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From:	Presidency
To:	Delegations
Subject:	The future management of the EUs external borders

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**I INTRODUCTION**

According to Frontex analysis, more than 500 000 migrants were detected trying to cross the external borders of the Member States of the European Union illegally between January and August 2015, half of them using the Eastern Mediterranean route, with 156 000 in August alone, the highest monthly number so far.

The current situation requires immediate action as well as sustainable long-term answers to ensure a high level of security at external borders and to strengthen the fight against illegal immigration, smuggling and trafficking in human beings, terrorism and other aspects of organised crime. At the same time, the number of legal border crossings is also growing and expected to increase even more in the future. While these concerns must be addressed appropriately, facilitating border crossings for EU citizens and bona fide third country travelers must remain an integral part of a well-managed and effective border policy.

Both, the European Agendas on Security and on European Agenda on Migration mentioned the subject, in particular the need for a high level of common standards for border management. On 25 and 26 June 2015, the European Council called for wider efforts in resolving the migrant crisis, including through the reinforcement of the management of borders to better contain the growing flows of illegal migration. Furthermore, on 23 September 2015, the European Council stressed the need to tackle the dramatic situation at Europe's external borders as well as to strengthen the controls at those borders, notably through additional resources for Frontex, EASO and Europol and with human resources and technical contributions from Member States.

Moreover, relevant funds should be increased to meet all structural and operational challenges. In order to put into place immediate measures until end of 2015, a reinforcement of emergency assistance provided under the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF), for a total amount of EUR 100 million in commitment appropriations, has been proposed by the Commission.

Significant efforts have been made during the last months: for instance, the mobilization of EU funding to support efforts in the field of border management, the increased European presence at sea by tripling budget and increasing the assets available to Frontex Joint Operations POSEIDON and TRITON and the establishment of EUNAFVOR MED to tackle migrant smuggling and dismantle human trafficking networks.

The stabilization of the Schengen area and the lifting of temporarily reintroduced internal border controls are of utmost importance. The Schengen Area's integrity will be ensured via a reinforcement of measures at the EU's external borders and the respect of the rules of the Schengen acquis. Actions to alleviate the burden of Member States under pressure include, inter alia, the potential deployment of Rapid Border Intervention Teams (RABIT), the relocation schemes and the deployment of Migration Management Support Teams in the framework of the "hotspots". The increase of financial and human resources for Frontex, EASO and Europol as well as further emergency funding to Member States are preconditions to a successful implementation of such measures<sup>1</sup>.

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<sup>1</sup> See Commission Communication on managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration (Doc.12313/15).

While it is clear that immediate measures are urgently required to address the current extraordinary situation, a sustainable long term approach and including border management measures based on the principles of shared responsibility, mutual trust and solidarity among Member States.

Against this backdrop, the Presidency invites the Council to discuss the following questions on border management.

## **II QUESTIONS SUBMITTED TO COUNCIL**

### **1. Collective responsibility of Member States and Frontex**

The Schengen area is corollary to the freedom of movement of persons. The Schengen rules and the Dublin Regulation are based on the responsibility of Member States of first entry, tasking them with both control and responsibility, for the people entering the Schengen area. Operational shortcomings of the Dublin Regulation as well as the Regulation's derogations are shifting the asylum system into a collective organized system to distribute of the burden in a common European space, goes hand in hand with a collective in the field of external borders controls.

Currently Frontex promotes, coordinates and develops European border management by applying the concept of Integrated Border Management. A further enhancement of the role of the Agency, and thus the amendment of its mandate, is a key step towards achieving high level common standards in the management of European Union's external borders. In this light, the external evaluation of Frontex under Article 33 of the Frontex Regulation should be taken duly into account.

*How can the collective responsibility of Member States and Frontex evolve, e.g. for ensuring a better and at times compulsory allocation of border guards and equipment from low risk areas to those most affected by illegal migration?*

## **2. Facilitation of border crossing and use of new technologies**

For 2025, forecasts predict a total number of 887 million of border crossings at the EU's external borders.

*In the light of a reviewed European Union border management policy, how the facilitation of travel to the European Union could be balanced with security and management objectives? How could the EU better use (new) technical solutions (e.g. Smart Borders, ESTA or alternatives,...) in relation to both third country nationals and EU citizens to achieve this equilibrium?*

## **3. Evaluation and monitoring**

The legal framework of Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis, in particular regarding remedial action to address potential deficiencies in the field of management of the external border and in relation to the absence of internal border controls, should be used to its fullest extent in particular in the current circumstances.

**Should the Commission together with Member States carry out more frequently field visits to ensure the well-functioning of the Schengen acquis? How could shortcomings be addressed as efficiently as possible, in particular with support packages where needed?**