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| From: | General Secretariat of the Council |
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| Subject: | Evaluation of the European Border and Coast Guard Regulation, including the review of the Standing Corps – Council conclusions (13 June 2024) |

Delegations will find in annex Council conclusions on the evaluation of the European Border and Coast Guard Regulation, including the review of the Standing Corps, as approved by the Council at its meeting held on 13 June 2024.

**Council conclusions on the evaluation of the
European Border and Coast Guard (EBCG) Regulation¹,
including the review of the Standing Corps**

The Council of the European Union,

General

1. WELCOMES the Commission's report on the evaluation of the EBCG Regulation as a contribution towards the assessment of the results achieved by the EBCG Agency (hereinafter "the Agency") and the actions to be taken by the EBCG community to support the full implementation of the Regulation and ensure an effective European Integrated Border Management (EIBM) and the efficiency of the Union's return policy.
2. RECALLS that the implementation of the EBCG Regulation has taken place against the backdrop of migratory challenges at the EU external borders and in key third countries of origin and transit, the COVID-19 pandemic, Russia's war of aggression against Ukraine as well as situations of instrumentalisation of migration.
3. STRESSES that the implementation of the Regulation has contributed to strengthening the management of the EU's external borders, improving the efficiency of the Union's return policy and allowing for a gradual launch of the EBCG Standing Corps; UNDERLINES that it is the Agency's main mission to support the Member States in these endeavours.
4. TAKES NOTE OF the positive assessment of the relevance, coherence and EU added value of the Regulation and STRESSES the need to address identified gaps and focus on further implementation and consolidation to reach the EBCG community's full potential while also initiating a reflection on possible targeted amendments to the Regulation.

¹ Report from the Commission to the European Parliament and the Council on the evaluation of Regulation (EU) 2019/1896 on the European Border and Coast Guard, including a review of the Standing Corps (5490/24 + ADD 1 + ADD 2)

5. UNDERLINES the need to address the challenges that currently limit the effectiveness of the Regulation as a result of organisational, technical and operational shortcomings.
6. STRESSES that with an increase of the tasks entrusted to the Agency and the EBCG community, in particular as a result of the implementation of the legislative texts of the Pact on Asylum and Migration as well as the entry into operation of the new European information systems, prioritisation of the Agency's core tasks and efficient use of resources will be crucial, taking into account the specific situation of each Member State, *inter alia* geographical and geopolitical particularities.

Governance structure

7. NOTES the Commission's assessment that the distribution of tasks between the Management Board and the Executive Director of Frontex as well as the oversight structure are clear and effective; NOTES the need to fully align the structure of the Agency's organisation with its mandate; in this context, UNDERLINES the need to fully implement the new organisational structure adopted by the Management Board in November 2023.

Situational awareness

8. STRESSES the need for a comprehensive, accurate and up-to-date situational picture at the EU external borders; UNDERLINES the need to cover the key components of EIBM in risk analyses; STRESSES the importance of high-quality data and the use of these data from all situational awareness tools, including risk analyses and vulnerability assessments, to obtain a consolidated near real-time view of the situation at the external borders, including the pre-frontier area, and to contribute to detect, prevent and combat cross-border criminal activities and irregular migration as well as to contribute to ensuring the protection and saving the lives of migrants; in this context, CALLS for an effective information exchange between EU agencies and HIGHLIGHTS the need to complete the development of EUROSUR.

Operational activities

9. COMMENDS the Agency for its technical and operational support to Member States, notably its assistance in the implementation of border control measures, joint operations and the provision of the whole spectrum of return-related services; STRESSES the need for ensuring the adaptability of the Agency's working methods to the varying realities and needs of the Member States as well as to the situation at the EU external borders and neighbourhood, taking due account of the emergence of new *modi operandi* of smuggling and criminal networks, while fully respecting fundamental rights.

Standing Corps and capability development

10. CONFIRMS the importance of a fully operational and quality-driven Standing Corps, supporting Member States on the ground; in this context, UNDERLINES the need for efficient recruitment processes, deployment and adequate training, especially for specialised experts and profiles; STRESSES that the composition and expertise of the Standing Corps require fine-tuning in order to better reflect existing and future operational needs; HIGHLIGHTS the need for flexibility to reallocate staff and equipment following changes in the operational needs or hosting capacities at external border sections; UNDERLINES that limitations stemming from the EU Staff Regulations which have an impact on the effectiveness of deployments need to be addressed through the adoption of appropriate implementing rules.
11. CONFIRMS the importance of Member States' commitment to contribute to the Standing Corps in order to enable effective deployments reflecting the operational needs of the Member States.
12. When further building up and deploying the Standing Corps, STRESSES the need to take account of practical obstacles, such as procedures to access national databases, language barriers or the hosting capacities of Member States.

13. RECALLS that an effective EIBM requires reinforced border control capabilities and infrastructure, means of surveillance and equipment, including agency-owned technical equipment; in order to ensure a long-term integrated strategic planning and predictability to key investments in capabilities at the Agency and the Member States, UNDERLINES the importance of developing and regularly updating the capability roadmap and national capability development plans, in line with the EIBM multiannual strategic policy cycle.

External dimension

14. RECALLS the importance of the external dimension of the EBCG; in this context, UNDERLINES the need for a coordinated approach involving the relevant actors, linking situational awareness and trends at the external borders as well as in key countries of origin and transit, with operational activities, including returns.
15. UNDERLINES the importance of concluding and operationalising status agreements or working arrangements with key countries of origin and transit, in addition to existing and new strategic partnerships with key third countries, with a view to *inter alia* preventing irregular departures to the Union; in this context, STRESSES that building trust, providing technical assistance and building capacity in third countries remains of paramount importance.

Returns

16. UNDERLINES the importance of Frontex's support for return, reintegration and readmission, and the need to maintain this support in the future, in line with the operational needs of the Member States.
17. HIGHLIGHTS the need for the Management Board to provide a strategic steer of return-related issues based on the discussions at the expert and high level and CALLS on the Commission, the Agency and the appropriate high-level forum on returns to improve coordination in order to ensure that the operational activities of the Agency contribute to the implementation of EU priorities.

18. CALLS for a strengthening, where necessary, of the national governance of EIBM in order to streamline the national position on returns.
19. CALLS on the Commission to explore the possibilities for the Agency to provide operational support to third countries in organising return operations to other third countries.

Fundamental rights

20. STRESSES the importance of ensuring respect for and protection and promotion of fundamental rights in the Agency's activities; UNDERLINES the evaluation's finding that the fundamental rights framework in place at the Agency contributes to the prevention of fundamental rights violations in the context of the provision of support to Member States and third countries; STRESSES the important role of the fundamental rights officer; in this context, UNDERLINES that, in line with the EBCG Regulation, the fundamental rights officer shall assign at least one fundamental rights monitor to each operation; STRESSES the need for prior consultations with Member States when developing standard operating procedures for fundamental rights monitors in operations.

Conclusion

21. Acknowledging the role of the Management Board, CONFIRMS that the Council will provide appropriate political and strategic guidance on the measures to be taken by the EBCG community, to ensure an efficient and coordinated implementation of the EBCG Regulation; CALLS on the Commission to regularly review progress and report on the measures to address the identified gaps with a view to proposing timely amendments to the Regulation where needed and following a thorough impact assessment.