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From: Presidency
To: Permanent Representatives Committee (Part 2)
Subject: The future of Frontex

Delegations will find in annex a summary from the Danish Presidency on the discussions held within the Council preparatory bodies on the future of Frontex. These discussions were organised to provide guidance to the Commission as it prepares its proposal to revise the agency's mandate. The Commission's proposal is currently scheduled for the third quarter of 2026.

COREPER is invited to take note of the summary.

The Commission will present a legislative proposal amending the European Border and Coast Guard Regulation¹ in 2026. To provide political guidance from the Council, the Danish Presidency organised thematic discussions on the future of the European Border and Coast Guard Agency (Frontex). This paper intends to summarise the main conclusions.

Discussions in the Schengen Council on 14 October 2025 showed broad agreement amongst ministers on three guiding principles for the future of Frontex as outlined by the Presidency:

1. The starting point should be the operational needs of Member States.
2. The focus should remain on the agency's core functions relating to external borders and return.
3. Cooperation with third countries is a key issue to address, including a Frontex role in returns from third countries to other third countries.

In light of these principles, the Working Party on Frontiers has examined questions relating to the standing corps, third countries, hybrid threats, and governance. The Presidency proceeds from the understanding that the discussions held under the Danish Presidency are without prejudice to negotiations on the next multiannual financial framework (MFF). The Presidency notes that, while emphasising the need for amendments to improve the functioning and efficiency of the agency, Member States also emphasise the importance of fully utilising the potential within the current mandate.

Standing corps and technical capabilities

In line with the first principle, Member States emphasise that any proposal to enlarge the standing corps must be firmly rooted in the Commission's impact assessment for the proposal and take account of future needs relating to the implementation of the Pact on Migration and Asylum for example. Most Member States do not perceive at this stage an added value or operational need for any significant enlargement of the standing corps.

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

At the same time, Member States stress that discussions on the future of the standing corps should not only be about the quantity of the standing corps. First and foremost, it is important to look at the quality of the standing corps to ensure that Frontex can deliver on highly specialised Member State needs, e.g. as regards document fraud, risk analysis, and cyber security. The increasing digitalisation of border management also needs to be taken into consideration. Most Member States also agree that Frontex should play a more prominent role in training, without replacing national training programmes.

As regards technical capabilities, Member States point out the need for e.g. AI-assisted tools and drones for border surveillance. Some Member States highlight the need to amend Article 64 to ensure more flexibility for technical equipment purchased with support from European funds. Some Member States see a role for Frontex in coordinating procurement.

Some Member States see a need to revisit limitations deriving from the applicability of the EU staff regulations to Frontex operational staff and the financial mechanism in Article 61.

Member States take note of the suggestion that the existing staff categories could be complemented by a new reserve category. This category would consist of staff from national authorities who would remain in the service of their national authorities but would be trained by Frontex in all aspects of European Integrated Border Management (EIBM) and could be called upon in extraordinary situations. Some Member States express willingness to explore the possible new reserve category but highlight the need to respect national sovereignty and to avoid new and excessive administrative burdens. Member States also emphasise the importance of clear rules on e.g. financing, recruitment, training, chain of command, and the criteria under which staff in the reserve category could be called upon by Frontex. Other Member States question the added value of the new reserve category and point out that the proposed category could be incompatible with national administrations in Member States that do not have a separate border guard service.

Against this background, the Presidency considers that analysing the consequences for national administrations of any changes to the structure of the standing corps should be a key element of the Commission's impact assessment for the proposal.

Third countries

In accordance with the third principle, Member States support a larger role for Frontex when it comes to cooperation with third countries, taking into account the position of the Schengen Associated Countries. This includes support to third countries in carrying out returns to other third countries, which would require a clear new legal basis. Support from Frontex in the return of illegally staying migrants along the migratory routes to other third countries was in the Commission's proposal for the current regulation and the Council's mandate for the negotiations with the European Parliament at that time. Member States continue to stress the need to ensure legal safeguards including the respect for fundamental rights and the principle of non-refoulement.²

The return of migrants who remain illegally in the EU following a return decision issued by a Member State falls within the scope of the current Return Directive. The proposal for a new return regulation of March 2025 includes provisions on the possibility to transfer illegally staying third-country nationals from the EU to a third country with which there is an agreement or arrangement for return (return hubs). This would differ from the return of illegally staying migrants from third countries along the migratory routes because illegally staying third-country nationals from the EU would remain within the scope of the new return regulation. Many Member States argue that Frontex should be able to assist Member States with these transfers if the legal basis for return hubs is provided under the new return regulation. However, some Member States call for further clarification of possible modalities.

In general, Member States also call for more flexible forms of international agreement including with a view to supporting the external dimension of migration. This should allow for deployments to third countries with a limited scope without the need to negotiate a full-fledged status agreement. Limited forms of deployment based on pilot projects could foster trust and might ultimately pave the way for full-fledged status agreements following a step-by-step approach. For instance, this could include deployments to major international airports or other specific border crossing points,

² This was clearly provided for in the Commission's proposal and the Council's mandate for negotiations with the European Parliament which included the following provision: "In circumstances requiring the deployment of border management and return teams from the European Border and Coast Guard to a third country where the team members will exert executive powers, a status agreement shall be concluded by the Union with the third country concerned. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall in particular set out the scope of the operation, civil and criminal liability and the tasks and powers of the members of the teams. The status agreement shall ensure the full respect of fundamental rights during these operations."

possibly combined with a clear Frontex mandate enabling Frontex to offer third country authorities support with exit checks as regards admissibility to the Schengen Area (“pre-departure checks”). Some Member States express a wish to explore whether such limited deployments could be based on limited new forms of status agreement, for example with provisions on personal data and privileges and immunities being laid down in general agreements on the deployment of EU staff to the relevant third country.

Hybrid threats

Hybrid threats have emerged as a key challenge at the external borders since the adoption of the current regulation in 2019. Member States generally agree that Frontex should have a clear mandate to assist Member States faced with the instrumentalisation of migrants if a Member State requests Frontex support.

The subject matter of the current regulation already includes ‘potential future threats’ and Frontex already has a mandate to provide risk analysis relating to ‘threats of a hybrid nature’. Some Member States believe that Frontex should have a broader mandate to address hybrid threats at the external borders that goes beyond risk analysis. This could include an enhanced Frontex role when it comes to surveillance of air space above land borders, e.g. to assist in countering the use of drones³. Some Member States argue that there are grey zones warranting further discussion regarding the scope of Frontex’s mandate, such as threats towards underwater infrastructure in international waters.

Other Member States insist that Frontex’s role as regards hybrid threats should be strictly limited to external border management and stress the need to avoid any role for Frontex in defence-related matters. In this context, these Member States emphasise that national security remains the sole responsibility of each Member State and highlight national competences with regard to the maintenance of law and order and the safeguarding of internal security in accordance with the treaties⁴.

³ Regulation 2019/1896 already defines ‘air border surveillance’ as ‘the surveillance of any flight of a manned or unmanned aircraft and its passengers or cargo to or from the territory of the Member States which is not an internal flight as defined in point 3 of Article 2 of Regulation (EU) 2016/399’.

⁴ Article 4(2) of the Treaty on the European Union and Article 72 of the Treaty on the Functioning of the European Union.

Given the divergent views among Member States, the Presidency considers that there is a need to further examine the possible impact of the emergence of hybrid threats on Frontex's mandate in the Commission's impact assessment. In this context, consistency with other EU policies and coordination with the Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats should be ensured⁵.

Governance

Frontex is already one of the largest EU agencies. This makes it necessary to carefully consider the framework of governance and oversight applicable to the agency, particularly if the agency's mandate is further enhanced.

Some Member States call for an external evaluation mechanism to complement internal mechanisms. Other Member States believe that current mechanisms are adequate and that new administrative burdens should be avoided. Several Member States call for a strengthened Management Board and more thorough and transparent preparation of meetings of the Management Board to improve its capacity to take strategic decisions. Some Member States also call for better representation of national return policy-makers, e.g. by strengthening and formalising the role of the of the High-Level Round Table on Return (HLRT) in the agency's decision-making. Other Member States consider that it is up to the Management Board to ensure that its meetings are properly prepared and to ensure the necessary expertise and national coordination, for example in the area of return.

⁵ There is no general definition of hybrid threats at EU level. Frontex defines hybrid threats in its risk analyses as 'actions conducted within an increasing multidimensional operational environment characterised by the presence of a hostile actor who deliberately combines and synchronises ambiguous actions to specifically target the systemic vulnerabilities of the EU in pursuit of a strategic objective'. The revised visa suspension mechanism adopted in 2025 refers to hybrid threats but does not define the concept. In its proposal of July 2025 for a Regulation establishing the Union support for internal security for the period from 2028 to 2034 (COM (2025) 542 final), the Commission proposed to define hybrid threats as 'all harmful activities, including information manipulation, cyberattacks and instrumentalization of migrants, that are planned and carried out with malign intent in a coordinated manner with the aim of undermining a Member State or any of its institutions'. By contrast, the Commission's proposal for a new regulation establishing Union support for the Schengen area, for European integrated border management and for the common policy on visas for the period from 2028 to 2034 mentions 'hybrid warfare tactics', but does not define the term.

Most Member States consider the current safeguards on fundamental rights sufficient. However, many Member States are in favour of revisiting Article 46 which regulates the contexts where the Agency might need to suspend, terminate or not launch activities, in whole or in part, for a number of operational reasons, including due to fundamental rights violations.
