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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

Subject: Draft Council conclusions on the multiannual strategic policy cycle for European integrated border management (EIBM)
- Approval

Pursuant to Article 8 of the EBCG Regulation ¹, the Commission and the European Border and Coast Guard shall ensure the effectiveness of European integrated border management (EIBM) by means of a multiannual strategic policy cycle which sets out for a period of five years how the challenges in the area of border management and return are to be addressed in a coherent, integrated and systematic manner. In this way, the legislator has linked the political objectives with the operational aspects of external border protection.

On 24 May 2022, the Commission published a policy document developing a multiannual strategic policy for EIBM and submitted it to the European Parliament and Council for discussion. The resulting political guidance from the European Parliament and Council will be taken into account by the Commission when adopting its communication establishing the multiannual strategic policy for European integrated border management.

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

The draft Council conclusions provide political guidance on the principles as well as the policy priorities and strategic guidelines for the 15 components of the EIBM defined in Article 3 of the EBCG Regulation.

This strategic policy will need to be adapted to new challenges that may emerge over the next 5 years. In this context, Frontex's 2022 Strategic Risk Analysis highlights a number of challenges for EU border management: a higher occurrence of irregular migration/refugee flows; more attempts at instrumentalisation of migrants and the consequences of the invasion of Ukraine, in particular in the field of arms smuggling.

The Working Party on Frontiers discussed the policy document on 21 June and 8 July 2022. On the basis of comments from the Member States, the Presidency prepared draft Council conclusions which were discussed by JHA Counsellors on 8 and 23 September 2022.

The Committee of Permanent Representatives is invited to discuss the conclusions set out in the annex to this note, confirm its agreement on the text and recommend that the (Home Affairs) Council on 14 October 2022 approve the conclusions.

**Draft Council conclusions on the multiannual strategic policy cycle for
European Integrated Border Management (EIBM)**

The Council of the European Union,

Introduction

1. UNDERLINES the key role of an effective European integrated border management (EIBM) for the proper functioning of the Schengen area; NOTES that the successive terrorism, migration and COVID-19 challenges have put a strain on the Member States and on the functioning of the whole Schengen area.

General

2. WELCOMES the Commission's policy document developing a multiannual strategic policy for European integrated border management (EIBM Policy document) as the basis for a discussion with the European Parliament and the Council.
3. RECALLS that following this discussion and in light of the comments by the Council and its Member States, the Commission will adopt a communication establishing the multiannual strategic policy for EIBM; UNDERLINES that the 5-year multiannual strategic policy cycle for EIBM 2023-2027 will be complemented by the technical and operational strategy to be adopted by the Frontex Management Board and the national strategies of the Member States, with a view to effectively addressing the current and future challenges in the area of border management and return, including cooperation with third countries, whilst reflecting the specific situation of each Member State, *inter alia* geographical and geopolitical particularities.

Principles

4. ENDORSES the main principles underpinning the EIBM Policy document; PROPOSES to stress the importance of the four-tier access control model as one of the key principles in the communication establishing the multiannual strategic policy for EIBM; INVITES the Commission to initiate discussions on possible adjustments to the IBM concept and its four-tier access control model in light of recent challenges; INVITES the Commission, in close cooperation with the Member States and Frontex, to further elaborate the concepts of integrated planning and EIBM technical standards.

Policy priorities and strategic guidelines for the components of EIBM

5. COMMENDS the Commission for the comprehensive list of policy priorities and strategic guidelines for the components of EIBM; STRESSES the need for prioritisation of the policy priorities and strategic guidelines at central and national level, *inter alia* on the basis of the risk analyses by Frontex and the results of the Schengen evaluations and vulnerability assessments.
6. RECALLS that the main purpose of border surveillance shall be to prevent unauthorised border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally.
7. UNDERLINES the importance of prevention of irregular migration and cross-border crime; INVITES the Commission to devote particular attention to recent phenomena, such as the instrumentalisation of migrants and other hybrid threats, the emergence of new methods adopted by smuggling networks, pandemics as well as armed conflicts in the EU's immediate neighbourhood; in this context, NOTES that Member States may take the necessary and proportionate measures to preserve security, law and order; RECALLS that this is without prejudice to obligations under EU and international law related to access to international protection, in particular the principle of non-refoulement, as well as the obligation to respect fundamental rights.
8. UNDERLINES that the protection of fundamental rights is an integral and essential part of EIBM.

9. STRESSES the need to implement the new IT systems and interoperability in the field of border management in order to optimise regular border crossings and enhance the effectiveness of border controls.
10. STRESSES the essential role of risk analyses based on the Common Integrated Risk Analysis Model (CIRAM), always taking into account the specific situations of Member States; ENCOURAGES a continued reflection on the future of risk-based border control by taking into account new challenges and instruments, especially new large-scale information systems, interoperability and artificial intelligence.
11. STRESSES the importance of cooperation with third countries of origin and transit in preventing and tackling irregular migration and cross-border crime and in this regard addressing the push and pull factors of irregular migration and developing anti-smuggling operational partnerships, in line with the Commission's renewed EU action plan against migrant smuggling (2021-2025); CALLS FOR a more proactive and operational approach regarding the respective strategic guidelines and cooperation with third countries, notably through MOCADÉM.
12. STRESSES the crucial importance of cooperating with third countries in building their operational capacities and of third countries complying with their commitments, inter alia in the areas of border control and return and readmission, taking into account Frontex's role.
13. UNDERLINES the need to acknowledge that border surveillance may also be carried out by technical means, including electronic means, equipment, surveillance systems and, where appropriate, all types of stationary and mobile infrastructure, in full compliance with fundamental rights.
14. UNDERLINES that any common minimum standards for border surveillance should take into account the type of borders, the impact levels attributed to each external border section and other relevant factors such as geographical particularities.
15. STRESSES the need to take due account of obligations stemming from international maritime law, in particular with regard to search and rescue operations, taking place in situations which may arise during border surveillance operations at sea.

16. To enhance the effectiveness of border surveillance, **UNDERLINES** the importance to also take into account systems developed by the maritime agencies EMSA and EFCA as well as the need for enhanced coordination in this regard.
17. **STRESSES** the need for cooperation between the relevant EU agencies in order to provide a situational picture on unauthorised external border crossings and secondary movements designed to effectively address illegal immigration and counter cross-border crime, and by fully exploiting the instruments provided by the EBCG Regulation; in this respect, also **HIGHLIGHTS** the potential of EUROSUR, as an integrated framework for the exchange of information and for operational cooperation, and of large-scale information systems.
18. **HIGHLIGHTS** the EU added value of the effective implementation of the EIBM components; **STRESSES** that measures within the EIBM components should be eligible for financing from EU funds; **RECALLS** that solidarity should not be restricted to EU funding instruments.
19. **CONSIDERS** that the training of border guards is an essential precondition for properly functioning external borders; **ACKNOWLEDGES** the importance of the training activities developed by Frontex and national authorities; in this light, **INVITES** the Commission to further engage with Frontex in order to continue discussions on creating a comprehensive training concept, including the detection of false and falsified documents and impostors, and the issue of returns. Furthermore, the suggested establishment of a Frontex training centre should be carefully considered after a thorough impact assessment and taking into consideration the role of the current Frontex Partnership Academies.

Governance

20. **STRESSES** that the governance of the multiannual strategic policy cycle should be integrated into the Schengen cycle, progress tracked in the State of Schengen report, and regularly reviewed within the Schengen Council, thereby fostering synergies and avoiding duplications.

Evaluation

21. INVITES the Commission to keep the implementation of the multiannual strategic policy for EIBM under regular review in order to swiftly respond to newly emerging challenges.
22. RECALLS that four years after the adoption of the communication setting out the multiannual strategic policy for EIBM, the Commission will carry out a thorough evaluation of the policy's implementation by all stakeholders at EU and national levels; INVITES the Commission to provide, in its communication establishing the multiannual strategic policy, information on the method and criteria for this evaluation.

Conclusion

23. INVITES the Commission to take into account the abovementioned elements, the specific comments and drafting proposals by Member States as well as the 2020 and 2022 Strategic Risk Analyses with a view to adopting by the end of 2022 the communication establishing the multiannual strategic policy for EIBM.
