

MANAGEMENT BOARD DECISION 29/2022 of 23 April 2022

establishing specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation¹ (hereinafter the “Regulation”), and in particular Article 55(5)(c) thereof,

Whereas:

- (1) The European Border and Coast Guard standing corps (hereinafter ‘the Standing Corps’) should gradually reach the strategic target of a capacity of 10,000 operational staff with executive powers, where applicable, to effectively support Member States² in their efforts to protect the external borders, to fight cross-border crime and to step up the effective and sustainable return of irregular migrants.
- (2) The Standing Corps is to be composed of four categories of operational staff, including statutory staff of the Standing Corps (category 1 staff)³ who are authorised by the Executive Director to carry and use weapons⁴ for the purpose of performing operational tasks that require use of force.
- (3) The Agency may acquire technical equipment including weapons, ammunition and other equipment.
- (4) In accordance with Article 55(5)(c) of the Regulation, the Management Board, on the basis of a proposal from the Executive Director, establishes specific rules to facilitate the storage of weapons, ammunition and other equipment in secured facilities and their transportation to the operational areas.
- (5) Due to a number of developments of the Agency’s efforts in implementing Management Board Decision 4/2021 of 18 January 2021 establishing specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation⁵, it is necessary to further update the specific rules by repealing and replacing that Management Board Decision.

¹ Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

² For the purpose of this Decision, the term “Member States” includes also the States participating in the relevant development of the Schengen acquis within the meaning of the Treaty on the Functioning of the European Union and its Protocol (No 19) on the Schengen acquis integrated into the framework of the European Union.

³ Article 54(1)(a) of the Regulation.

⁴ Management Board Decision 3/2021 of 15 January 2021 adopting rules for the Executive Director to authorise statutory staff to carry and use weapons, including on mandatory cooperation with the competent national authorities, and ensuring that the conditions for issuing such authorisations continue to be met by statutory staff, as amended by Management Board Decision 22/2021 of 25 March 2021.

⁵ Management Board Decision 4/2021 of 18 January 2021 establishing specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation

The specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation (hereinafter “the Rules”), as set out in the Annex to this Decision, are hereby adopted.

Article 2

Entry into force and repeal

This Decision enters into force on the day following the date of its adoption. It repeals and replaces in its entirety Management Board Decision 4/2021 of 18 January 2021 establishing specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation.

Done by written procedure on 23 April 2022.

For the Management Board

[signed]

Marko Gašperlin
Chairperson of the Management Board

Annex:

Specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation (“the Rules”)

Specific rules to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment owned by the Agency in secured facilities and their transportation ('the Rules')

CHAPTER I

General provisions

Article 1

Scope

1. The scope of the Rules is to facilitate the storage of weapons, including firearms and non-lethal weapons, ammunition and other equipment, owned by the Agency, in secured facilities, including during off-duty periods, as well as to facilitate their transportation.
2. The Rules lay down the procedures for the registration, information management, transportation, maintenance and disposal of weapons including firearms and non-lethal weapons, ammunition and other equipment, owned by the Agency.
3. The standards applied by the Agency follow the legislation of the respective host Member State or the legislation of other Member State, where the Agency's storage is located.

Article 2

Definitions

For the purpose of the Rules, the following definitions apply:

1. "ammunition" means an assembled cartridge containing projectiles, gunpowder and incendiary mixtures owned by the Agency which are carried and used by the statutory staff of the Standing Corps for the purposes of performing their functions or ensuring self-defence;
2. "central storage" means the secure storage where the weapons, ammunition and other equipment owned by the Agency are stored if not allocated to operational or training activities;
3. "circulation" means any change of the person to whom specific weapons, ammunition and other equipment owned by the Agency are assigned and/or any change of the place where the weapons, ammunition and other equipment owned by the Agency are stored;
4. "decentralised storages" means secure facilities to store the Agency's weapons, ammunition and other equipment in the operational areas or in locations other than the central storage;
5. "firearms" means any portable barrelled weapon that expels, or is designed to expel a shot, bullet or projectile by the action of combustible propellant owned by the Agency and which is decided by the Executive

Director to be carried and used by the statutory staff of the Standing Corps for the purposes of performing their functions or ensuring self-defence;

6. “non-lethal weapons” means batons and lachrymatory agents, owned by the Agency, which are decided by the Executive Director to be carried and used by the statutory staff of the Standing Corps for the purposes of performing their functions or ensuring self-defence;
7. “registration of firearms and ammunition” means an individual record of the firearms and ammunition in particular by type, make, model, calibre and serial number with the purpose of unambiguously identifying the items, owned by the Agency. Depending on the applicable legal basis, the record can be made either in the Agency’s data-filing system, or in the register of the law enforcement authority of the Member State of registration, or in both;
8. “transportation of weapons and ammunition” means any organised movement of the Agency’s weapons and ammunition from one place to another for e.g. operational purposes, training or maintenance;
9. “weapons” means firearms and non-lethal weapons, owned by the Agency, which the Executive Director decides are to be carried and used by the statutory staff of the Standing Corps for the purposes of performing their functions or ensuring self-defence.
10. “inventory management system” means digital tools and the relevant documentation used for the identification and traceability of weapons ammunition and other equipment of the Agency as established by the Executive Director.

Article 3

Assignment of weapons, ammunition and other equipment

The physical assignment of weapons, ammunition and other equipment is to be based on a valid authorisation of the statutory staff of the Standing Corps by the Executive Director to carry and use weapons.

CHAPTER II

Registration of firearms and ammunition

Article 4

Registration of firearms and ammunition

1. The Agency ensures that the registration, as defined in article 2, of firearms and ammunition is in compliance with the national legal framework of the Member State where the central storage is established.
2. After registration of firearms and ammunition, its related data is to be recorded in the files of the Agency’s inventory management system for firearms and ammunition and in the ABAC database.

CHAPTER III

Storage

Article 5

Central storage

1. The central storage is to serve as a main source for the supply of weapons, ammunition and other equipment to the decentralised storages, as well as to the statutory staff of the Standing Corps.
2. The central storage is to be established in accordance with the requirements of the relevant national legal framework of the Member State where the central storage is established.

3. The central storage may be established in a Member State upon agreement between the Agency and the respective authorities of the Member State concerned.
4. The establishment of the central storage may be implemented either by using Member State's resources and facilities, or facilities at the disposal of the Agency.

Article 6

Decentralised storages

1. Decentralised storages are to cater for the operational needs and are to ensure availability of the Agency's weapons, ammunition and other equipment.
2. Decentralised storages are to be established in accordance with the requirements of the relevant national legal framework of the respective Member State or Third Country.
3. The establishment of decentralised storages for the Agency's weapons, ammunition and other equipment is to be implemented either by using the Member State's or Third Country's resources and facilities, or the facilities which may be owned or leased by the Agency.
4. The establishment of decentralised storages of the Agency's weapons, ammunition and other equipment, based on the Rules, are to be agreed between the Agency and the national authorities of Member States and Third Countries, where the decentralised storages are to be established.
5. Decentralised storages are to be established based on the same principles as the central storage. The inventory system of the decentralised storages covers their respective stockpiles of the Agency's weapons, ammunition and other equipment. This sub-inventory system is to be designed as a sub-system and integrated into the one established at the level of the central storage.

Article 7

Security of storages

1. The requirements for the safety and security of storages derive from the relevant national legal framework of the Member State or Third Country where the storage is established, as well as the storage risk assessment.
2. The risk assessment for weapons and ammunition storage facilities provided by the national authorities of a Member State or a Third Country shall take into consideration the security measures applied and implemented by the respective country, unless other agreements are concluded between the Agency and the competent authorities of the country concerned.
3. The storages for the Agency's service weapons, ammunition and other equipment is to be protected 24/7 by appropriate protection measures. An effective perimeter of security infrastructure is to be established, if deemed necessary.
4. Access to these facilities is to be controlled 24/7 and shall be restricted to authorised personnel only. Other persons granted temporary access to the storage shall be accompanied by authorised personnel during the entire visit in the storage.

CHAPTER IV

Information management

Article 8

Inventory management system

1. In order to ensure traceability of the Agency's weapons ammunition and other equipment the inventory management system shall include the possibility to record all movements of the Agency's weapons, ammunition and other equipment, including storage data, transportation, assignment to persons and retrieval.
2. The inventory management system shall include necessary information to enable effective ammunition management.
3. For the purpose of national administrative, civil and criminal proceedings, the retention period of records in the inventory management system adheres to the rules and conditions set out in the applicable data protection framework, in particular where it entails the processing of personal data.

Article 9

Data on the Agency's firearms and ammunition markings

1. The Agency's firearms and ammunition initially received from the provider are to have clear, irremovable, permanent and unique markings as required by the national legislation of the Member State where the central storage is established.
2. The markings and data referred to in paragraph 1 are to be introduced in the inventory management system to ensure their identification and traceability and to facilitate their movement.

CHAPTER V

Transportation of the Agency's weapons, ammunition and other equipment

Article 10

Standards for transportation

1. For the transportation of the Agency's weapons, ammunition and other equipment, the standards applied by the Agency are to reflect, to the extent possible, the relevant international legal framework and national legal framework of the Member States and follow the best practices of national law enforcement agencies of the Member States.
2. Transportation of the Agency's weapons, ammunition and other equipment is implemented through the border crossing points, unless agreed differently between the Agency and the countries of shipment, transit and final destination.
3. Transportation of weapons, ammunitions and other equipment shall always adhere to the national legal framework of the countries of shipment, transit and the final destination when planning and implementing transportation of the Agency's weapons, ammunition and other equipment.

Article 11
Secure freight transport

The Executive Director ensures the secure freight transportation of the Agency's weapons, ammunition and other equipment, as part of the effective supply chain to the operational area, as well as between the different storage locations.

CHAPTER VI

Miscellaneous provisions

Article 12
Weapons, ammunition and other equipment no longer in possession of responsible staff

In the event that the Agency's weapons, ammunition and other equipment are no longer in possession of the responsible staff, the event shall be immediately reported, in line with the provisions of a relevant Executive Director's Decision.

Article 13
Agreements with national authorities

The agreements which may be concluded between the Agency and the national authorities of Member States and Third Countries where secure storages are established for the Agency's weapons, ammunition and other equipment, shall refer to the Rules.