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**REPORT FROM THE COMMISSION**

**THIRD 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**

Protecting the external borders of the European Union, including through the European Border and Coast Guard, is one of the key pillars of the comprehensive European policy on migration on which the European Union is delivering in order to address the immediate, medium as well as long term needs identified in the European Agenda on Migration. The present report takes stock of the progress made since the beginning of March 2017 in the operationalisation of the European Border and Coast Guard and reviews the implementation of each step identified in the first and second progress reports. In particular, the report provides an update on the recently completed stages of the vulnerability assessment process and on the ongoing deployments to the frontline Member States. It also reports on the decisions and discussions held at the last meeting of the Management Board on 29-30 March 2017.

This report also outlines the important process to develop the central concept of the European Border and Coast Guard Regulation, namely to develop a strategic framework to ensure that the European Integrated Border Management at the external borders is in place. This will further develop the principle of an integrated external border management system referred to in Article 77(2)(d) TFEU.

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

The European Border and Coast Guard Agency continues providing operational support on the ground to Member States in border management with over 1,500 border guards and other relevant staff being deployed by the Agency at different sections of the EU external borders.

### **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.

866 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, are deployed by the Greek Police. The deployment also includes 3 offshore patrol vessels, 2 coastal patrol vessels, 9 coastal patrol boats, 1 fixed wing aircraft, 2 helicopters, 20 patrol cars, 4 buses and 1 thermo-vision vehicle.

The Agency also supports Greece through Joint Operations Flexible Operational Activities and Focal Points in border control activities, with the deployment of altogether 54 officers at Greece's land borders with Turkey, Albania and the former Yugoslav Republic of Macedonia. In particular, 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 consists of 17 officers whereas the agreed operational plan foresees over 60 officers, meaning a continued shortfall of around 40 officers.

## *Italy*

Under the umbrella of Joint Operation Triton deployed in Italy and in the Central Mediterranean Sea, the Agency has deployed 345 officers, including crew members of the deployed assets and experts assisting in the implementation of the hotspot approach. The deployment is supported by 3 aircrafts, 2 helicopters, 2 offshore patrol vessels, 6 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. The current deployment includes 149 officers supported by 11 dog teams, 8 thermo-vision vehicles, 41 patrol cars, 8 CO2 detectors and 39 smartdeck cameras.

## *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 deployment in May foresees 61 officers supported by 1 aircraft and 1 offshore patrol vessel.

## *Western Balkans*

135 officers are currently deployed in other 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. They are supported by 10 dog teams, 4 thermo-vision vehicles, 33 patrol cars, 1 CO2 detector and 12 smartdeck cameras.

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

At its meeting on 29-30 March 2017, the Agency's Management Board was presented with a draft annual 2017 report on the commitments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool which will be shortly submitted to the European Parliament in line with the Agency's reporting obligations<sup>1</sup>.

The report stressed the significant increase of the Member States' involvement in the Agency's operational activities in 2016 as compared to the previous years. The number of European Border and Coast Guard Team members deployed has more than doubled from 3,584 in 2015 to 8,353 in 2016, and the total duration of deployments has more than tripled from 128,607 man/days in 2015 to 411,939 man/days in 2016. The provision of technical assets has also increased from 2015 to 2016: the patrolling hours of offshore

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<sup>1</sup> Articles 20(12) and 39(13) of the European Border and Coast Guard Regulation.

patrol vessels increased by 14%, of coastal patrol vessels by 41% and of patrol cars by 34%.

There continue to be significant gaps in the ongoing operations, both in terms of human resources and technical equipment as compared to the needs assessed by the Agency in accordance with its risk analysis. In total, the Agency estimates the overall gap of man/days of deployments to amount to nearly 60,000 for all its operations in 2017.

To fill these gaps, the Agency has been informing Member States on the needed resources on a weekly basis since the end of February 2017. The Agency is also increasing its own capabilities to provide support to frontline Member States by leasing or purchasing equipment or services. The Agency is currently running several tendering procedures for the acquisition of aerial surveillance services and mobile offices.

As of 2017, the Agency will use 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. The Agency is already examining the ways to build up its own permanent capabilities and/or to maintain them operational after acquisition.

It is essential that the Agency elaborates **a comprehensive strategy**, to be endorsed by the Management Board, **on how the Agency's own capabilities** will be developed/used in 2017-2020 taking into account different options available to the Agency (i.e. purchasing, renting, leasing, long term deployments).

Next steps:

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

- *Proactively seek the necessary contributions to the ongoing operations in the framework of bilateral contacts with Member States.*
- *Develop and present to the Management Board for endorsement by November 2017 a comprehensive strategy on how the Agency's own capabilities will be developed/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

May 2017: until 16 May 27 experts (operational needs: 197 experts), 2 coastal patrol boats (20% of the operational needs - due to lack of offers, the gap is covered by host Member State asset financed by the Agency), 1 offshore patrol vessels (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)

16 May- 29 June 2017: 3 experts (operational needs:197 experts)

June 2017: 3 coastal patrol boats (30% of the operational needs - due to lack of offers, the gap is partially covered by host Member State assets financed by the Agency), 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)

27 June – 17 August 2017: 53 officers, (operational needs: 197 experts)

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), 2 transport vehicles (33% of the operational needs)

Joint Operation Flexible Operational Activities and Focal Points at the Northern Greek land border

26 April – 24 May 2017: 34 officers (operational needs: 61 officers), 1 thermo-vision vehicle (100% of the operational needs), 14 patrol cars (54% of the operational needs), 2 dog teams (67% of the operational needs), 2 transportation vehicles (100% of the operational needs)

24 May – 21 June 2017: 35 officers (operational needs: 61 officers, 16 patrol cars (62% of the operational needs), 3 dog teams (100% of the operational needs), 2 transportation vehicles (100% of the operational needs)

21 June – 19 July 2017: 42 officers (operational needs: 62 officers), 20 patrol cars (77% of the operational needs), 3 dog teams (100% of the operational needs), 2 transportation vehicles (100% of the operational needs)

#### **Gaps for Bulgaria** (Joint Operations Flexible Operational Activities and Focal Points)

26 April – 24 May 2017: 45 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), 19 patrol cars (32% of the operational needs - due to the lack of offers 12 patrol cars from host Member State to be cofinanced by the Agency), 9 dog teams (43% of the operational needs)

24 May – 21 June 2017: 45 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), (2 thermo-vision vehicles (25% of the operational needs), 14 patrol cars (23% of the operational needs), 11 dog teams (52% of the operational needs)

21 June – 19 July 2017: 68 officers (operational needs: 175 officers - due to the lack of offers 24 officers from host Member State to be cofinanced by the Agency), 3 thermo-vision vehicles (38% of the operational needs), 25 patrol cars (42% of the operational needs - due to the lack of offers 12 patrol cars from host Member State to be cofinanced by the Agency), 11 dog teams (52% of the operational needs)

#### **Gaps for Italy** (Joint Operation Triton)

May 2017: 14 officers, 2 coastal patrol boats (67% of the operational needs - due to lack of offers, the gap is covered by host Member State assets 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), 1 offshore patrol vessels (50% of the operational needs)

June 2017: 27 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: 23 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), 1 offshore patrol vessel (33% of the operational needs)

#### **Gaps for Spain (Joint Operation Indalo)**

May 2017: 5 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)

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)

### **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 European Border and Coast Guard Regulation:

##### 1) Nomination of border guards

The requirement for nominating the border guards is clearly defined in Article 20(4) of the European Border and Coast Guard 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. By now, only a limited number of Schengen States (Belgium, the Czech Republic, Finland, France, Romania and Switzerland) have provided the names of experts matching the size of their respective contributions foreseen in Annex 1 to the European Border and Coast Guard Regulation.

The Commission raised this issue at the Justice and Home Affairs Council meeting on 27 March 2017. Several Member States voiced concerns, arguing that the full availability of

all nominated border guards cannot be guaranteed due to holidays, sick leave or other absences.

At the Agency's Management Board meeting on 29-30 March 2017, the Commission stressed that a practical solution should be explored in full compliance with the legal basis. General elements of such a practical solution<sup>2</sup> were presented at the Pooled Resources Network meeting on 25-26 April 2017. However a number of issues required further clarifications. The Agency will circulate in early May a concept note defining detailed modalities of the proposed solution. Member States will be provided with flexibility within the limits of their own contributions to the regular part of the European Border and Coast Guard pool while at the same time the Agency can verify compliance with the profiles and ensure training.

## 2) Harmonisation of profiles

The Agency still has to match the number of experts for some profiles pledged by the Member States in line with the thresholds set up in the relevant implementing decision of the Management Board. While 143 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. The Agency should proactively address this issue in bilateral contacts with Member States, in particular with those ones which contributed to the most over-pledged profiles in order to alter their contributions to registration/fingerprinting officers and screening officers.

### *Rapid Reaction Equipment Pool*

Following the first and second progress reports, the Agency has re-launched a call for complementary contributions to the Pool in the course of March. As a result of these efforts, by mid-April 2017, no more gaps exist for patrol cars and additional pledges were made for coastal patrol boats, offshore patrol vessels and thermo-vision vehicles. However, **considerable gaps continue to exist for most types of equipment**. The Commission regrets that there are no new Member State pledges to the Pool which 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**

- *Enter urgently in 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, Sweden, Switzerland) in view of filling the identified gaps of equipment.*
- *Ensure by the end of May 2017 that the experts nominated to the Rapid Reaction Pool, especially registration/fingerprinting officers and screening officers, are*

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<sup>2</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.

*provided according to the numbers of specific profiles defined by the Management Board.*

- *Verify by the end of June 2017 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**

- *Fill the identified gaps of the Rapid Reaction Equipment Pool by the end of May 2017. 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 well-functioning of the Schengen area** continues to be a top political priority for the European Union. Intensive 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 Denmark<sup>3</sup>, all the Member States have provided to the Agency the **data on the existing capacities**. For the majority of Member States, the completeness of data was satisfactory. However, for 8 States [France, Hungary, Italy, Malta, Norway, Sweden, Switzerland, Spain] only partial information (between 50-75% of the required data) was provided. It is essential that Member States reinforce in the long-term their **national capacities** to collect such data.

In March-April 2017, the Agency carried out for all Member States (except Denmark and Germany, due to late submission of data) the so-called **baseline assessments**, i.e. an in-depth analysis of Member States' existing capacities in conjunction with **current threat indicators** against a set of objective criteria. The draft baseline assessments were already consulted with the Member States. Final individual reports with the key findings of the assessments, in particular identifying the most urgent vulnerabilities, were communicated at the end of April 2017 to 8 Member States. The final individual reports to the remaining Member States are expected to be communicated in early May due to the belated submission of comments by the Member States concerned.

Based on the baseline assessment reports, the Agency's Executive Director will decide by the end of May 2017 on **possible recommendation(s)** to be addressed to the Member State(s) concerned. Given that the key objective of vulnerability assessments is to identify, especially for those Member States facing specific and disproportionate challenges, possible immediate consequences at the external borders and subsequent consequences on the functioning of the Schengen area, the recommendations should – as

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<sup>3</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.

matter of priority – **focus on the most urgent vulnerabilities in relation to the current challenges** at the external borders affecting the well-functioning of the Schengen area.

It is also essential that the recommendations with the proposed measures are precise, operational and build on the detailed technical information acquired from the Member States. Only under these conditions the Agency will be able to effectively monitor **the implementation of the recommendations and measures by the Member States**. In case of non-implementation of the measures within the set time limit, the Executive Director has to refer the matter further to the Management Board and to notify the Commission.

The baseline assessments will also result in the identification of several 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 could be viably 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 is expected to run 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.

Next steps:

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

- *Prioritise the identification of the most urgent vulnerabilities based on the first results of the vulnerability assessment process and other information.*
- *Ensure the adequate staffing of the team dealing with the vulnerability assessment process by summer 2017.*
- *Based on the results of the baseline assessments, make recommendations by the end of May 2017 to the relevant Member States to address the most urgent vulnerabilities as a matter of priority.*
- *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 European Border and Coast Guard Regulation.*
- *Carry out simulation exercises on the future challenges by October 2017.*
- *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 by 15 May 2017 the necessary data in order to allow the Agency to carry out the baseline assessment.*

- *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.*
- *All 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 pace of return operations supported by the Agency continues to increase. Between 1 January and 7 April 2017, the Agency provided support to 92 return operations of third-country nationals, with 3,879 third-country nationals returned.

At this point, 48 of these 92 operations concerned flights to the Western Balkans. Only a limited number of operations took place to the Northern and Western African countries. This can be partly explained by the fact that several third countries do not accept charter flights and only allow return of their own nationals through commercial flights. For this reason, the Agency should swiftly start offering to Member States support for commercial flight operations.

Since 7 January 2017, **three new pools** of forced-return monitors, forced-return escorts and return specialists are available for operations. By 7 April 2017, 25 Member States have contributed to these pools by providing 536 of the 690 experts that are needed. Schengen States that have not yet contributed to any of the pools – Cyprus and Switzerland – need to do so as a matter of urgency.

All Member States need to fill the gaps, in particular for the pool of forced return escorts where only 416 experts, out of the total 600 requested, were offered. Member States should ensure, in cooperation with the Agency, that all the skills and expertise required to carry out return related activities are adequately represented in the pool of return specialists. This is of particular importance in light of the increasing number of return operations compared to the past years, and taking into account the need for return interventions that may emerge in the coming months.

The return pools have been put to use in practice. By 7 April 2017, 19 return operations have been monitored through the participation of a forced-return monitor from the pool. So far, 10 forced-return escorts from the pool have been deployed in operational support.

An outstanding point of concern is to provide clarity on the practical modalities and rules concerning the deployment of pool members, as well as on their operational tasks and legal responsibilities. The Agency should strive to define these elements, providing a solid framework for the pools and ensuring that they are ready for deployment by the end of May 2017 as requested in the previous report.

To face the additional workload and to fully meet the expectations linked to the new mandate, the Agency should take immediate action to ensure that available staff positions are filled and that the budget allocated to return activities is fully used.

In the Communication "On a more effective return policy in the European Union – a renewed Action Plan"<sup>4</sup>, the Commission proposed additional measures and actions for the Agency to step up return activities. Related progress will be monitored in the next report.

Next steps:

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

- *Define the practical modalities, rules, operational tasks and legal responsibilities for the deployment of the pools' members to ensure that the pools are ready for full deployment by the end of May 2017 at the latest.*
- *Fill the available staff positions allocated to return activities by June 2017.*
- *Ensure that financial resources allocated to return activities for 2017 are fully used.*

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

- *Contribute immediately to the pools if they have not done it so far (Cyprus, and Switzerland).*
- *Fill the remaining gaps in the pools.*
- *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.*

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

No new complaints were submitted since the last report. The Agency still needs to improve the dissemination of information on the mechanism, including the accessibility of complaint forms at the Agency's website. A better management of future complaints by the Agency will be also ensured through an IT case management system which is envisaged to be completed by June 2017. Once all the necessary infrastructure is well established, the Agency should initiate an information campaign to make the complaint mechanism more visible.

As for additional staff to support the Fundamental Rights Officer, one temporary agent has been recruited in March and is due to join the Agency in May 2017. Recruitment procedures for two assistants (contract staff) will start in May 2017. Moreover, the Agency is expected to dedicate further staff for the Fundamental Rights Officer.

Next steps:

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

- *Recruit two additional staff members to support the Fundamental Rights Officer by the end of July 2017.*
- *Complete by end of June 2017 the IT infrastructure to make the complaint forms more accessible.*

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<sup>4</sup> COM(2017) 200 final.

- *Run an information campaign aiming at a better dissemination of the complaint mechanism.*

### **3.5. Paving the way for better operational cooperation with priority third countries by setting a model status agreement**

As regards the Agency's operational cooperation with priority third countries, the Management Board at its meeting on 29-30 March 2017 was informed about the Executive Director's intention to re-open negotiations for a working arrangement for cooperation with Libya.

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

The Liaison Officer to be deployed in Niger will join the Agency on 16 May 2017. The selection procedure for the Liaison Officer to the Western Balkans has also been finalised and the selected candidate is expected to join the Agency on 1 July 2017. Both candidates will undergo a pre-deployment training prior to their respective deployment in Niger (June 2017) and Serbia (summer 2017).

On 8 March 2017, the Council adopted the relevant Decisions authorising the Commission to open negotiations with Serbia and the former Yugoslav Republic of Macedonia to agree on **the status agreements** required for the deployment of European Border and Coast Guard teams on their territories. The first round of negotiations with Serbia took place on 7 April 2017 and the next round will be held on 11-12 May 2017. The Commission aims at concluding the agreements with Serbia and the former Yugoslav Republic of Macedonia as quickly as possible.

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.*

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

- *Finalise the recruitment and deployment of the Liaison Officers to Niger and Serbia by June and August 2017 respectively.*

### **3.6. Headquarters agreement**

The Commission welcomes the signature of the headquarters agreement by the Agency's Executive Director and the Polish Minister of Interior on 8 March 2017. The agreement will enter into force three months after the latest notification by the parties on the completion of the internal procedures. The Agency's procedure has been completed with the Management Board's approval of the agreement and final signature by the Executive Director. On the Polish side, the agreement still needs to be ratified.

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 own Liaisons Officers in Member States.

At the Management Board meeting of 29-30 March 2017, the Executive Director presented a draft decision for the Management Board's approval defining the role and tasks of the Liaison Officers, their access to information and clustering of several Member States under a single Liaison Officer. One Liaison Officer could cover up to four Member States which are geographically close to each other. A Memorandum of Understanding is expected to be signed within 6 months of the Management Board's decision with all Member States to address the modalities of deployment. In the meantime, the Agency will recruit and train the adequate candidates.

Next steps:

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

- *Propose the final draft of the relevant implementing decision to be approved by the Management Board 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.*

### **3.8. Increasing staff of the Agency**

In the first 90 calendar days of 2017, the Agency employed 91 new staff. Nearly 100 recruitment procedures are ongoing and 132 such procedures will be launched in the coming months. By the end of 2017, 655 staff members are foreseen to work for the Agency which is nearly twice as many as in 2015.

The Agency has difficulties to ensure recruitment on the broadest possible geographical basis from among Member States as required by Article 27 of the Staff Regulations. The Agency is also facing challenges in filling new positions foreseen for Seconded National Experts (around 25% of all the new posts) due to a limited responsiveness of Member States.

Next steps:

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

- *Launch recruitment procedures by end of June 2017 for all the posts foreseen under the agreed 2017 establishment plan.*

- *Ensure the effective absorption of additional financial resources in line with the priorities endorsed by the budgetary authority.*

#### **The Commission will**

- *Explore with the Agency the ways of addressing the challenges of recruitment.*

#### **Member States should**

- *Ensure better results as regards deploying Seconded National Experts.*

### **4. EUROPEAN INTEGRATED BORDER MANAGEMENT: THE WAY FORWARD**

#### **4.1. Integrated Border Management**

The European Border and Coast Guard Regulation laid down the general principles for a European Integrated Border Management and thereby legally enacting for the very first time the concept enshrined in Article 77(2)(d) TFEU.

The Regulation defines a list of 11 strategic components, including border control, search and rescue in situations which may arise during maritime border surveillance operations, risk analysis, interagency cooperation, cooperation between Member States, a Schengen quality control mechanism and solidarity mechanisms, in particular Union funding instruments. This is the basis allowing to establish a well-structured strategic framework for the effective implementation of the European Integrated Border Management at national and Union level.

The operationalisation of the Integrated Border Management concept needs to be delivered through a **strategic process composed of three strands** (1) defining a European Integrated Border Management Strategy at the political level by the EU institutions, (2) adopting a technical and operational strategy by the European Border and Coast Guard Agency, and (3) setting national Integrated Border Management strategies in each Member State to guarantee a unified implementation of the concept. This should result in creating an interoperable and unified strategic framework for European Integrated Border Management for the European Border and Coast Guard to ensure its effective implementation.

#### **4.2. Political framework by the EU institutions**

According to the European Border and Coast Guard Regulation, **the development of a European Integrated Border Management strategy** is a responsibility of the Union institutions.

The **cooperation between the Commission, the European Parliament and the Council** in establishing the European Integrated Border Management Strategy will be essential. In order to allow the institutions to shape the political strategy, the Commission, together with the Agency, will organise two dedicated workshops to be held with the participation of Member States and of the European Parliament, leading to the delivery of the **political framework for European Integrated Border Management** in the form of a **Communication**. The European Parliament and the Council will be invited to endorse the Communication.

### **4.3. A technical and operational strategy by the Agency**

In accordance with Article 3(2) of the European Border and Coast Guard Regulation, the Agency is tasked to establish a technical and operational strategy for European Integrated Border Management. While the Agency should start as soon as possible working on this task in close coordination with the Commission, ultimately, the Agency's Management Board should adopt the operational and technical strategy only after the corresponding political framework is endorsed by the three institutions.

### **4.4. National strategies of the Member States**

National efforts should ensure the effective implementation of European Integrated Border Management requires to be translated through national efforts. Article 3(3) of the European Border and Coast Guard Regulation states that Member States shall establish their national strategies for Integrated Border Management in line with the technical and operational strategy set out by the Agency.

Each Member State should launch as soon as possible a preparatory process bringing together all relevant national authorities responsible for border management and return in view of establishing one single national strategy supported by an action plan. In this regard, Member States should make full use of the training programme developed by the Commission and the Agency focusing on the methodology for the development of national Integrated Border Management strategies. Subsequent sessions are planned for May, July, September and November 2017.

Once the political framework has been endorsed by the EU institutions and the Agency's operational and technical strategy has been set out, Member States will have to build their national strategies accordingly.

#### Next steps

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

- *Organise two dedicated workshops in June and September 2017 with representatives of Member States and the European Parliament to discuss the development of the political framework for a European Integrated Border Management.*
- *Adopt by October 2017 a Communication defining the main elements of the political framework for the European Integrated Border Management.*
- *Include a Schengen evaluation on national Integrated Border Management strategies for 2018.*

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

- *Launch the process for the development of an operational and technical Integrated Border Management strategy in close cooperation with the Commission in the 2<sup>nd</sup> half of 2017.*
- *Adopt the technical and operational strategy for the European Integrated Border Management by the Management Board, once the EU institutions agreed on the political Integrated Border Management strategy by February 2018.*

- *Establish a special Schengen evaluation training for selected Integrated Border Management experts in close cooperation with the Commission.*

#### **Member States should**

- *Launch national processes to establish their national Integrated Border Management strategies in June-December 2017.*
- *Align their respective national Integrated Border Management strategies with the political strategy and the technical and operational strategy within six months after the adoption of the latter.*
- *Be prepared for a Schengen evaluation of their national Integrated Border Management strategies (starting late Autumn 2018).*

### **5. CONCLUSIONS**

The third 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 the external borders has continued.

In particular, the Agency delivered the first baseline vulnerability assessments to almost all Member States, and will shortly make recommendations to the Member States concerned with concrete measures to address the identified vulnerabilities. Equally, the swift adoption of the Council Decisions authorising the Commission to negotiate with Serbia and the former Yugoslav Republic of Macedonia status agreement and the immediate first round of the negotiations with Serbia show the continued political priority given to operationalising the European Border and Coast Guard.

However, Member States have made insufficient progress in ensuring the full operational capability of the rapid reaction pools, in particular to fill the gaps for the Rapid Reaction Equipment Pool. Similarly, further joint efforts are also needed to close continuing 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 better use the reinforced Agency's capacity to assist in the area of return operations.

The Commission looks forward to working together with the European Parliament, the Council and the Agency in elaborating the strategic framework for a European Integrated Border Management.

To accelerate progress on the operationalisation of the European Border and Coast Guard, the Commission invites the Council to assess progress so far and to take the proposed steps.

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