



Strasbourg, 13.6.2017  
COM(2017) 325 final

**REPORT FROM THE COMMISSION**

**FOURTH REPORT FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

**on the operationalisation of the European Border and Coast Guard**

## **1. EUROPEAN BORDER AND COAST GUARD – PUTTING IN PLACE EUROPEAN INTEGRATED BORDER MANAGEMENT**

The effective protection of the European Union's external borders is the prerequisite for the normal functioning of the Schengen area without internal border controls and for the delivery of the European Agenda on Migration. The joint investment and engagement in ensuring that the European Border and Coast Guard becomes fully operational as quickly as possible, are a practical expression of the commitment of Member States to share responsibility and demonstrate solidarity in the common interest. With this in mind, the Commission has been reporting on a regular basis on the operationalisation of the European Border and Coast Guard.

The present report takes stock of the progress made since the beginning of May 2017 in this respect. In the light of the progress achieved in the implementation, it highlights the key actions which the European Border and Coast Guard Agency (hereinafter: the Agency), the Commission and Member States need to take in the coming months.

The Agency has completed the baseline vulnerability assessment for almost all Schengen States regarding their capacity to cope with the challenges at their EU external border sections. This led the Agency to identify vulnerabilities in a number of Schengen States and recommendations to remedy the identified vulnerabilities. As set out in the European Border and Coast Guard Regulation (hereinafter: the Regulation), the Agency will carry out simulation exercises and continue emerging threat assessments in view of assisting the Schengen States in identifying vulnerabilities related to possible future or already emerging challenges at the external borders.

The Agency has been carrying out joint operations along the main migratory routes, notably in the Central Mediterranean, the Eastern Mediterranean and further on the Western Balkans route. The Agency has also launched a new joint operation to address the irregular migratory flows on the Western Mediterranean route.

## **2. OPERATIONAL SUPPORT TO MEMBER STATES**

The Agency continues providing operational support on the ground to Member States in border management with over 1,600 border guards and other relevant staff being deployed at different sections of the EU external borders. Previous reports identified gaps in deployment which still remain. The gaps are partly filled by assets and border guards deployed by the host Member States and co-financed by the Agency. However, Member States' contributions are needed to boost efficiently and sustainably the overall capacity of the host Member States to protect effectively their EU external border sections.

### **2.1. Deployment in frontline Member States**

#### ***Greece***

The Agency implements three different operations in Greece. Joint Operation Poseidon in the Aegean Sea supports Greece in border control and the implementation of the hotspot approach on the Aegean islands and of the EU-Turkey Statement.

891 officers are deployed by the Agency in the context of Joint Operation Poseidon including the support for readmission activities and 280 security officers, co-financed by the Agency,

that are deployed by the Greek Police. The figure includes experts assisting in the implementation of the hotspot approach as well as crew members of the deployed assets and coordination staff. The deployment also includes 2 offshore patrol vessels, 3 coastal patrol vessels, 10 coastal patrol boats, 1 fixed-wing aircraft, 2 helicopters, 16 patrol cars, 4 buses and 3 thermo-vision vehicles.

The Agency also supports Greece through Joint Operations Flexible Operational Activities and Focal Points in border control activities, with the current deployment of altogether 53 officers supported by 2 thermo-vision vans, 14 patrol cars, 1 dog team and 3 smartdeck cameras at the Greek land borders with Turkey, Albania and the former Yugoslav Republic of Macedonia as well as relevant air operations. The operational activity in Northern Greece enhances border surveillance and prevents irregular secondary movements, thus further reinforcing the EU's response to the challenges at the Western Balkan route.

The current deployment at the Greek land border with Albania and the former Yugoslav Republic of Macedonia consists of 28 officers (with 2 smartdeck cameras and 1 patrol car) whereas the agreed operational plan foresees 63 officers, meaning a continued shortfall of around 35 officers.

### ***Italy***

Under the umbrella of Joint Operation Triton deployed in Italy and in the Central Mediterranean Sea, the Agency has deployed 402 officers, including crew members of the deployed assets, coordination staff and experts assisting in the implementation of the hotspot approach. The deployment is supported by 3 aircrafts, 3 helicopters, 4 offshore patrol vessels, 7 coastal patrol vessels and 3 coastal patrol boats.

### ***Bulgaria***

The Agency continues to assist Bulgaria in controlling the land borders, also in view of preventing irregular secondary movements. The support is provided through Joint Operations Flexible Operational Activities and Focal Points at Bulgaria's land borders with Turkey and Serbia as well as relevant air operations. The current deployment comprises 166 officers (including crew members of the deployed assets) supported by 12 dog teams, 6 thermo-vision vehicles, 50 patrol cars, 6 CO<sub>2</sub> detectors, 39 smartdeck cameras and 1 helicopter.

### ***Spain***

Joint Operation Indalo 2017 was launched on 3 May 2017 to support coordinated operational activities at the external sea borders of the Western Mediterranean region in order to control irregular migration flows towards the EU and to tackle cross border crime. The current deployment is 65 officers (including crew members of the deployed assets, coordination staff and debriefing teams), supported by 1 aircraft and 1 offshore patrol vessel.

### ***Western Balkans***

127 officers are currently deployed in Member States to assist in border management in the Western Balkan region. The most important deployments are carried out in the framework of Joint Operations Flexible Activities at the land borders of Croatia and Hungary with Serbia as well as Focal Points and Coordination Points at the land borders respectively. They are supported by 9 dog teams, 4 thermo-vision vehicles, 31 patrol cars, 1 heartbeat detector, 10 CO<sub>2</sub> detectors and 12 smartdeck cameras.

## **2.2. Pooling of resources and building own capacities of the Agency in view of providing operational support**

In its last report, the Commission identified the importance of elaborating a comprehensive strategy to develop the Agency's own capabilities. As explained there, as of 2017, the Agency has EUR 10 million per year (EUR 40 million in total for 2017-2020) to acquire its own equipment, in particular small and medium size assets. On 13-14 June 2017 the Agency will present to the Management Board a draft of this comprehensive strategy taking into account different possible options (i.e. purchasing, renting, leasing, long-term deployments) and how to keep them operational after acquisition.

### Next steps

#### **The European Border and Coast Guard Agency should:**

- *intensify efforts to proactively seek the necessary contributions to the ongoing operations in the framework of bilateral contacts with Member States;*
- *ensure the swift endorsement by the Management Board of the comprehensive strategy on how the Agency's own capabilities will be developed and used in 2017-2020.*

#### **Member States should:**

- *ensure that the agreed resources are made available to the Agency for the running of operations and the mandatory pools;*
- *provide the following resources on the basis of the currently identified gaps:*

#### **Gaps for Greece - Joint Operation Poseidon**

- **16 May – 29 June 2017:** 13 officers (operational needs: 197 officers);
- **June 2017:** 3 coastal patrol boats (30% of the operational needs - due to lack of offers, the gap is covered by host Member State assets financed by the Agency), 1 fixed-wing aircraft (100% of the operational needs, the gap is covered partially by host Member State asset financed by the Agency and deployment of the fixed-wing aircraft rented airplane is going to cover part of the period), 1 offshore patrol vessel (50% of the operational needs - due to lack of offers, the gap is covered by host Member State asset financed by the Agency), 2 transport vehicles (33% of the operational needs);
- **29 June – 17 August 2017:** 43 officers (operational needs: 197 officers);
- **July 2017:** 4 coastal patrol boats (40% of the operational needs), 1 helicopter (50% of the operational needs), 1 offshore patrol vessel (50% of the operational needs), 1 patrol car, 2 transport vehicles (33% of the operational needs);
- **August 2017:** 7 coastal patrol boats (54% of the operational needs), 1 coastal patrol vessel (33% of the operational needs), 2 offshore patrol vessels (67% of the operational needs), 2 transport vehicles (33% of the operational needs);
- **17 August – 28 September 2017:** 35 officers (operational needs: 197 officers);
- **September 2017:** 5 coastal patrol boats (38% of the operational needs), 2 offshore patrol vessels (67% of the operational needs), 2 transport vehicles (33% of the operational needs);
- **28 September – 16 November:** 25 officers (operational needs: 197 officers).

#### **Gaps for Greece - Joint Operation Flexible Operational Activities 2017 Land**

- **24 May – 21 June 2017:** 36 officers (operational needs: 79 officers), 17 patrol cars (55% of the operational needs), 2 transport vehicles (100% of the operational needs);

- **21 June – 19 July 2017:** 45 officers (operational needs: 79 officers), 21 patrol cars (68% of the operational needs), 2 transport vehicles (100% of the operational needs);
- **19 July 2017 – 16 August 2017:** 46 officers (operational needs: 79 officers), 22 patrol cars (71% of the operational needs), 2 transport vehicles (100% of the operational needs);
- **16 August – 13 September 2017:** 45 officers (operational needs: 79 officers), 21 patrol cars (68% of the operational needs), 2 transport vehicles (100% of the operational needs);
- **13 September – 11 October 2017:** 46 officers (operational needs: 79 officers), 20 patrol cars (65% of the operational needs), 2 transport vehicles (100% of the operational needs).

#### **Gaps for Greece - Joint Operation Focal Points 2017 Land**

- **24 May – 21 June 2017:** 7 officers (operational needs: 16 officers);
- **21 June – 19 July 2017:** 7 officers (operational needs: 16 officers), 1 heartbeat detector (100% of the operational needs);
- **19 July 2017 – 16 August 2017:** 8 officers (operational needs: 16 officers), 1 heartbeat detector (100% of the operational needs);
- **16 August – 13 September 2017:** 6 officers (operational needs: 16 officers), 1 heartbeat detector (100% of the operational needs).

#### **Gaps for Italy - Joint Operation Triton**

- **June 2017:** 23 officers (operational needs: 126 officers), 1 coastal patrol boat (33% of the operational needs - due to lack of offers, the gap is covered by host Member State asset financed by the Agency), 4 coastal patrol vessels (67% of the operational needs - due to lack of offers, the gap is covered by host Member State assets financed by the Agency);
- **July 2017:** 24 officers (operational needs: 126 officers), 1 coastal patrol boat (33% of the operational needs), 4 coastal patrol vessels (67% of the operational needs), 0.5 month of fixed-wing aircraft (25% of the operational needs), 1 helicopter (50% of the operational needs);
- **August 2017:** 15 officers (operational needs: 126 officers), 2 coastal patrol boats (67% of the operational needs), 4 coastal patrol vessels (67% of the operational needs), 1 helicopter (50% of the operational needs);
- **September 2017:** 10 officers (operational needs: 126 officers), 4 coastal patrol vessels (67% of the operational needs), 1 offshore patrol vessel (50% of the operational needs).

#### **Gaps for Bulgaria - Joint Operation Flexible Operational Activities 2017 Land**

- **24 May – 21 June 2017:** 58 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), 22 patrol cars (37% of the operational needs), 2 thermo-vision vehicles (25% of the operational needs);
- **21 June – 19 July 2017:** 77 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), 30 patrol cars (50% of the operational needs - due to the lack of offers 12 patrol cars from host Member State to be cofinanced by the Agency), 3 thermo-vision vehicles (38% of the operational needs);

- **19 July 2017 – 16 August:** 67 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), 28 patrol cars (47% of the operational needs - due to the lack of offers 12 patrol cars from host Member State to be cofinanced by the Agency), 2 thermo-vision vehicles (25% of the operational needs);
- **16 August – 13 September:** 59 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), 29 patrol cars (48% of the operational needs - due to the lack of offers 12 patrol cars from host Member State to be cofinanced by the Agency), 1 thermo-vision vehicle (13% of the operational needs);
- **13 September – 11 October:** 59 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), 26 patrol cars (43% of the operational needs - due to the lack of offers 12 patrol cars from host Member State to be cofinanced by the Agency).

#### **Gaps for Bulgaria - Joint Operation Focal Points 2017 Land**

- **24 May – 21 June 2017:** 3 officers (operational needs: 12 officers);
- **21 June – 19 July 2017:** 3 officers (operational needs: 12 officers);
- **19 July 2017 – 16 August 2017:** 3 officers (operational needs: 12 officers);
- **16 August – 13 September 2017:** 4 officers (operational needs: 12 officers).

#### **Gaps for Spain - Joint Operation Indalo**

- **June 2017:** 4 officers (operational needs: 11 officers - due to the lack of offers, the gap is partially covered by 3 officers from host Member State to be cofinanced by the Agency), 1 offshore patrol vessel (100% of the operational needs - due to lack of offers, the gap is covered by host Member State asset financed by the Agency);
- **July 2017:** 3 officers (operational needs: 11 officers);
- **August 2017:** 3 officers (operational needs: 11 officers), 1 fixed-wing aircraft (100% of the operational needs);
- **September 2017:** 3 officers (operational needs: 11 officers).

#### **Gaps for Spain - Joint Operation Hera**

- **August 2017:** 2 officers (operational needs: 2 officers), 1 offshore patrol vessel (100% of the operational needs), 1 coastal patrol vessel (100% of the operational needs).

#### **Gaps for Spain - Joint Operation Minerva**

- **14 July – 15 September 2017:** 32 officers (operational needs: 74 officers), 12 dog teams (44% of the operational needs).

#### **Gaps for Western Balkans - Joint Operation Focal Points 2017 Land**

- **25 May – 21 June 2017:** 1 officer (operational needs: 22 officers) at the Romanian-Serbian border;
- **21 June – 19 July 2017:** no outstanding gaps;
- **19 July – 16 August 2017:** 1 officer (operational needs: 22 officers) at the Romanian-Serbian border, 1 heartbeat detector (100% of the operational needs) at the Croatian-Serbian border;
- **16 August – 13 September 2017:** 1 heartbeat detector (100% of the operational needs) at the Croatian-Serbian border.

### 3. PROGRESS MADE IN THE IMPLEMENTATION OF THE PRIORITY AREAS

#### 3.1. Reinforcing the European Border and Coast Guard Agency's rapid reaction capabilities, including the mandatory pooling of resources

##### *Rapid Reaction Pool*

While the full availability of more than 1,500 border guards and other officers has been confirmed, two issues still affect the full readiness of the Rapid Reaction Pool in line with the Regulation:

##### 1) Nomination of border guards

The requirement to nominate the border guards is clearly defined in Article 20(4) of the Regulation. The Agency needs the names of officers to ensure the quality of the pool by verifying whether the nominated border guards correspond to the defined profiles and by ensuring that they are adequately trained prior to their participation in the operational activities. Since the last report four more Schengen States have provided the names of experts matching or even exceeding the size of their respective contributions foreseen in Annex 1 to the European Border and Coast Guard Regulation. However, this amounts to only ten Schengen States altogether (Belgium, the Czech Republic, Estonia, Finland, France, Luxembourg, the Netherlands, Romania, Switzerland and partly Germany).

Following the different discussions to find a practical solution<sup>1</sup>, the Agency is due to present a concept note containing different options for the nomination of experts to the rapid reaction pool at the Management Board meeting of 13-14 June 2017. In addition, the Commission will again invite Member States to make a full nomination of their experts, allowing the Agency to ensure compliance with the profiles and to provide training if needed.

##### 2) Harmonisation of profiles

Since the last report, the Agency had bilateral meetings with Member States in view of ensuring that the number of experts pledged by the Member States per profile is in line with the thresholds set up in the relevant implementing decision of the Management Board. However, the Agency is still waiting for the final responses of the Member States. While 137 border surveillance officers and several officers for other profiles were over-pledged, there is a deficit of 167 registration/fingerprinting experts and 38 screening experts. Furthermore, France has not yet provided the final information with regard to its 25 officers.

The lack of harmonisation between the profiles is further emphasising the need for full nomination of individual experts, allowing the Agency to verify their compliance with the required profiles but also to ensure that the overall thresholds for each profile as agreed by the Management Board, are reached.

##### *Rapid Reaction Equipment Pool*

As set out in previous reports, the Agency has again requested additional pledges from Member States at the meeting of the Pooled Resourced Network on 25-26 April 2017. However, by the end of May 2017, no new additional pledges were made for coastal patrol boats, offshore patrol vessels and thermo-vision vehicles, still leaving **considerable gaps**.

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<sup>1</sup> All of the 5,000 officers in the regular European Border and Coast Guard Pool will be nominated (registered by names) and Member States will indicate which of those 5,000 officers will form part of the 1,500-person Rapid Reaction Pool. This indication could be adjusted at any time during the year or in case of rapid border intervention being activated with the replacements within the same profiles from the regular part of the European Border and Coast Guard pool.

The Pool continues to be ensured by only 14 Member States (Austria, Bulgaria, Croatia, the Czech Republic, Germany, Finland, Hungary, Italy, Latvia, the Netherlands, Poland, Portugal, Romania and Slovenia).

#### Next steps

#### ***The European Border and Coast Guard Agency should:***

- *continue urgently bilateral discussions with the Schengen States, in particular with those that have not yet contributed to the Rapid Reaction Equipment Pool (Belgium, Cyprus, Denmark, Estonia, France, Greece, Malta, Norway, Luxembourg, Lithuania, Spain, Slovakia and Sweden) in view of filling the identified equipment gaps;*
- *rapidly ensure that the experts nominated to the Rapid Reaction Pool, especially registration/fingerprinting officers and screening officers, are provided according to the numbers of specific profiles defined by the Management Board;*
- *rapidly verify the availability of all 1,500 border guards in the Rapid Reaction Pool and carry out by the end of October 2017 a mock deployment of human and technical resources from the Pools.*

#### ***Member States should:***

- *rapidly fill the identified gaps of the Rapid Reaction Equipment Pool. Particular efforts should be made by those Member States which have not yet contributed;*
- *communicate by the end of June 2017 the names of the experts to the Rapid Reaction Pool.*

### **3.2. Carrying out preventive vulnerability assessments based on a common methodology**

The reinforcement of preventive assessments guaranteeing the effective functioning of the Schengen area continues to be a top political priority for the European Union. Intense efforts have been made by the Agency to prepare the vulnerability assessments, which are essential for the Schengen quality control process, in accordance with the common methodology and the agreed calendar.

Except for Denmark<sup>2</sup> and Germany, the Agency has the baseline assessment reports, i.e. an in-depth analysis of Member States' existing capacities in conjunction with current threat indicators against a set of objective criteria. The baseline assessment report for Germany is to be finalised by mid-June, whereas the preparation of such assessment for Denmark can only start once it has provided the underlying data to the Agency.

Based on the baseline assessment reports, the Agency's Executive Director has decided on 5 June 2017 to address recommendations proposing concrete measures as provided for in Article 13 (7) of the Regulation to 20 Schengen States. Given the key objective of the vulnerability assessments, especially for those Schengen States facing specific and disproportionate challenges, the recommendations – as matter of priority – focus on the most urgent vulnerabilities in relation to the current challenges at the external border.

The Agency will effectively monitor the implementation of the recommendations and measures by the Schengen States. In case of non-implementation of the measures within the

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<sup>2</sup> In accordance with Article 4 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark has notified that it would implement the European Border and Coast Guard Regulation as of 14 March 2017. Germany has submitted the relevant data with a delay.

set time limit, the Executive Director has to refer the matter further to the Management Board and to notify the Commission.

The vulnerability assessment as well as any ensuing recommendations shall be seen as tools for assisting the Member States in identifying any threats which may affect the effective management of their external borders and set out and implement ensuing measures. Consequently, the Commission considers the monitoring of the implementation of the measures identified as an integral part of the joint European endeavour aimed at managing migration in all its dimensions. The Commission will therefore also follow up closely at political level and stands ready to work with the Member States, the European Parliament and the Council in view of remedying any current or future vulnerabilities.

The baseline assessments have also resulted in the identification of six Member States in relation to which the Agency will carry out the so-called simulation exercises to assess their capacities to face future challenges at the external borders. These exercises would examine and test the Member States' capacities, in particular their contingency planning, against the risks and scenarios which have not materialised but which could be assumed based on the analysis of the situation in neighbouring third countries and main countries of origin and transit. Once the results of the simulation exercises are available by the end of October 2017, a second round of possible recommendations can be addressed by the Executive Director to the Member States concerned.

As of April 2017 the Agency runs the so called Emerging Threat Assessment. Based on a monthly scanning of Member States through relevant indicators, the Agency may trigger at any time a specific assessment/simulation to examine capacities of a Member State to face new emerging threats, leading possibly to further recommendations on vulnerabilities which have not been taken into consideration in the previous baseline assessments or simulation exercises. Currently, such an Emerging Threat Assessment is being carried out with regard to Greece, Italy and Spain. These Member States were chosen on the basis of constant situational monitoring and latest trends of migratory movements.

#### Next steps

#### ***The European Border and Coast Guard Agency should:***

- *ensure the adequate staffing of the team dealing with the vulnerability assessment process by summer 2017;*
- *by 15 June 2017, transmit the first results of the vulnerability assessments to the European Parliament, the Council and the Commission in accordance with Article 13(9) of the Regulation;*
- *carry out simulation exercises on the future challenges from now till October 2017;*
- *continue monitoring the situation at the external borders, complete the on-going Emerging Threat Assessments and deliver their results to the Member States concerned in due time;*
- *by the end of November 2017, adopt the revised common methodology for vulnerability assessments based on the experiences gained.*

#### ***Member States should:***

- *Denmark should submit without any further delay, but in any case no later than by 15 June 2017 the necessary data in order to allow the Agency to carry out the baseline assessment [DK agreed to send its data on 4 June – to be verified];*

- *in view of the recurrent vulnerability assessments that the Agency shall carry out at least once a year, Member States, which did not provide the complete data on existing capacities, should improve their respective national processes of data collection.*
- *Member States, which will receive recommendations following the baseline assessment, should set up the necessary action plans and report regularly to the Agency.*
- *Member States selected for the simulation exercise should respond swiftly to requests from the Agency for additional data and information.*

### **3.3. Support for return**

The use of the Agency's enhanced mandate in the field of return has brought positive results in supporting Member States in conducting return operations. However, the Agency and the Member States still need to fully operationalise and exploit the potential of some of the new tools.

The pace of **return operations** supported by the Agency has continued to increase. Between 1 January and 9 June 2017, the Agency provided support to 144 return operations of third-country nationals during which 6799 illegally staying third-country nationals were returned, with further 43 operations under preparation. This represents an increase of over 157% compared to the same period of last year. The majority of these operations (101 out of 144) concerned flights to the Western Balkans. The Agency is developing a targeted pilot project for an agreement with commercial carriers to a number of defined target destinations, with a feasibility study on financial and administrative procedures under way; this should facilitate carrying out return operations towards third countries other than the Western Balkans.

Moreover, **only a few Member States request the Agency's assistance in organising return operations**<sup>3</sup>. Therefore it is for the Member States that are not using it to step up the use of this tool. At the same time, the Agency should also start using its right to pro-actively propose the organisation of return operations, based on the monthly information to be provided by the Member States<sup>4</sup>. Together with the European Asylum Support Office, the Agency can play a key role in particular when it comes to supporting Member States of first arrival in dealing quickly and effectively with the return of applicants who are considered to be manifestly not in need of international protection.

The **three return pools** of forced-return monitors, forced-return escorts and return specialists are available for operational support, but still need to be fully operationalised. By 26 May 2017, all Member States have contributed to at least one of these pools by providing 549 of the 690 experts that are needed<sup>5</sup>. The return pools have been put to use in practice: by 26 May 2017, 34 return operations have been monitored by a forced-return monitor from the pool.

A still outstanding urgent issue is to provide clarity on the **practical modalities and rules** concerning the deployment of personnel to the pool, their operational tasks and legal responsibilities.

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<sup>3</sup> In 2017, most return operations were initiated by Germany (20), and Austria (12), followed by Belgium, Sweden and Greece (each 4). On the other hand, several Member States in need of support make only very limited use or do not use joint return operations at all (for instance France with only one operation or Bulgaria with no engagement at all in 2016 and 2017).

<sup>4</sup> See section 3.3 of the Second Report on the operationalisation of the European Border and Coast Guard, COM(2017) 201 final.

<sup>5</sup> By 26 May 2017, the number of experts offered by Member States for the pool of forced-return experts still does not match the requested number (419 experts offered for 600 places).

Despite the steps taken to fill the available staff positions, the Agency continues to face challenges in attracting skilled and experienced applicants. With regard to the budget allocated to return, the Agency has improved its absorption capacity and appears to be well on track in meeting the targets, with the significant exception of pre-return assistance<sup>6</sup>.

#### Next steps

#### **The European Border and Coast Guard Agency should:**

- *pro-actively propose the organisation of return operations, based on the monthly information to be provided by the Member States;*
- *immediately finalise the practical modalities, rules, operational tasks and legal responsibilities for the deployment of the pools' members;*
- *launch a targeted pilot project for an agreement with commercial carriers;*
- *continue to fill the available staff positions allocated to return activities;*
- *ensure that financial resources allocated to pre-return activities for 2017 are used.*

#### **The Member States should:**

- *immediately start providing, on a monthly basis, information about the indicative planning of national return operations, including on the number of returnees and third countries of return;*
- *as a matter of urgency, fill all remaining gaps in the pools;*
- *make full use of the support offered by the Agency for the organisation of return operations;*
- *provide the Agency with skilled and experienced staff through the deployment of Seconded National Experts.*

### **3.4. Setting up of the European Border and Coast Guard Agency's complaint mechanism**

In this reporting period, nine additional complaints have been received by the Fundamental Rights Officer (FRO). Two of them have been declared admissible and forwarded to the respective national authorities and the Agency's Executive Director. The FRO is conducting further assessment of admissibility in four of the complaints received in May. The Agency is currently working on ensuring that the complaint mechanism is accessible and it will be visible on the Agency's website. This should be followed by an information campaign by the Agency to raise awareness about the complaint mechanism.

As for additional staff to support the Fundamental Rights Officer, recruitment procedures for two assistants started in May/June 2017. Moreover, the Agency is planning to dedicate further staff for the Fundamental Rights Officer, to support other tasks assigned to the FRO in the Regulation.

An important aspect of the implementation of the Regulation is related to **child protection** in the context of the Agency's activities. Following some key recommendations from the Consultative Forum on Fundamental Rights in May 2017, the Agency, in close coordination with the Fundamental Rights Officer, will enhance child protection aspects with a special focus also given in the on-going revision of the Agency's Fundamental Rights Strategy.

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<sup>6</sup> Of the total EUR 50 million allocated to return operations for 2017, by 25 May 2017 EUR 18,65 million has been committed. Concerning readmission activities, EUR 3,05 million has been committed out of the total budget allocation of EUR 6 million. Out of the total budget allocation of EUR 4,85 million for pre-return assistance, only EUR 0,21 million has been committed.

### Next steps

#### **The European Border and Coast Guard Agency should:**

- *recruit additional staff members to support the Fundamental Rights Officer by the end of November 2017;*
- *complete by end of June 2017 the IT infrastructure to make the complaint forms more accessible;*
- *run an information campaign aiming at a better dissemination of the complaint mechanism;*
- *revise and further develop its fundamental rights strategy by November 2017 paying special attention to child protection and to other vulnerable categories of persons in all activities of the Agency.*

### **3.5. Paving the way for better operational cooperation with priority third countries**

The Agency has presented a concept note to its Management Board on cooperation between the Agency's Liaison Officers, Liaison Officers of the Member States and European Migration Liaison Officers who are deployed in the same locations.

The Liaison Officer to be deployed in **Niger** has joined the Agency on 16 May 2017 and is now undergoing predeployment training to be deployed to Niger in July 2017.

The Liaison Officer to the **Western Balkans** will join the Agency on 1 July 2017. Following a predeployment training the Liaison Officer will be deployed in Belgrade in August 2017.

The predeployment training includes training in the Headquarters, visits to selected external partners and to relevant joint operations coordinated by the Agency.

The Agency is further strengthening its cooperation with CSDP actors. Since May 2017 an expert of the Agency is supporting the **EU Border Assistance Mission Libya** in Tunis.

A second round of negotiations with Serbia on the status agreement required for the deployment of European Border and Coast Guard teams on its territory took place on 11-12 May 2017, leaving only a limited number of issues pending. Negotiations with the former Yugoslav Republic of Macedonia have not started yet. The Commission also intends to shortly present a proposal for negotiating mandates for the status agreements with Albania, Bosnia and Herzegovina and Montenegro.

### Next steps

#### **The Commission will:**

- *open the formal negotiations with the former Yugoslav Republic of Macedonia once the latter is ready to start negotiations on the status agreement;*
- *shortly finalise the negotiations with Serbia;*
- *shortly present proposals for negotiating mandates for the status agreements with Albania, Bosnia and Herzegovina as well as with Montenegro.*

#### **The European Border and Coast Guard Agency should:**

- *deploy the Liaison Officers to Niger and Serbia by July and August 2017 as planned.*

### **3.6. Headquarters agreement**

Poland is still expected to ratify the headquarters agreement and is expected to report on the state of play of the ratification process at the upcoming Management Board meeting in June 2017.

### Next step

- *Poland should ratify the headquarters agreement as soon as possible.*

### **3.7. Deployment of Liaison Officers in Member States**

The Agency should monitor regularly the management of the external borders by the Member States not only through risk analysis, information exchange and the European Border Surveillance System (EUROSUR), but also through the presence of its Liaisons Officers in Member States.

At the Management Board meeting of 13-14 June 2017, the Executive Director will present the final draft decision for the Management Board's approval defining the role and tasks of such Liaison Officers, their access to information and, where relevant posting a single Liaison Officer to several Member States. By October 2017 the Agency is expected to sign a Memorandum of Understanding with each Member State to set out the modalities of deployment. In the meantime, the Agency is expected to launch the procedure to recruit and train the selected candidates.

### Next steps

#### ***The European Border and Coast Guard Agency should:***

- *Adopt the relevant implementing decision by the end of June 2017.*
- *Launch the relevant selection procedure for the recruitment of the Liaison Officers in view of their eventual recruitment, training and effective deployment at the latest by the end of 2017.*

#### ***Member States should:***

- *Agree with the Agency on the Memorandum of Understanding setting out the modalities of Liaison Officers' deployment by October 2017.*

## **4. CONCLUSIONS**

The fourth report shows that the roll-out of the activities and tools of the European Border and Coast Guard Regulation, to ensure as soon as possible a reinforced EU capability to protect and manage effectively its external borders, has continued.

In particular, the Agency delivered a first set of recommendations to almost all Schengen States - with concrete measures proposed to 20 of them - to address vulnerabilities, identified in the first baseline vulnerability assessments.

Further progress has been made in the negotiations with Serbia on the status agreement that - once concluded - will provide for a clear legal framework for operational cooperation between the border guard authorities of the Member States and Serbia, facilitated and coordinated by the European Border and Coast Guard Agency.

However, Member States still have to deliver their commitments regarding the full operational capability of the rapid reaction pools, in particular to fill the gaps for the Rapid Reaction Equipment Pool. Further efforts are also needed to close persisting gaps for the deployments to the ongoing Joint Operations in support of the frontline Member States in the effective management of the external borders. These gaps need to be addressed as a matter of priority. The Member States are also encouraged to rapidly increase the use of the reinforced capacity of the Agency to assist them in the area of return operations.

The push factors from migration to Europe remain. Therefore ensuring as soon as possible a reinforced EU capability to protect and manage effectively its external borders, should be still further accelerated.

In this regard, the Commission invites the European Parliament, the European Council and the Council to review the progress achieved so far and invites the Council to encourage the Agency and the competent authorities of the Schengen States to take the proposed steps.

The Commission will report again on the progress made to reinforce the external borders in the autumn.