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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Frontiers
Subject:	Report from the Commission on the evaluation of the EBCG Regulation, including a review of the Standing Corps

Delegations will find attached the presentation made by the Commission at the meeting of the Working Party on Frontiers of 20 March 2024 on the above-mentioned subject.



Report from the Commission on the evaluation of the EBCG Regulation, including a review of the Standing Corps

Frontiers Working Party
20 March 2024

European Commission
Directorate-General for Migration and Home Affairs
Unit B.1 – Schengen & External Borders

Legal framework and process

2019 EBCG Regulation

- Article 121 – Evaluation of the Regulation;
- Article 59 – Review of the Standing Corps;
- Key topics: (1) governance, (2) operational activities, (3) returns, (4) situational awareness, (5) fundamental rights, (6) cooperation with stakeholders, including third countries and (7) overall number, composition, national contribution and professionalism of the Standing Corps;
- Broad approach to evaluation (Frontex and contribution of Member States).

Input to the evaluation

- Consultations with Member States, European Parliament, Frontex, Fundamental Rights Agency, Consultative Forum;
- External study by ICF.

Main findings: **Governance**



- Well-established external oversight structure and clear distribution of tasks between the Management Board and the Executive Director.



- Need for improved internal governance of the Agency;
- Lack of representation of return authorities in the Management Board.

Main findings: Operational activities



- Clear value added for Member States by Frontex support at the external borders;
- Human resources, technical and operational assistance through joint operations and rapid border interventions.



- Lack of certain profiles of the Standing Corps and certain items of technical equipment;
- Flexible prioritisation of activities and adequate deployment of resources;
- Need to develop European integrated capabilities.

Main findings: Returns



- Effective support of Frontex through all stages of the return process, in particular by Joint Return Operations and enhanced involvement in reintegration (Joint Reintegration Services).



- Need for more strategic steer by the Management Board;
- Need for better coordination between Frontex and the Commission as well as within Member States.

Main findings: **Situational awareness and risk analysis**



- Agency's products provide a lot of value added at the EU level;
- Risk analysis as highly informative and supports, together with vulnerability assessment, the Agency's operational response;
- EUROSUR role in creating the European situational picture.



- Missing elements in risk analysis (e.g. returns, third country information);
- Inclusion of vulnerability assessment data in risk analysis;
- Upgrade of EUROSUR;
- Gaps in the volume, quality and flow of data reported by Member States.

Main findings: **Fundamental rights**



- A robust framework of implementing measures that effectively contributes to the prevention of fundamental rights violations;
- Article 46 found to be balanced.



- Complex delineation of responsibility between Frontex and national authorities to ensure fundamental rights compliance;
- Conditions of triggering Article 46 could be better specified;
- Delayed implementation of personal data protection rules.

Main findings: **Cooperation**



- Overall good cooperation between Frontex and EU institutions, other EU agencies;
- Successful joint operations in third countries based on status agreements.



- No new working arrangement with third countries under the 2019 EBCG Regulation in the absence of appropriate personal data protection provisions.

Main findings: Number and composition of the Standing Corps



- Clear added value for Member States with its operational support;
- The size of the Standing Corps appears adequate to meet the needs of the EBCG;
- National contributions appear proportionate with national capabilities.



- The composition of the Standing Corps needs fine-tuning to better meet the operational needs of Member States;
- Certain specialised profiles and experts are not available in sufficient numbers;
- Unfulfilled commitments to deploy staff in Categories 2 and 3;
- Lack of clean chain-of-command structure for the Standing Corps.

Main findings: Professionalism & expertise



- High level of professionalism, in particular Categories 2 and 3;
- Extensive training curricula, including on fundamental rights.



- Category 1 not always sufficiently trained to carry out operational tasks;
- Legal limitations for Category 1 staff in EU and national legislation.

Conclusions I

- Although the implementation is ongoing, the EBCG Regulation delivered well on its objectives (relevance, coherence, EU added value);
- The Regulation remains relevant to address current and future challenges at the EU external borders and in returns;
- The objectives of the Regulation could not have been achieved sufficiently by Member States acting alone.

Conclusions II

- No immediate need to revise the Regulation or Annexes;
- Shortcomings derive from the incomplete/delayed implementation of its provisions;
- Commission's action plan with key areas for further attention, in particular:
 - (a) capability development in Frontex and in the Member States,
 - (b) more coordination on returns,
 - (c) improved professionalism and expertise of the Standing Corps and
 - (d) new command structure;
- Regular follow-up.

Thank you



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