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NOTE

From: General Secretariat of the Council

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

Subject: Implementation report on the standing corps establishment

Delegations will find enclosed a report from Frontex related to the implementation of the standing corps establishment.

Implementation Report on Standing Corps Establishment

Introductory remarks

In view of the WP FRONTIERS meeting scheduled on 9 September 2020, Delegations will find attached the implementation report on the standing corps establishment. The report aims at providing the current state of play of the main activities related to the establishment of the standing corps and description of the plans for the future.

1. Recruitment of the standing corps CATEGORY 1

The recruitment campaign for the first European Border and Coast Guard standing corps has started in October 2019 when the call for candidates was published on the Frontex website and already now, despite many challenges faced along the way caused by the outbreak of the COVID-19 pandemic, first 265 selected candidates are undergoing the compulsory Border Guard training to become fully-fledged and professionally trained officers ready for deployment as of 1st January 2021.

In parallel, the recruitment process is still ongoing. Due to the COVID-19 implications, the process has been divided into three parts to ensure that all of the received (nearly 7500) applications have been processed according to the rules, and that all candidates were given an equal treatment and an opportunity to take part in all stages of the selection process including the English language test, physical exam and interview. The first group of applicants underwent physical tests and face-to-face interviews in Warsaw from February to March 2020 and out of this group a reserve list of 285 candidates spread over 22 nationalities was established (265 offers were accepted).

As the pandemic broke off and travel restrictions were introduced limiting the ability of candidates to travel to Poland to take the physical test and participate in the interview, a reverse order for the second batch of candidates (around 200) was introduced, proceeding with the online interviews first and postponing the physical exams for the time when traveling was again possible, which turned out to be in July 2020. The selection is now ongoing with the objective to integrate the successful candidates into Frontex workforce in October 2020 and be ready for deployment in May 2021.

The third, last group (approx. 100) of candidates will undergo online interviews and physical aptitude tests in September 2020 leading to an establishment of a reserve list in November 2020 with a possible employment date as of January 2021. The third group of standing corps officers will be ready for deployment in September 2021 after completing the compulsory training and medical checks as in the case of the previous two groups.

2. Capabilities Pooling

The process of Capabilities Pooling and standing corps nominations for CATEGORY 2 and CATEGORY 3 started in January 2020 when Member States/Schengen Associated Countries informed Frontex about their deployment intentions. In March 2020 Frontex Management Board adopted the decision on profiles, Minimum Number of Items of Technical Equipment (MNITE), Rapid Reaction Equipment Pool, distribution of profiles per category per MS/SAC and multiannual planning. By the end of June 2020, MS/SAC were requested to nominate officers for CAT 2 and CAT 3 however, this process is not completed as the amount of candidates has not yet reached 100% and MS/SAC continue to nominate candidates, so as to fulfil their obligations.

<p><u>Category 2</u></p> <p>Number of officers to be nominated: 400</p> <p>Number of officers <u>already</u> nominated: 345 (+24 backup nominations)</p> <p>Coverage: 86.25 %</p> <p><u>Category 3</u></p> <p>Number of officers to be nominated: 3600</p> <p>Number of officers <u>already</u> nominated: 2762 nominations (+1001 backup nominations)</p> <p>Coverage: 76.72 %</p>

Table 1 State of play of SC nominations as of 3rd August 2020

In accordance with the corresponding Executive Director's Decision, Frontex is implementing the procedure for verification of candidates for CAT 2 of the European Border and Coast Guard standing corps. As part of this procedure a total of 13 Frontex panels - composed of Agency's statutory staff and SNEs - perform an eligibility check of the application forms and conduct individual interviews, in order to ensure that the staff nominated fulfils the criteria of one or more EBCG profiles as established by the Frontex Management Board Decision 1/2020. These panels aim to identify a total of 400 eligible nominees to be part of the EBCG standing corps.

The verification procedure is expected to be completed by the set deadline of 15 September 2020. By the end of this procedure, all nominees considered eligible to perform border and coast guard duties will be selected by the Agency as available for long term deployment during the years 2021 and 2022 (with a possibility of extension to a total of four years). Nominees who will not be selected by Frontex will have to be substituted by their respective Member States. The communication of ineligibility of nominees shall trigger the obligation, on the side of Member States, to propose additional candidates until their national quota for the related profiles of CAT 2 are fulfilled.

As for the CAT 3 it is the intention of Frontex to request MS/SAC to contribute with individual operational staff members (CAT 3) for deployment in joint operations during 2021 after allocation of the available resources of CAT 1 and CT 2 is completed (target date 31 August 2020). In accordance with the planning, Frontex will conduct the annual bilateral negotiations (ABN 2021) with each individual MS/SAC to agree on deployments for CAT 3 as well as on the technical equipment for the operational activities of 2021 during the week of 16 to 22 October 2020.

On 30 October 2020, Frontex will allocate the confirmed resources according to its operational needs and will pre-allocate MS/SAC resources for potential further negotiation. After reaching agreement with the individual MS/SAC, the decision on the individual deployments will be taken. The final composition of the national annual list of operational staff of CAT 3 will be confirmed by the Agency by 1 December 2020 at the latest.

DEADLINE	MILESTONE
31-Jan 2020	Member States/Schengen Associated Countries planning to deploy Technical Equipment with the corresponding crew inform Frontex of their intentions
31-Mar 2020	Frontex Management Board adopts decisions on: profiles, Minimum Number of items of Technical Equipment (MNITE), Rapid Reaction Equipment Pool, distribution of profiles per category per Member State/Schengen Associated Country and multiannual planning
30-Jun 2020	Member States/Schengen Associated Countries nominate officers for Category 2 and Category 3 (preliminary national list) for deployment in 2021
31-Jul 2020	Frontex requests Member States/Schengen Associated Countries to contribute with specific number of individual Category 3 staff within the required numbers and profiles and sends an open call for Technical Equipment
15-Sep 2020	Frontex verifies staff for Category 2
31-Oct 2020	Frontex allocates confirmed resources to the operational needs and pre-allocates Member States resources for further negotiation
01-Dec 2020	Frontex and Member States finalize annual negotiations related to allocation of Category 3 (Final annual list) and Technical Equipment
01-Jan 2021	Frontex and Member States resources are deployed

Table 2 Capabilities Pooling Timeline

3. Training

Tasked with the training of its standing corps and in particular of the CAT 1, the Agency has developed, in close cooperation with the Member States and aligned with the Common Core Curriculum, the Basic Training Programme which was put in use for the first time on 18 June 2020 when the first batch of 265 recruits commenced their training. Taking into account the special conditions caused by COVID-19, the first 3 months of the training have been taking place online. This phase will last until mid-September 2020 and will be followed by three months contact phase training delivered in the training centre which selection is about to be announced based on the recently concluded 'Call for proposals concerning actions of common interest to support the implementation of the contact learning phase of the Basic Training Programme for the EBCG category 1'.

As for the successive batches of new recruits, it is planned to offer a full six months face-to-face training if the conditions related to the outbreak of COVID-19 would allow.

All new recruits after the completion of the Basic Training will be required to undergo a specialised profile related training.

Specialized profile related training

Pursuing the implementation of art.54 para 4a of the Regulation 1896/2019, Frontex Management Board adopted in the very beginning of 2020 the decision defining the profiles of, and setting out the requirements for operational staff.

In the consideration of this decision and of its responsibilities in the area of training, Frontex will deliver to members of the standing corps categories 1, 2 and 3 specialized profile related training courses for border management and return, addressing specific operational elements relevant to their tasks and responsibilities and raising necessary awareness on the respect of fundamental rights, with emphasis on the protection of vulnerable persons, including children. In order to enable their operational readiness, these courses will be delivered prior their deployment.

A general pre-deployment induction training module will precede the profile related specialized training courses and will be offered to all participants in Frontex operational activities prior to their mission in order to create the necessary awareness on the mission of the Agency, the governing rules and regulations of its operational activities and observance of fundamental rights and aspects related to operating in a multicultural environment.

4. Uniforms

One of the key components of the new European Border and Coast Guard Regulation is the creation of the standing corps and, as part of it, the Agency's Category 1 consisting of statutory staff. In accordance with Article 82(6) of Regulation 2019/1896, the Agency's statutory staff who are members of the European Border and Coast Guard Standing Corps deployed through border management teams, migration management support teams and return teams shall wear the uniform of the standing corps while performing their tasks and exercising their powers.

Training outfits

As described in other parts of the report, the recruited personnel shall undergo a multitask training so to be ready for the performance of their operational duties from 1 January 2021. During the training period all personnel in training will be equipped with multifunctional training outfits, which will be transitioned into the uniforms.

In this regard the Agency prepared and launched an open procedure for a framework contract for training outfits for standing corps CAT 1. As a result a framework contract (FWC) was signed in May 2020 ensuring that the required training outfits will be delivered on time for the beginning of the training.

Service uniforms

The design and specifications for the uniforms of the European Border and Coast Guards standing corps CAT 1 staff shall be established by a decision of the Frontex Management Board, based on a proposal of the Executive Director after receiving the opinion on that matter of the European Commission.

The Agency developed the design and specifications for the uniform of the statutory staff of the standing corps through the mapping and benchmarking of European uniforms of border guards and other law enforcements services, as well as through consultations with the Agency's staff and officers of Member States deployed in the Agency's operational activities.

In February 2020, the Executive Director of the Agency submitted to the Commission for its opinion the abovementioned draft decision. The opinion of the Commission on the design and specifications for the uniforms of the statutory staff of the European Border and Coast Guard standing corps as required by the Regulation was received in May 2020. The open procedure is planned to be launched in September 2020 and the FWC to be signed in Q1 2021.

5. Basic equipment and weapons

Article 82 of the European Border and Coast Guard Regulation stipulates that the performance of the tasks by Category 1 of the standing corps, may require the use of force, including carrying and use of service weapons and non-lethal equipment.

The concept for acquiring service weapons and non-lethal equipment, and managing their storage and supply chain to and from operational areas is being finalised and draws on the best practices in MS/SAC and the understanding of their respective legal frameworks. The legal basis for the acquisition, registration and circulation of fire arms, however, is an unresolved matter, as the Regulation does not explicitly state that Agency can acquire them.

Considering that timely solutions needed for the deployment of standing corps in early 2021, the Agency requested the Commission to provide its opinion and support on further identification of possible legal basis for the Agency to implement the provisions of the Regulation. The outcome of the consultation is still pending.

In parallel the Agency is working on establishing the technical requirements and associated tender specifications in order to be able to launch a procurement procedure once a legal solution has been found. In this context also market research has been carried out and the assessment is that there is interest in the industrial base in participating in an upcoming procurement procedure and that they are capable of delivering what is required.

In addition, technical specifications are being finalised for non-lethal equipment and it is expected that the acquisition process will be completed by the end of 2020 thus enabling deployment of adequately equipped standing corps staff.

6. Outlook on deployment modalities and plans

The deployments are guided by operational needs, based on risk analysis and vulnerability assessment but also the capacity of the Agency to strengthen the overall capabilities of the European Border and Coast Guard. Therefore the Multiannual Plan to strengthen the capabilities of the EBCG, embedded in the European Strategy for Integrated Border Management, will enable the Agency to develop the deployment management of the standing corps further, adjust and add features to deployments which are currently not yet available.

The deployments will be based on operational needs and capitalize on the flexibility foreseen by the Regulation. Based on risk analysis and regular updates and recommendations derived from the vulnerability assessment, the (re-)deployment of standing corps officers will strengthen the operational activities where most needed. The overarching principle is to complement the national capacities by indicating where and which profiles of standing corps of all categories would be needed, and what kind of equipment they should obtain.

The operational activities can be categorized in large-, mid- and small-scale operations, as well as other types of activities. Criteria used for this categorization are duration and operational intensity/complexity of operational activities.

Focusing first on the duration criterion, large-scale operations are understood as permanent joint operations such as Poseidon, Themis or FOA Land or some return-related activities; mid-scale operations have a duration of 4-6 months (e.g. Minerva, coordination points, other return related activities) and small-scale operations such as EMPACT-related Joint Action Days or situation monitoring related activities (such as multipurpose aerial surveillance) and return flights are regarded as being of short-term nature.

Approaching the categorisation from the aspect of operational intensity/complexity, the ratio between large-, mid- and small-scale operations is for the time being approximately 60%/30%/10%.

As regards the standing corps CAT 2, they will be deployed as of January 2021; the secondment conditions comprise leave days and compensatory days for the work during the public holidays of Frontex, but also the possibility to receive induction and other training from the Agency, complemented by compulsory training/certification courses to uphold their qualification in the home Member State.

Depending on the operational needs, which may also change in the course of an operation, shift work is opened for all profiles and will be indicated in the deployment roster. Shift allowance and standby allowance are regarded as mutually exclusive. The combination of shift work characteristics with leave and training entitlements will aim at allowing an appropriate work-life balance.

The Agency will organise the logistical arrangements for (re-)deployments, including flight bookings and the provision of accommodation, cars (if relevant). The seconded operational staff will also be equipped by the Agency with laptops and mobile phones and other profile relevant equipment.

Standing corps CAT 2 are planned to pass through Headquarters in the course of January 2021 in several waves for an induction, equipment handover, meeting Headquarters staff and reporting officers. Immediately after the induction they will be deployed to the relevant operational activities.

Each standing corps CAT 2 will have one main reporting officer for non-operational issues and performance evaluations. The operational and tactical instructions will be given in the field according to operational needs and plans. Depending on availability, the guiding principle is that standing corps CAT 2 will not be deployed to their country of origin.

The operational briefing will primarily be done in the field adapted to and depending on the operational activities and profiles. The deployment will be adjusted to the different categories of operations. Large scale operations represent the core infrastructure and are considered as permanent. The largest part of the deployments will therefore be done to those operations. The standing corps CAT 2 will get profoundly acquainted with the national legislative and regulatory framework of the host Member State and/or the Member State from whose territory an activity is launched - a precondition to perform effectively their functions. Introducing more flexibility, mid- and small-scale operations will be fed mainly out of those deployments depending on the profiles and imply a higher degree of mobility. Particularly small scale operational activities will be included in the service catalogue of the Agency.

In the future, the Agency will develop further mid- and small-scale operational activities, but also the training infrastructure to invest into the capability development of the overall European Border and Coast Guard. This will impact on the deployment availability, but with the increasing number of standing corps category 1 and 2, more time can be dedicated to training to increase the availability and the capability of the overall European Border and Coast Guard profiles.

Frontex Management Board with its decision of 3 April 2020 adopted the European Border and Coast Guard standing corps annual planning for 2021 and indicative multiannual planning of profiles that established the needs for standing corps deployments for that year¹.

As specified in other parts of this report, the training of CAT 1 and verification by Frontex of candidates in CAT 2 are currently ongoing. Only after CAT 1 and CAT 2 are confirmed and assigned to the profiles, Frontex will be able to establish the gaps and will request MS/SAC via ABN procedure to provide the particular offers with CAT 3.

The deployments of the standing corps CAT 3 will not differ much from the current deployments of the members of the teams. The concept of operational periods and respective rotations will remain, allowing the officers to rotate regularly. The arrangements between the Agency and the home Member States would also remain unchanged, with the Member State being in charge of the logistical arrangements of the deployment and Frontex reimbursing the respective costs under the grant scheme.

¹ *Management Board Decision 9/2020*

The respective draft Management Board Decisions for both CAT 2 and CAT 3 (and 4)² have been consulted with the Member States during the expert meeting with the Member States representatives, during the meetings of the Management Board Working Group on Budget and Accounts and during the Management Board meetings themselves. After reaching the consensus, the final draft has been shared with the European Commission for the inter-service consultations that shall result with an opinion issued by the Commission within the upcoming days. In case the opinion is positive, the adoption process for the MB Decision will be launched.

² *Draft Management Board decision laying down the rules on the secondment of category 2 of the European Border and Coast Guard standing corps and Draft Management Board decision on financing deployments of operational staff, category 3 and category 4, of the standing corps*