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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	6271/21
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in 2019 - 2020 thematic evaluation of Member States` national strategies for integrated border management

Delegations will find enclosed the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in 2019 - 2020 thematic evaluation of Member States` national strategies for integrated border management, adopted by written procedure on 4 March 2021.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in 2019 - 2020 thematic evaluation of Member States` national strategies for integrated border management

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen[1], and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European integrated border management is a concept established in Regulation 2016/1624 on the European Border and Cost Guard[2] to reinforce the strategic approach to border management at the national and Union levels, to ensure a uniform and high level of border control at the Union's external borders, to guarantee the free movement of persons within the Union and to facilitate border crossings. The European integrated border management concept was further developed and amended by Regulation (EU) 2019/1896[3] and it consists of 12 components defining the border management and return requirements, such as border control based on risk analysis, search and rescue, capabilities and information systems, the necessary financial sources; as well as fundamental rights, training, research, development and effective monitoring as overarching components.

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1 OJ L 295, 6.11.2013, p. 27.
2 OJ L 251, 16.9.2016, p. 1.
3 OJ L 295, 14.11.2019, p. 1.

(2) Regulation 2016/1624 required the coordinated development of a European integrated border management within the common strategic framework applicable at national and Union levels. To that end, in 2018 the Commission developed a set of dedicated guidelines and in 2019 the European Border and Coast Guard Agency (Frontex) adopted the Technical and Operational Strategy for European integrated border management. The technical documents were put in place to assist Member States in developing their national strategies in accordance with Article 3(3) of Regulation 2016/1624; a dedicated training programme was also carried out.

(3) The process to support the gradual implementation of the strategic framework for the European integrated border management was outlined by the Commission in its 3rd Progress Report on the operationalisation of the European Border and Coast Guard[1]. In the same document, the Commission highlighted the need to carry out an evaluation of the Member States' national strategies for integrated border management.

(4) Article 6(1)(b) of the Schengen Evaluation Mechanism Regulation foresees thematic evaluations as an additional tool to monitor the implementation of the Schengen *acquis.* It allows evaluating all Member States at the same time on a particular Schengen-related matter.

(5) Given the strategic importance of the European integrated border management for the effective protection of the Union external borders, the Commission proposed in 2017 to carry out a thematic evaluation of the national strategies for integrated border management established by Member States in accordance with Article 3(3) of Regulation (EU) 2016/1624.

(6) The Council, supporting this view, in its conclusions of 4 and 5 June 2018, invited the Commission to carry out this thematic evaluation in 2019-2020.[2]

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1 COM(2017) 219 final.
2 9000/18/FRONT 138 SIRIS 49 COMIX 258.

(7) The thematic evaluation consisted of a desk-review of the national strategies for integrated border management. It looked at the quality and completeness of the national strategies and their alignment with Regulation (EU) 2016/1624 and the Technical and Operational Strategy for the European integrated border management adopted by the Management Board of the European Border and Cost Guard Agency in March 2019.

(8) The thematic evaluation aimed at assessing the readiness and preparedness of Member States to align their strategies and planning with a view to ensuring a gradual and efficient development and implementation of European integrated border management; and contributing to the EU multiannual strategic policy cycle for the European integrated border management as defined by Article 8 of Regulation (EU) 2019/1896. In this context, the Commission should take the results of this thematic evaluation into account when preparing the policy document that will launch the multiannual strategic policy cycle. The Management Board of the European Border and Cost Guard Agency should also take the results of the thematic evaluation into account while revising the technical and operational strategy for the European integrated border management. Member States should take the results of the thematic evaluation into account when revising their national strategies as part of the multiannual strategic policy cycle for the European integrated border management, in accordance with the timeline set in the Roadmap for the implementation of Regulation (EU) 2019/1896.

(9) The results of the thematic evaluation are also consistent with the approach proposed in the New Pact on Migration and Asylum[1] to protect the EU external borders and to safeguard the integrity and functioning of a Schengen area without internal border controls.

[1] COM(2020) 609 final.

(10) The Commission evaluated 25 Member States and Schengen Associated States, namely Austria, Belgium, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland; and proposed remedial actions to address the deficiencies identified during the thematic evaluation of their national strategies for integrated border management carried out in 2019 - 2020. Following the thematic evaluation, a report and annexes covering the findings and assessments, listing good practices and deficiencies identified during the evaluation and was adopted by Commission Implementing Decision C(2020) 8000.

(11) All the Member States evaluated have concluded national strategies for integrated border management to ensure the effective implementation of the European integrated border management at the national level in accordance with Article 3(3) of Regulation (EU) 2016/1624, which takes into account the relevant guidelines established by the Commission and the European Border and Cost Guard Agency.

(12) The evaluation identified as a good practice the approach taken by five Member States towards the formulation of strategic objectives on several elements of the European integrated border management, in particular border control, including where appropriate prevention and detection of cross-border crime, return, cooperation between Member States supported and coordinated by the European Border and Coast Guard Agency, measures within the Schengen area, cooperation with third countries, quality control mechanisms; the strategic directions developed by these Member States guarantee consistent, efficient and sustainable implementation of the European integrated border management at the national level. The governance of the national strategies in some of these Member States was also identified as a good practice as clear coordination and cooperation methods were proposed, covering all national authorities involved in border management, supported by a coherent timeline for implementing the strategy and the necessary resources.

(13) Most of the evaluated national strategies focused on the current state of play in the area of border management and generally lacked a long-term strategic approach. In some Member States, the national strategies are not accompanied by corresponding action plans to ensure their effective implementation.

(14) Member States should better design and align their strategies to improve the priority setting in integrated border management at the political and strategic levels. This is in particular relevant in the areas of new information systems for border control, border checks, border surveillance, referral mechanism, contingency planning, risk analysis, prevention, detection, and combating cross-border crime, measures within the Schengen area, cooperation between Member States supported by the European Border and Cost Guard Agency, use of the state-of-the art technologies, interagency cooperation and financial resources.

(15) Most Member States also face difficulties in prioritising, planning, steering and organising the national resources for border management. In particular, the evaluation found that the strategic approach to human resources (staffing needs, staff allocations, recruitment policies, and career development), education and training were the weakest elements in the national strategies. Therefore, these topics should be prioritised when Member States revise their national strategies.

(16) The evaluation concluded that the alignment of the national strategies with the technical and operational European Integrated Border Management Strategy was only partly accomplished. The strategic management concepts applied by the Member States when drafting the national strategies and the guidelines adopted by the European Border and Cost Guard Agency for establishing the Technical and Operational Strategy for European integrated border management were found not sufficiently integrated in relation to the format, content and general approach.

(17) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. The Member States should send the revised version of the national strategies for European integrated border management to the Commission in accordance with the timeline of the roadmap for the implementation of Regulation (EU) 2019/1896 on the European Border and Coast Guard, in particular the implementation of the multiannual strategic policy cycle for the European integrated border management.

HEREBY RECOMMENDS that Austria, Belgium, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland take action in 2021 and 2022 to:

1. revise, adapt and improve the content of the national strategy for the integrated border management on the basis of the findings included in the evaluation report and its annexes concluded after the thematic evaluation of the national strategies for integrated border management in 2019 and 2020, and in particular:

1.1. ensure alignment of the national strategies for integrated border management with the policy priorities established at the Union level, in particular with regard to the use of the state of the art technologies, development of interoperability and new information systems as well as the protection of fundamental rights ;

1.2. improve the strategic approach to interagency cooperation with a view to streamlining the coordination and cooperation between the different national authorities involved in the implementation of the European integrated border management;

1.3. improve priority setting for establishing an efficient European integrated border management at the political and strategic levels and reinforce the link between priority setting in their national strategy and the allocation of resources;

1.4. establish and consolidate a national governance mechanism, including a national coordination authority for the efficient implementation of the European integrated border management at the national level;

1.5. establish a coherent and strategic approach at national level to ensure an efficient management of human resources for border management, which considers staffing needs, staff allocations, recruitment policies, and career development, as well as national education and training capacities for border guards;

1.6. ensure sufficient financial allocations for efficient implementation of the European integrated border management by combining in an effective manner the national resources with the Union Multiannual Financial Framework;

1.7. establish or improve the strategic approach, in particular setting strategic objectives and priorities as well as improved planning with regard to border control, border checks, border surveillance, referral mechanism, risk analysis, respect of the non-refoulement principle, prevention, detection, and combating cross-border crime, measures within the Schengen area, cooperation between Member States supported by the European Border and Coast Guard Agency, interagency cooperation and financial resources;

1.8. establish an action plan for the efficient monitoring and implementation; and

2. revise the national strategy as part of the multiannual strategic policy cycle for the European integrated border management, in accordance with Article 8(6) of Regulation (EU) 2019/1896 on the European Border and Coast Guard and in accordance with the roadmap established for its implementation. The information on the revision of the national strategies should be provided for the purpose of the evaluation to be carried out by the Commission in accordance with Article 8(7) of Regulation (EU) 2019/1896.

Done at Brussels,

For the Council
The President