"><i>Article 8e</i> <i>Training and exercises</i></p> <p>The Agency shall provide <b>border guards who are part of the Rapid Pool with advanced</b> training relevant for their tasks. It shall also conduct regular exercises with those <b>border guards</b> in accordance with <b>an advanced training and exercise schedule referred to</b> in the Agency's annual <b>working</b> programme.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
<p style="text-align: center;"><i>Article 8f</i> <i>Procedure for deciding on deployment of the Rapid Border Intervention Teams</i></p> <p>1. When deciding on the request of a Member State for deployment of the Rapid Border Intervention Teams in accordance with Article 8a, the Executive Director shall take into account the findings of the Agency's risk analyses as well as any other relevant information provided by the requesting Member State or another Member State. If required, the Executive Director may send an expert from the Agency to assess the situation at the external borders of the requesting Member State.</p>	<p style="text-align: center;"><i>Article 8d</i> <i>Procedure for deciding on deployment of the Rapid Border Intervention Teams</i></p> <p>1. A request [...] for deployment of a Rapid Border Intervention <b>Team</b> in accordance with Article 8a <b>shall include a description of the situation, possible aims and envisaged needs for the deployment.</b> If required, the Executive Director may send experts from the Agency to assess the situation at the external borders of the requesting Member State.</p>	<p style="text-align: center;"><i>Article 8f</i> <i>Procedure for deciding on deployment of the Rapid Border Intervention Teams</i></p> <p>1. A request [...] for deployment of <b>the</b> Rapid Border Intervention Teams in accordance with Article 8a <b>shall include a description of the situation, possible aims and envisaged needs for the deployment.</b> If required, the Executive Director may send experts from the Agency to assess the situation at the external borders of the requesting Member State.</p>
	<p><b>1A. When deciding on the request of a Member State, the Executive Director shall take into account the findings of the Agency's risk analyses as well as any other relevant information provided by the requesting Member State or another Member State.</b></p>	<p><b>1a. When deciding on the request of a Member State, the Executive Director shall take into account the findings of the Agency's risk analyses as well as any other relevant information provided by the requesting Member State or another Member State.</b></p>
	<p><b>2. The Executive Director shall immediately inform the Management Board of a Member State's request for the deployment of the Rapid Border Intervention Teams.</b></p>	<p><b>1b. The Executive Director shall immediately inform the Management Board of a Member State's request for deployment of the Rapid Border Intervention Teams.</b></p>

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<p>2. The Executive Director shall take a decision on the request for deployment of the Rapid Border Intervention Teams as soon as possible and no later than five working days from the date of the receipt of the request. The Executive Director shall simultaneously notify the requesting Member State and the Management Board in writing of the decision. The decision shall state the main reasons on which it is based.</p>	<p>3. The Executive Director shall take a decision on the request for deployment of the Rapid Border Intervention Teams as soon as possible and no later than five working days from the date of the receipt of the request. The Executive Director shall simultaneously notify the requesting Member State and the Management Board in writing of the decision. The decision shall state the main reasons on which it is based.</p>	<p>2. The Executive Director shall take a decision on the request for deployment of the Rapid Border Intervention Teams as soon as possible and no later than five working days from the date of the receipt of the request. The Executive Director shall simultaneously notify the requesting Member State and the Management Board in writing of the decision. The decision shall state the main reasons on which it is based.</p>
<p>3. If the Executive Director decides to deploy one or more Rapid Border Intervention Teams an operational plan shall immediately be drawn up by the Agency and the requesting Member State in accordance with Article 8g.</p>	<p>4. If the Executive Director decides to deploy one or more Rapid Border Intervention Teams, an operational plan shall immediately be drawn up by the Agency and the requesting Member State in accordance with <b>Article 8e</b>.</p>	<p>3. If the Executive Director decides to deploy one or more Rapid Border Intervention Teams, an operational plan shall immediately be drawn up by the Agency and the requesting Member State in accordance with Article 8g.</p>
<p>4. As soon as the operational plan has been agreed, the Executive Director shall inform the Member States whose border guard officers are to be deployed in the Rapid Border Intervention Team. This information shall be provided, in writing, to the national contact points established under Article 8c and shall indicate the date on which the deployment is to take place. A copy of the operational plan shall also be provided.</p>	<p>5. As soon as the operational plan has been agreed, the Executive Director shall inform the Member States <b>of the requested number and profiles of border guards which</b> are to be deployed in the Rapid Border Intervention <b>Teams</b>. This information shall be provided, in writing, to the national contact points established under <b>Article 8f</b> and shall indicate the date on which the deployment is to take place. A copy of the operational plan shall also be provided.</p>	<p>4. As soon as the operational plan has been agreed, the Executive Director shall inform the Member States <b>of the requested number and profiles of border guards which</b> are to be deployed in the Rapid Border Intervention <b>Teams</b>. This information shall be provided, in writing, to the national contact points <b>designated</b> under <b>Article 8ga</b> and shall indicate the date on which the deployment is to take place. A copy of the operational plan shall also be provided.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p><b>6. If the Executive Director is absent or indisposed, the decisions related to the deployment of the Rapid Border Intervention Teams shall be taken by the Deputy Executive Director.</b></p>	<p><b>4a. If the Executive Director is absent or indisposed, the decisions related to the deployment of the Rapid Border Intervention Teams shall be taken by the Deputy Executive Director.</b></p>
	<p><b>6A. Member States shall make the border guards available for deployment at the request of the Agency, unless the Member State faces an exceptional situation substantially affecting the discharge of national tasks.</b></p>	<p><b>4b. Member States shall make the border guards available for deployment at the request of the Agency, unless the Member State faces an exceptional situation substantially affecting the discharge of national tasks.</b></p>
<p>5. Deployment of the Rapid Border Intervention Team(s) shall take place no later than five working days after the date on which the operational plan is agreed between the Agency and the requesting Member State.</p>	<p>7. Deployment of the Rapid Border Intervention <b>Teams</b> shall take place no later than five working days after the date on which the operational plan is agreed between the Agency and the requesting Member State.</p>	<p>5. Deployment of the Rapid Border Intervention <b>Teams</b> shall take place no later than five working days after the date on which the operational plan is agreed between the <b>Executive Director</b> and the requesting Member State.</p>
<p style="text-align: center;"><i>Article 8g</i> <i>Operational plan</i></p> <p>1. The Agency and the requesting Member State shall agree on an operational plan detailing the precise conditions for deployment of the Rapid Border Intervention Team(s). The operational plan shall include the following:</p>	<p style="text-align: center;"><i>Article 8e</i> <i>Operational plan</i></p> <p>1. The <b>Executive Director</b> and the requesting Member State shall agree on an operational plan detailing the precise conditions for deployment of the Rapid Border Intervention <b>Teams</b>. The operational plan shall include the following:</p>	<p style="text-align: center;"><i>Article 8g</i> <i>Operational plan</i></p> <p>1. The <b>Executive Director</b> and the requesting Member State shall agree on an operational plan detailing the precise conditions for deployment of the Rapid Border Intervention <b>Teams</b>. The operational plan shall include the following:</p>
	<p><b>(a) description of the situation with modus operandi and objectives of the deployment, including the operational aim;</b></p>	<p><b>(-a) description of the situation, with modus operandi and objectives of the deployment, including the operational aim;</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
(a) the anticipated duration of deployment of the Rapid Border Intervention Team(s);	(b) the <b>foreseeable</b> duration of deployment of the Rapid Border Intervention <b>Teams</b> ;	(a) the <b>foreseeable</b> duration of deployment of the Rapid Border Intervention <b>Teams</b> ;
(b) the precise geographical locations in the requesting Member State where the Rapid Border Intervention Team(s) will be deployed;	(c) the [...] geographical <b>area of responsibility</b> in the requesting Member State where the Rapid Border Intervention <b>Teams</b> will be deployed;	(b) the [...] geographical <b>area of responsibility</b> in the requesting Member State where the Rapid Border Intervention <b>Teams</b> will be deployed;
(c) the tasks of the Rapid Border Intervention Team(s) throughout the period of deployment;	(d) <b>description of tasks and special instructions including on permissible consultation of databases and permissible service weapons, ammunition and equipment in the host Member State by members of the teams</b> ;	(c) <b>description of tasks and special instructions, including on permissible consultation of databases and permissible service weapons, ammunition and equipment in the host Member State by members of the teams</b> ;
(d) the composition of the Rapid Border Intervention Team(s);	(e) the composition of the Rapid Border Intervention <b>Teams</b> ;	(d) the composition of the Rapid Border Intervention <b>Teams</b> ;
(e) the technical equipment to be deployed together with the Rapid Border Intervention Teams;	(g) the technical equipment to be deployed together with the Rapid Border Intervention Teams <b>in accordance with Article 8</b> .	(ga) the technical equipment to be deployed together with the Rapid Border Intervention Teams <b>in accordance with Article 8</b> .
(f) any additional tasks to be conferred by the requesting Member State upon the members of the Rapid Border Intervention Team(s) during the period of deployment;	[...]	(f) [...]

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<p>(g) the names and ranks of officers from the national border guard of the requesting Member State, who will be in command of the Rapid Border Intervention Team(s) during the period of deployment, and the place of the team(s) in the chain of command.</p>	<p><b>(f) the names and ranks of the host Member State's border guards responsible for cooperating with the teams, in particular those of the border guards who shall be in command of the Rapid Border Intervention Teams during the period of deployment, and the place of the teams in the chain of command;</b></p>	<p>(g) the names and ranks of the <b>host Member State's border guards responsible for cooperating with the teams, in particular those of the border guards who shall be in command of the Rapid Border Intervention Teams</b> during the period of deployment, and the place of the <b>teams</b> in the chain of command;</p>
<p>2. Any amendments or adaptations to the operational plan shall require the agreement of both the Executive Director of the Agency and the requesting Member State.</p>	<p>2. Any amendments or adaptations to the operational plan shall require the agreement of both the Executive Director of the Agency and the requesting Member State. <b>A copy of the amended or adapted operational plan shall immediately be sent by the Agency to the participating Member States.</b></p>	<p>2. Any amendments or adaptations to the operational plan shall require the agreement of both the Executive Director [...] and the requesting Member State. <b>A copy of the amended or adapted operational plan shall immediately be sent by the Agency to the participating Member States</b></p>
<p style="text-align: center;"><i>Article 8h Liaison officer</i></p> <p>1. The Executive Director shall appoint one or more experts from the staff of the Agency to be deployed as a liaison officer together with the team(s) to represent the Agency and act as an observer. The Executive Director shall notify the host Member State of the appointment.</p>	<p style="text-align: center;"><i>Article 8g Coordinating Officer</i></p> <p>1. The Executive Director shall appoint one or more experts from the staff of the Agency to be deployed as <b>coordinating</b> officer [...]. The Executive Director shall notify the host Member State of the appointment. <b>The coordinating officer shall act on behalf of the Agency in all aspects of the deployment of the teams.</b></p>	<p style="text-align: center;"><i>Article 8h Coordinating Officer</i></p> <p>1. The Executive Director shall appoint one or more experts from the staff of the Agency to be deployed as <b>coordinating</b> officer [...]. The Executive Director shall notify the host Member State of the appointment. <b>The coordinating officer shall act on behalf of the Agency in all aspects of the deployment of the teams.</b></p>
<p>2. The liaison officer shall report to the Agency on all aspects of the deployment of the teams.</p> <p>In particular, the liaison officer shall:</p>	<p>2. [...] In particular, the <b>coordinating</b> officer shall:</p>	<p>2. [...] In particular, the <b>coordinating</b> officer shall:</p>

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(a) act as an interface between the Agency and the host Member State;	(a) act as an interface between the Agency and the host Member State;	(a) act as an interface between the Agency and the host Member State;
(b) act as an interface between the Agency and the members of the Rapid Border Intervention Team(s), providing assistance, on behalf of the Agency, on all issues related to the conditions for their deployment with the team(s);	(b) act as an interface between the Agency and the members of the Rapid Border Intervention <b>Teams</b> , providing assistance, on behalf of the Agency, on all issues related to the conditions for their deployment with the <b>teams</b> ;	(b) act as an interface between the Agency and the members of the <b>teams</b> , providing assistance, on behalf of the Agency, on all issues related to the conditions for their deployment with the <b>teams</b> ;
(c) monitor the implementation of the operational plan;	(c) monitor the <b>correct</b> implementation of the operational plan;	(c) monitor the <b>correct</b> implementation of the operational plan;
(d) assess the impact of the deployment of the Rapid Border Intervention Team(s), in particular with a view to proposing possible amendments or adaptations of the operational plan to the Agency.	(d) <b>report to the Agency on all aspects of the deployment of the teams.</b>	(d) <b>report to the Agency on all aspects of the deployment of the teams.</b>
	<b>3. In accordance with Article 25(3)f, the Agency's Executive Director may authorize the coordinating officer to assist in resolving any disagreement on the execution of the operational plan and deployment of the Rapid Border Intervention Teams.</b>	<b>2a. In accordance with Article 25(3)f, the Executive Director may authorise the coordinating officer to assist in resolving any disagreement on the execution of the operational plan and deployment of the Rapid Border Intervention Teams.</b>
3. In discharging his duties, the liaison officer shall only take instructions from the Agency.	<b>4.</b> In discharging his duties, the <b>coordinating</b> officer shall only take instructions from the Agency.	3. In discharging his duties, the <b>coordinating</b> officer shall only take instructions from the Agency.
(4) Article 10 is deleted.		

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	<p style="text-align: center;"><b>Article 11</b> <b><i>Amendments related to Joint Operations and Pilot Projects</i></b></p> <p>Regulation (EC) No. 2007/2004 is hereby amended as follows:</p> <p>(1) In Article 1, the following paragraph shall be added: "9. For the purposes of this Regulation, references to guest officers means the officers of border guard services of other Member States than the host Member State participating in joint operations and pilot projects."</p>	<p style="text-align: center;"><b>Article 12b</b> <b><i>Amendments related to joint operations and pilot projects</i></b></p> <p>Regulation (EC) No 2007/2004 is hereby amended as follows:</p> <p>(1) In Article 1, the following paragraph shall be added: "9. For the purposes of this Regulation, references to guest officers means the officers of border guard services of other Member States than the host Member State participating in joint operations and pilot projects."</p>
	<p>(2) Article 10 of Regulation (EC) No. 2007/2004 shall be deleted and replaced by the following:</p> <p style="text-align: center;"><b><i>“Article 10</i></b> <b><i>Powers and tasks of guest officers</i></b></p> <p>1. Guest officers shall have the capacity to perform all tasks and exercise all powers for border checks or border surveillance in accordance with Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (the Schengen Borders Code), and that are necessary for the realization of the objectives of that Regulation.</p>	<p>(2) Article 10 shall be replaced by the following:</p> <p style="text-align: center;"><b><i>“Article 10</i></b> <b><i>Tasks and powers of guest officers</i></b></p> <p>1. Guest officers shall have the capacity to perform all tasks and exercise all powers for border checks or border surveillance in accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (the Schengen Borders Code), and that are necessary for the realisation of the objectives of that Regulation.</p>

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	<p><b>2. While performing these tasks and exercising these powers guest officers shall comply with Community Law and the national law of the host Member State.</b></p>	<p><b>2. While performing these tasks and exercising these powers guest officers shall comply with Community law and the national law of the host Member State.</b></p>
	<p><b>2A. Guest officers may only perform tasks and exercise powers under the instruction and, as a general rule, in the presence of border guards of the host Member State.</b></p>	<p><b>3. Guest officers may only perform tasks and exercise powers under the instruction and, as a general rule, in the presence of border guards of the host Member State.</b></p>
	<p><b>3. Guest officers shall wear their own uniform while performing the tasks. They shall wear a blue armband with the insignia of the European Union and the Agency on their uniforms, identifying them as participating in a Joint Operation or Pilot Project. For the purposes of identification vis-à-vis national authorities of the host Member State and citizens, guest officers shall at all times carry an accreditation document, as provided for in Article 10A which they shall present on request.</b></p>	<p><b>Guest officers shall wear their own uniform while performing their tasks. They shall wear a blue armband with the insignia of the European Union and the Agency on their uniforms, identifying them as participating in a joint operation or pilot project. For the purposes of identification vis-à-vis national authorities of the host Member State and citizens, guest officers shall at all times carry an accreditation document, as provided for in Article 10a, which they shall present on request.</b></p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p><b>4. By way of derogation from paragraph 2, guest officers 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 weapons, ammunition and equipment, provided its own legislation includes the same provisions for its own border guards. Member States shall inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.</b></p>	<p><b>4. By way of derogation from paragraph 2, while performing their tasks, guest officers 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 weapons, ammunition and equipment, provided its own legislation includes the same provisions for its own border guards. Member States shall, in advance of the deployment of the guest officers, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.</b></p>
	<p><b>5. By way of derogation from paragraph 2, while performing their tasks, guest officers shall be authorised to use force, including service weapons, ammunition and equipment with the consent of the home Member State and host Member State, in presence of border guards of the host Member State and in accordance with its national law.</b></p>	<p><b>5. By way of derogation from paragraph 2, while performing their tasks, guest officers shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and host Member State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State.</b></p>

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	<p><b>5AA.</b> By way of derogation from paragraph 5, service weapons, ammunition and equipment may be used in legitimate self defence, in legitimate defence of members of the teams or of others in accordance with the national law of the host Member State.</p>	<p><b>6.</b> By way of derogation from paragraph 5, service weapons, ammunition and equipment may be used in legitimate self-defence, in legitimate defence of guest officers or of other persons in accordance with the national law of the host Member State.</p>
	<p><b>5A.</b> For the purpose of this Regulation the host Member State may authorize guest officers to consult its national and European databases which are necessary for border checks and surveillance. The guest officers shall consult only the data which are required for performing their tasks. The Member States shall in advance of the deployment of the guest officers inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.</p>	<p><b>7.</b> For the purpose of this Regulation the host Member State may authorise guest officers to consult its national and European databases which are necessary for border checks and surveillance. The guest officers shall consult only the data which are required for performing their tasks. The Member States shall, in advance of the deployment of the guest officers, inform the Agency of the national and European databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.</p>
	<p><b>5B.</b> The consultation as referred to in Article 5 A shall be carried out in accordance with Community law and national law of the host Member State in the area of data protection.</p>	<p><b>8.</b> The consultation as referred to in paragraph 7 shall be carried out in accordance with Community law and the national law of the host Member State in the area of data protection.</p>
	<p><b>6.</b> Decisions to refuse entry in accordance with Article 13 of Regulation (EC) No. 562/2006 shall be taken only by the border guards of the host Member State.</p>	<p>Decisions to refuse entry in accordance with Article 13 of Regulation (EC) No 562/2006 shall be taken only by border guards of the host Member State.</p>

COMMISSION PROPOSAL	CURRENT COUNCIL DRAFT TEXT	EP DRAFT TEXT
	<p style="text-align: center;"><i>Article 10A</i> <i>Accreditation document</i></p> <p>1. The Agency shall, in cooperation with the host Member State, issue a document in the official language of the host Member State and another official language of the institutions of the European Union to guest officers for the purpose of identifying them and as proof of the holder's rights to perform the tasks and exercise the powers as referred to in Article 10(1). The document shall include the following features of the guest officer:</p>	<p style="text-align: center;"><i>Article 10a</i> <i>Accreditation document</i></p> <p>1. The Agency shall, in cooperation with the host Member State, issue a document in the official language of the host Member State and another official language of the institutions of the European Union to guest officers for the purpose of identifying them and as proof of the holder's rights to perform the tasks and exercise the powers as referred to in Article 10(1). The document shall include the following features of the guest officer:</p>
	(a) name and nationality;	(a) name and nationality;
	(b) rank and	(b) rank and
	(c) a recent digitalised photo.	(c) a recent digitised photograph.
	2. The document shall be returned to the Agency at the end of the joint operation or pilot project.	2. The document shall be returned to the Agency at the end of the joint operation or pilot project.
	<p style="text-align: center;"><i>Article 10B</i> <i>Civil liability</i></p> <p>1. Where members of a team 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.</p>	<p style="text-align: center;"><i>Article 10b</i> <i>Civil liability</i></p> <p>1. Where guest officers 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.</p>

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	<p><b>2. Where such damage results from 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 latter.</b></p>	<p><b>2. Where such damage results from 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 latter.</b></p>
	<p><b>3. 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.</b></p>	<p><b>3. 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.</b></p>
	<p><b>4. 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 in accordance with Article 239 of the Treaty.</b></p>	<p><b>4. 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 in accordance with Article 239 of the Treaty.</b></p>
	<p><b>5. Without prejudice to the exercise of its rights vis-à-vis third parties, costs related to damages caused to the equipment of the Agency during deployment shall be covered by the Agency, except in cases of gross negligence or wilful misconduct.</b></p>	<p><b>5. Without prejudice to the exercise of its rights vis-à-vis third parties, costs related to damage caused to the Agency's equipment during deployment shall be met by the Agency, except in cases of gross negligence or wilful misconduct.</b></p>

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	<p style="text-align: center;"><i>Article 10C</i> <i>Criminal liability</i></p> <p><b>During the deployment of a Joint Operation or a Pilot Project, guest officers shall be regarded 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.</b></p>	<p style="text-align: center;"><i>Article 10c</i> <i>Criminal liability</i></p> <p><b>During the deployment of a joint operation or a pilot project, guest officers 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."</b></p>
	<p style="text-align: center;"><b>CHAPTER III</b> <b>Final provisions</b></p>	<p style="text-align: center;"><b>CHAPTER III</b> <b>Final provisions</b></p>
	<p style="text-align: center;"><i>Article 12</i> <i>Evaluation</i></p> <p><b>The Commission shall evaluate the implementation of this Regulation one year after its entry into force and present a report to the European Parliament and the Council accompanied, if necessary, by proposals amending this Regulation.</b></p>	<p style="text-align: center;"><i>Article 12c</i> <i>Evaluation</i></p> <p><b>The Commission shall evaluate the implementation of this Regulation one year after its entry into force and present a report to the European Parliament and the Council accompanied, if necessary, by proposals amending this Regulation.</b></p>

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<p style="text-align: center;"><i>Article 13</i></p> <p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>. Article 12 shall only apply from [<i>three months after the date of entry into force</i>].</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States, in accordance with the Treaty establishing the European Community.</p> <p>Done at Brussels,</p>	<p style="text-align: center;"><i>Article 13</i> <b><i>Entry into force</i></b></p> <p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. [...]</p> <p>This Regulation shall be binding in its entirety and directly applicable in <b>the</b> Member States, in accordance with the Treaty establishing the European Community.</p> <p>Done at Brussels,</p>	<p style="text-align: center;"><i>Article 13</i> <b><i>Entry into force</i></b></p> <p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. [...]</p> <p>This Regulation shall be binding in its entirety and directly applicable in <b>the</b> Member States, in accordance with the Treaty establishing the European Community.</p> <p>Done at Brussels,</p>