COUNCIL OF THE EUROPEAN UNION

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ADDENDUM TO "I/A" ITEM NOTE

from :	General Secretariat of the Council
to :	COREPER/COUNCIL
No. Cion prop.	6898/10 FRONT 22 CODEC 222 COMIX 151 + COR 1
Subjet :	Proposal for a Regulation of the European Parliament and the Council amending Council 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 (FRONTEX) **(first reading)** - Adoption of the legislative act **(LA + S)** =Statements

Council Declaration

The Council welcomes the full support the United Kingdom is giving to the development of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, as well as the United Kingdom's willingness to participate in Frontex operational activities pursuant to Regulation (EC) 2007/2004. The Council invites Member States to form bilateral arrangements with the UK that deliver to UK border guards supporting Frontex joint operations and other operational activities as special advisers, equivalent protections to the guest officers of the Member States in relation to civil and criminal liability.

COM Declaration on the monitoring of return operations

The Commission undertakes to report to the European Parliament and the Council on an annual basis on the implementation of the monitoring of return operations as referred to in Article 9(3).

The report will be based on all relevant information made available by the Agency, its Management Board, and the Consultative Forum established by the draft Regulation. In this context it should be noted that the Consultative Forum has full access to all information concerning the respect for fundamental rights in accordance with Article 26a.

The report will pay in particular attention to the application of the "objective and transparent criteria" that need to be observed during return operation carried out by the Frontex Agency.

The first annual report should be presented by the end of 2012.

COM Declaration on the creation of a European system of border guards

The Commission undertakes to launch a feasibility study regarding the creation of a European system of border guard, as referred to in the Stockholm programme, within one year from the adoption of this Regulation. The outcome of the study will feed into the evaluation foreseen by Article 33(2a) of this Regulation.

The Commission also undertakes to analyse if there is a need for a technical amendment of Regulation Nr 863/2007- establishing the Rapid Border Intervention Teams - with regard to the use of the name "European Border Guard Teams.