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**NOTE**

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From:	Presidency
To:	Strategic Committee on Immigration, Frontiers and Asylum
No. Cion doc.:	5490/24+ADD 1-ADD 2
Subject:	Report on the evaluation of the European Border and Coast Guard Regulation - Discussion paper

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On 2 February 2024, the Commission issued its report on the evaluation of the European Border and Coast Guard (EBCG) Regulation<sup>1</sup> (in the following “the Regulation”), including the review of the Standing Corps. The evaluation concludes with a positive assessment of the relevance and EU added value of the Regulation, considering it a sufficient basis to address current and future challenges at the EU’s external borders. Illegal migration continues to be an important challenge which requires a common and coordinated response by the EU and its Member States.

The evaluation identified a number of challenges that currently limit the effectiveness of the Regulation, though most of the identified challenges do not stem from the Regulation itself but are the result of organisational, technical or operational shortcomings.

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<sup>1</sup> 5490/24

Since its creation, the Agency has increased its operational support to Member States in various areas of its mandate. Despite this, there exists a misalignment between the organisation's structure and its mandate. To increase the effectiveness of deployments, cooperation between the Agency and national authorities could be further enhanced. The enhancement of capability development necessitates a strategic approach, enabling the optimisation of long-term planning and investment by Member States and the Agency in the protection of the external borders. A comprehensive capability roadmap and national development plans, aligned with the European Integrated Border Management strategy, are essential for establishing an effective European Border and Coast Guard.

Situational awareness and risk analysis are critical to EU border security, demanding improvements in the accuracy, completeness, and timeliness of the EU's external border situational picture.

Frontex's support in implementing return measures has been effective in all aspects of the return process, especially in organising joint return operations and providing other return-related support, including reintegration. However, there is room for improvement in strategic guidance and follow-up. Furthermore, cooperation with other organisations and third countries plays a crucial role in border protection and return measures, necessitating the review and updates of the cooperation framework.

To streamline the measures needed to address certain shortcomings identified in the evaluation, and to support the implementation of the Regulation and make it fully effective, the evaluation is accompanied by an action plan to be implemented by the Agency, its Management Board, Member States and the Commission. The following actions are considered the most important:

1. Developing and regularly updating the capability roadmap and national capability development plans in line with the objectives identified within the EIBM-strategy. The process of developing this roadmap needs to be expedited to provide strategic direction for the Agency's capabilities. Member States should align their national capability development plans with the Capability Roadmap to ensure coordinated capability development planning on the European level.

2. A proper strategic steering of return-related issues, including by the Agency's Management Board, with a possibility to also consider discussions at the High-Level Round Table meetings. Improved coordination and communication between the Agency and the Commission, and between the Agency and the responsible national authorities.
3. In order to build up the Standing Corps and to maximise its deployment effectiveness, gaps in specialised expertise need to be addressed and the national framework for deployment on the territory of Member States needs to be further enhanced.
4. In the area of situational awareness, actions/measures that will provide an accurate, complete and up-to-date situational picture and risk analysis.

After a first presentation of the report by the Commission, the Presidency would appreciate first general reactions to it from Member States during this SCIFA meeting. This input will feed into the preparation of a more general political debate on the functioning of the Agency, and the EBCG as a whole, during the Schengen Council of 4 March. Following this political debate, more dedicated discussions on specific elements of the evaluation report will be held in relevant Working Parties, notably Frontiers and IMEX Expulsion.

#### ***QUESTIONS FOR DISCUSSION***

- a) ***How do Member States assess the evaluation report? Do delegations agree with the proposed actions? How can we ensure an appropriate follow up of the measures proposed in the action plan?***
- b) ***What do delegations see as the main priorities among these proposed actions?***
- c) ***To ensure a successful implementation of the European integrated border management, how can coordination and communication between Frontex and the responsible national authorities be improved?***