

Courtesy translation

**Opinion
of the Foreign and European Union Affairs Committee of the Senate
of the Republic of Poland
on the 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**

COM(2015)671

adopted at the meeting of 15 March 2016

1. The Foreign and European Union Affairs Committee of the Senate of the Republic of Poland (FEUAC) supports the commencement of work on the proposal for a Regulation as well as actions to strengthen the protection of the EU's external borders.
2. The FEUAC has doubts about the possibility of European Border Guard intervention even against the will of Member States concerned. The FEUAC believes that in further work on the Regulation such measures should be developed which, on the one hand, will provide help to the state that is unable to exercise effective control, but, on the other hand, will not violate the sovereign rights of such a state to protect its own borders.
3. In the FEUAC's opinion, the decision on launching an intervention by the European Border Guard in a Member State should be based on an implementing decision of the Council, and not of the Commission. Such a solution would guarantee that the Member State concerned has the possibility to participate in the decision and to present its arguments. The FEUAC believes that cooperation between the Council and the Commission (as the institution proposing new legislation) in adopting such a decision would also contribute to strengthening the European Border Guard mandate.