



EUROPEAN COMMISSION

Ursula von der Leyen  
The President

Brussels, 26 AVR. 2021

Ares (2021) 1433006

*Dear Honourable Members,*

*I would like to thank you for your letter of 23 February 2021, related to the standing corps of the European Border and Coast Guard Agency (Frontex). In your letter you ask for clarifications regarding the acquisition of service weapons by the Agency, including firearms necessary to equip its statutory staff in the standing corps to perform tasks entailing the use of such weapons. Please accept my apologies for a delayed reply.*

*When adopting the Regulation, the intention of the European Parliament and the Council was to enable the Agency's statutory staff to perform all relevant tasks normally carried out by Member States' border guards, including to carry and use service weapons. In particular, Article 82 of Regulation (EU) 2019/1896 (the European Border and Coast Guard (EBCG) Regulation) provides that the Agency's statutory staff can use executive powers, including carry and use weapons in the same way as officers deployed by or seconded from the Member States as team members of the standing corps. The EBCG Regulation sets out rules and principles applicable to the Agency's statutory staff on carrying and using weapons which reflect similar arrangements existing for Member States' officers in their respective national systems.*

*Without the possibility for the Agency to acquire service weapons, the provisions empowering border guards to carry and use service weapons would be deprived of their useful effect. The Commission considers that the terms "technical equipment" in Article 63 of the EBCG Regulation includes service weapons and therefore provides the correct legal basis for the acquisition by the Agency of service weapons, including firearms that are necessary to equip its statutory staff in the standing corps for the performance of tasks. The Commission confirmed this interpretation to the Agency by letter of 16 November 2020.*

*./..*

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*The Commission supports full transparency in the operationalisation of the standing corps, including in relation to the acquisition of service weapons. I agree that the Agency should report regularly to the European Parliament on the progress of the procurement procedures. Moreover, in accordance with Article 106(2) of the EBCG Regulation, the Executive Director of the Agency should also answer in writing any question put forward by a Member of the European Parliament. The Commission from its side always aims to reply to the written questions addressed to it as precisely and accurately as possible, referring questions to the Agency to the extent they relate to matters falling entirely under its remit as an independent decentralised Agency.*

*The Commission has been closely following the allegations related to Frontex, including on the issue of pushbacks in the Eastern Mediterranean and broader governance issues. These allegations entail a high reputational risk for Frontex and for the EU as a whole. The Commission has followed up with the Agency and has been working closely with the Frontex Management Board to ensure a full, swift and transparent clarification of these allegations, and to ensure a strengthening of the work processes within the Agency. The Commission is supporting the work of the Frontex Scrutiny Working Group established by the European Parliament and stands ready to provide further information as necessary.*

*As concerns the other ongoing investigations and processes, including the work ongoing under the responsibility of the Frontex Management Board, the Commission is and will continue to actively support also all of these work strands with a view to restoring and strengthening sound governance in this crucially important Agency, and ensuring the full application of EU law.*

*Yours faithfully,*

A handwritten signature in black ink, appearing to read 'U. von der Leyen', written in a cursive style.

*Ursula von der Leyen*