



Council of the
European Union

Brussels, 19 September 2022
(OR. en)

11946/1/22
REV 1

LIMITE

JAI 1112
FRONT 308
MIGR 241
IXIM 203
SCH-EVAL 104
FREMP 168
COMIX 395

NOTE

From: Presidency
To: Delegations

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

Delegations will find attached a revised version of the draft Council conclusions on the multiannual strategic policy cycle for European integrated border management (EIBM), taking into account the comments by delegations at the meeting of the JHA Counsellors (Frontiers) on 8 September 2022 and subsequent written comments. This version will be discussed at the meeting of the JHA Counsellors (Frontiers) on 23 September 2022.

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

The Council of the European Union,

Introduction

1. 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; UNDERLINES the key role of an effective European integrated border management (EIBM) for the proper functioning of the 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.
5. [...]
6. UNDERLINES that the protection of fundamental rights is an integral and essential part of EIBM.

Policy priorities and strategic guidelines for the components of EIBM

7. 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.
8. 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, in particular in a situation of instrumentalisation of migrants, where third-country nationals attempt to force entry en masse by using violent means, take the necessary measures to preserve security, law and order; RECALLS that this is without prejudice to obligations under EU and international law as to the crossing of borders for applicants for international protection as well as the obligation to respect fundamental rights and the principle of non-refoulement.

- 8a. STRESSES the need to implement the new IT systems and interoperability in the field of border management in order to enhance the effectiveness of border controls.
9. 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.
10. [...]
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 approach regarding the respective strategic guidelines.
- 11a. STRESSES the crucial importance of cooperation with third countries in building their operational capacities, inter alia in the areas of border control and return and readmission, taking into account Frontex's role.
12. 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.
- 12a. UNDERLINES the importance of common minimum standards for border surveillance which 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.
13. 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.

14. 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.
15. STRESSES the need for cooperation between the relevant EU agencies in order to more effectively address secondary movements 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.
16. HIGHLIGHTS that the effective implementation of the measures within the EIBM components should be eligible for financing from EU funds; RECALLS that solidarity should not be restricted to EU funding instruments.
17. 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

18. 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

19. 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

20. 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.
