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NOTE

From: Presidency

To: Working Party on Frontiers/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)

Subject: Evaluation of the European Border and Coast Guard Regulation (EBCG Regulation) - Discussion paper

On 2 February 2024, the Commission issued its report on the evaluation of the European Border and Coast Guard Regulation (the ‘EBCG Regulation’), including the review of the Standing Corps, which has its legal basis in Articles 121 and 59 of the Regulation ¹.

The main finding of the evaluation is that the relevance and added value of the Regulation remain important to address the current and future challenges at the EU’s external borders. Therefore, the Commission concludes that there is no immediate need to revise the EBCG Regulation or its annexes. Nevertheless, the evaluation identifies some challenges that currently limit the effectiveness of the Regulation, though most of these challenges do not stem from the Regulation itself but from organisational, technical or operational shortcomings.

In order to address such shortcomings identified in the evaluation and to ensure the effective implementation of the Regulation, the Commission’s report was published together with an Action Plan to be implemented by the Agency, its Management Board, the Member States and the Commission.

¹ 5490/24 + ADD 1 +ADD 2

On 20 February 2024, the Commission presented the report for the first time at the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), at which Member States gave their initial reactions. This was followed by a ministerial discussion at the Schengen Council on 4 March 2024.

Ministers largely agreed that a revision of the EBCG Regulation was not needed at this stage and that implementation of the current mandate should be a priority, with a focus on returns, cooperation with third countries, and raising situational awareness. Concerns were also raised about efficient cooperation between the Agency and the Member States, taking into account the needs of the Member States as well as those of the Agency and its Standing Corps. Moreover, delegations supported the Presidency's approach of aiming for both future-oriented political steering and operational follow-up at technical level. This technical follow-up has been and will be ensured by the relevant working parties, through the meetings of IMEX Expulsion of 12 March, EMWP of 14 March, and WP Frontiers on 20 March 2024.

The Working Party on Frontiers, which meets on 20 March 2024, will focus on situational awareness, the Standing Corps, and capability development.

Situational awareness and risk analysis are some of the activities considered to add the most value at EU level. However, the situational picture at the EU external borders provided by EUROSUR was found not to be entirely accurate, complete or fully up to date. To address this issue, it is recommended to align information and quality requirements and to monitor compliance so as to provide for full and comparable information on external border sections. The Agency and the Member States are the actors responsible for these actions aimed at improving the accuracy and comprehensiveness of situational awareness. Methodologies and confidentiality requirements should be reviewed in order to ensure an effective interplay between risk analyses and vulnerability assessments. In addition, risk analyses should strive to take into account key components of the European Integrated Border Management (EIBM) strategy, including returns and information on migration flows from third countries.

The evaluation shows that Member States are highlighting the importance of a needs-based deployment of the **Standing Corps**. However, some challenges were identified in training and deployment, as well as in the availability of certain categories of profiles. Some of the proposed actions include reviewing recruitment conditions, identifying and addressing training deficiencies, intensifying training of staff with specialised profiles and improving long-term planning to ensure Member States' commitment to contribute to the Standing Corps. In addition, during previous discussions at strategic level, Member States underlined that the deployments should reflect operational needs and that the Agency should adapt its rules, procedures and practices to the various realities of the Member States.

The evaluation concludes that **integrated capacity development planning** is not sufficiently advanced. The lack of long-term strategic vision and predictability for key investments in capacities was identified both within the Agency and in Member States. The action plan recommends that the capability roadmap be developed and updated annually for the Management Board. The Member States should establish and update their national capability development plans, in line with their national EIBM strategy. The Agency and the Member States are the main actors responsible for these actions and for ensuring the development of human and technical capacities to handle border management and returns over the longer term. It is also of key importance to ensure the most effective use of EU funds.

The Presidency invites delegations to exchange views on the following issues:

- 1. What actions or measures can Member States take to improve situational awareness, including the assurance of data quality, comprehensive reporting and an effective interplay between the different situational awareness products?*
- 2. Given the need to build up the Standing Corps and address operational needs, notably in terms of specialised expertise, what initiatives can Member States take to guarantee appropriate support to the Agency while maintaining the necessary effectiveness of national arrangements?*
- 3. What measures can the EBCG community take to ensure that national capability development plans are in line with the Capability Roadmap for a coordinated development planning at the European level?*