MB Decision 10/2007

DECISION
OF THE MANAGEMENT BOARD OF FRONTEX

of 31 August 2007

on the profiles and the overall number of border guards to be made available for the Rapid Border Intervention Teams (Rapid Pool)

THE MANAGEMENT BOARD,


Having regard to the Proposal by the Executive Director of Frontex and the discussions during the 12th Management Board Meeting of 25 May 2007,

Acting in accordance with the written procedure, laid down in Article 8 of the Rules of Procedure of the Management Board,

Acting in accordance with Article 4(2) of Regulation (EC) No 863/2007,

Whereas:

(1) Regulation (EC) No 863/2007 establishes a mechanism for the creation of Rapid Border Intervention Teams.

(2) The Rapid Border Intervention Teams must comprise specially trained experts.

(3) The Member States should make available an appropriate number of border guards (hereinafter the “Rapid Pool”) to ensure the effective operation of the Rapid Border Intervention Teams.

(4) Member States should create national pools of experts to help increase the effectiveness of the mechanism for the creation of Rapid Border Intervention Teams.

(5) The different sizes of the Member States and the technical specialisation of their border guard organisations should be taken into account.

(6) Best practices and experience from Member States show that knowing the profiles (competences and skills) of available border guards before deployment significantly contributes to the efficient planning and conduct of operations.

(7) Operations by the Rapid Border Intervention Teams should be carried out with a high level of efficiency and effectiveness.

(8) Frontex should determine the profile and overall number of border guards to be provided for the Rapid Pool.

(9) As regards Iceland and Norway, Regulation (EC) No 863/2007 constitutes a development of provisions 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 latters' 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 on certain arrangements for the application of that Agreement.

(10) 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 has not taken part in the adoption of Regulation (EC) No 863/2007 and is not bound by it or subject to its application. Given that Regulation (EC) No 863/2007 builds on the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of that Protocol, decide within a period of six months after the date of adoption of Regulation (EC) No 863/2007 whether it will transpose it in its national law or not.

(11) As regards the United Kingdom, Regulation (EC) No 863/2007 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 of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis. The United Kingdom has therefore not taken part in its adoption and is not bound by it or subject to its application.
(12) As regards Ireland, Regulation (EC) No 863/2007 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. Ireland has therefore not taken part in its adoption and is not bound by it or subject to its application.

(13) In view of Articles 12 and 20(5) of Regulation (EC) No 2004/2007 establishing Frontex, as well as the Council's Declaration of 4 June 2007, the way in which the United Kingdom can practically support the operations of Rapid Border Intervention Teams shall be subject to separate decisions of the Management Board.

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purpose of this Decision the definitions of Article 2 of Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) shall apply.

Article 2

Profiles

The profiles of the border guards to be made available by the Member States via their national expert pools for the Rapid Pool are composed of basic qualifications, core competences and optional skills.

Article 3

Basic qualifications

Border guards to be made available for the Rapid Pool shall possess:

a) Several years of work experience in carrying out border control at external borders (land borders, sea borders or air borders);

b) Adequate knowledge of English as a working language.
Article 4
Core competences

In addition to the basic qualifications as laid down in Article 3, border guards to be made available for the Rapid Pool shall possess at least one of the following core competences:

a) Border checks;
b) Border surveillance at the external land borders;
c) Border surveillance at the external sea borders;
d) Advanced level document expertise;
e) Second line interviews of third country nationals;
f) Analysis of risks and threats.

Article 5
Optional skills

In addition to the basic qualifications laid down in Article 3 and the core competences laid down in Article 4, the following optional skills of border guards are considered to be particularly useful for the purpose of determining the composition of a team for deployment:

a) Leadership;
b) Profiling of risk travellers;
c) Detecting stolen cars;
d) Dog handling;
e) Radar operating;
f) Operating infrared/thermal cameras for border surveillance;
g) Operating 4-wheel drive cars for border surveillance;
h) Expertise in the law of the sea;
i) Knowledge of intervention methods used by special units;
j) Checking vessels;
k) Checking trains;
l) Checking containers;
m) Checking buses;
n) Other skills to be specified by the Member State to which the border guard belongs, such as knowledge of languages.
Article 6
Overall number

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

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

Article 7
Review

This Decision shall be reviewed by the Management Board on the basis of experience gathered from Frontex operations at the latest by the end of 2008.

Article 8
Entry into force

This Decision shall enter into force on the day following its adoption.

Done at Warsaw, 31 August 2007

For The Management Board

[signed]

M. A. BEUVING
Chairperson