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NOTE

From: Presidency

To: Permanent Representatives Committee/Council / Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

Subject: European Border Guard: Proposal for a Regulation of the European
Parliament and of the Council on the European Border and Coast Guard
and repealing Regulation (EC) No 2007/2004, Regulation (EC) No
863/2007 and Council Decision 2005/267/EC
- Progress report

In compliance with its commitment to keep the Council informed about the developments regarding the aforementioned draft Regulation, the Presidency would like to present this latest progress report.

The LIBE Committee adopted its report on 30 May 2016. The Presidency, on the basis of the mandate received on 6 April 2016, entered interinstitutional negotiations with the European Parliament with a view to reaching a political agreement by end June 2016, in accordance with the European Council mandate of 18-19 February 2016.

This first trilogue was held on 31 May 2016, and all participants confirmed their strong commitment to conclude negotiations in an efficient and timely manner. During the meeting, the Presidency, the Rapporteur and the Commission representative outlined their respective positions in general, and exchanged views on possible avenues of compromise on a number of key issues.

These issues are:

- the liaison officers (Article 11),
- the vulnerability assessment (Article 12),
- the situations requiring urgent action (Article 18),
- the composition and deployment of teams (Article 19),
- the technical equipment pool (Article 38),
- the appointment of the Director (Article 68),
- the fundamental rights related provisions (mainly Articles 33 and 70 to 72) and
- the Search and Rescue-related provisions.

During this first trilogue, the working methods and the provisional timetable for the rest of the negotiations were agreed upon. One trilogue per week has been scheduled, with one or more technical meetings in between to prepare the ground for political discussions. A provisional agenda for each trilogue has also been set, with a view to covering the whole draft Regulation.

During a first technical meeting on 3 June 2016, Articles 1-12 of the draft Regulation were examined on the basis of a four-column table set up by the Council and Parliament, in preparation of the second trilogue on 7 June 2016.

The Presidency held on 3 June 2016 a JHA Counsellors meeting in the course of which the Presidency explained outcome of the first trilogue and the technical meeting, including the roadmap for the future steps of these interinstitutional negotiations. Certain delegations expressed their initial views on the Parliaments mandate.

In the context of the second trilogue held on 7 June 2016 the Presidency, the Rapporteur and the Commission discussed the outcomes of the technical meeting and reflected upon possible compromises on the following issues and had a first exchange of views on return:

- Subject matter (Article 1),
- Definitions (Article 2),
- European Border Guard (Article 3),
- European Integrated Border Management (Article 4),
- Accountability (Article 6a proposed by EP),
- Tasks (Article 7),
- Duty to cooperation in good faith (Article 8),
- Exchange of information (Article 9),
- Monitoring of migratory flows and risk analysis (Article 11),
- Vulnerability assessment (Article 12),

Although progress has been made, still a lot of work needs to be done, both at technical and political level.

After the end of the second trilogue, a technical meeting took place in Strasbourg, with a view to preparing the third trilogue, which is scheduled for 14 June 2016.

The Presidency is going to report as appropriate on the outcome of its negotiations to the competent Council bodies and seek, if need be, a revised mandate, with a view to reaching a compromise with the co-legislator.

The Presidency invites the Council to take note of this progress report.
