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ANNEX 1

**ANNEX**

*to the*

**Commission Implementing Decision**

**establishing the report of 2019 - 2020 thematic evaluation of Member States' national strategies for integrated border management**

## ANNEX

### EVALUATION REPORT OF MEMBER STATES' NATIONAL STRATEGIES FOR INTEGRATED BORDER MANAGEMENT

(Article 14 Regulation 1053/2013)

#### 1. INTRODUCTION

The evaluation and monitoring mechanism to verify the application of the Schengen *acquis* as established by Regulation (EU) 2013/1053<sup>1</sup> provides for a multi-annual<sup>2</sup> and a more detailed annual evaluation programme<sup>3</sup>. In accordance with these programmes and Article 6(1)(b) of Regulation (EU) 2013/1053, Commission and Member State experts supported by observers from the European Border and Coast Guard Agency (Frontex) – the on-site team – carried out a thematic evaluation of the Member States' national strategies for Integrated Border Management in 2019 and 2020.

#### 1.1. POLICY AND LEGAL BACKGROUND

Article 77(2)(d) of the Treaty on the Functioning of the European Union<sup>4</sup> stipulates that the Union shall adopt any measure necessary for the gradual establishment of an integrated management system for the external borders. The concept of 'European Integrated Border Management' was initially defined in Article 4 of Regulation (EU) 2016/1624<sup>5</sup> on the European Border and Coast Guard and thereafter – following the repeal of that act – in Article 3 of Regulation (EU) 2019/1896<sup>6</sup>. Its main aim is to facilitate border crossings, and to ensure a uniform and high level of border control at the EU's external borders thus contributing to the internal security of the Union and efficient management of migration while respecting fundamental rights. It is based on *the four-tier access control model*<sup>7</sup> and consists of 12 strategic components<sup>8</sup> and three overarching components<sup>9</sup>. Given that the policy lines and

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<sup>1</sup> OJ L 295, 6.11.2013, p. 27.

<sup>2</sup> Commission Implementing Decision C(2014) 3683 of 18 June 2014 establishing the multi-annual evaluation programme 2014-2019 in accordance with Article 5 of Council Regulation (EU) No 1053/2013 of 7 October 2013, as amended by Commission Implementing Decision C(2015) 4827 of 23 July 2015.

<sup>3</sup> Commission Implementing Decision C(2018) 7115 of 31 October 2018 establishing the first section of the annual evaluation programme for 2019 in accordance with Article 6 of Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*.

<sup>4</sup> Consolidated version of the Treaty on the Functioning of the European Union - OJ C 202, 7.6.2016.

<sup>5</sup> Council Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.

<sup>6</sup> Council Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

<sup>7</sup> Recital 11 of Regulation (EU) 2019/1896 on the European Border and Coast Guard. European Integrated Border Management, based on the four-tier access control model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external borders, risk analysis and measures within the Schengen area and return.

<sup>8</sup> The 12 components of European Integrated Border Management: border control, search and rescue operations in the context of border control, analysis of the risks to internal security, information exchange and cooperation between Member States supported by the European Border and Coast Guard Agency (Frontex), inter-agency cooperation, cooperation at EU level, cooperation with third countries, technical and operational measures within the Schengen area, return, use of state of the art technologies including large scale information systems, a quality control mechanism, solidarity mechanisms, in particular Union funding instruments.

<sup>9</sup> The three overarching components of European Integrated Border Management: fundamental rights, education and

preparations for the thematic evaluation were established before Regulation (EU) 2019/1896 entered into force, the current process had been carried out on the basis of the provisions enshrined in Regulation (EU) 2016/1624.

European Integrated Border Management is a shared responsibility between the national authorities of Member States responsible for border management, including coast guards to the extent that they carry out border control tasks, and the national authorities responsible for return as well as the European Border and Coast Guard Agency (Frontex). Member States retain primary responsibility for the management of their sections of the external borders.

The concept laid down in Regulation (EU) 2016/1624 was operationalised through an integrated strategic process: political guidance set by the Commission in Annex 6 of the 7<sup>th</sup> Progress Report on the implementation of the European Agenda on Migration<sup>10</sup>; the technical and operational European Integrated Border Management Strategy adopted by Frontex' Management Board in March 2019; and the Member States' national strategies. Article 3 of Regulation (EU) 2016/1624 requires Member States to establish national strategies for integrated border management.

The strategic process to support the gradual implementation of the European Integrated Border Management at the national and the EU level, as well as the need to carry out an evaluation of the Member States' national strategies were outlined by the Commission in the 3<sup>rd</sup> Progress Report on the operationalisation of the European Border and Coast Guard in May 2017. In the light of the political lines proposed by the Commission, the Council, in its Council Conclusions of 4-5 June 2018 invited the Commission to conduct an evaluation of the Member States' national strategies in 2019 and 2020 and the Member States "to prepare or to align their national strategies within six months after the adoption of the technical and operational European Integrated Border Management Strategy by the Management Board of Frontex" (adopted by Frontex's Management Board on 27 March 2019).

Regulation (EU) 2019/1896 on the European Border and Coast Guard has further enhanced the concept of European Integrated Border Management. Most notably, the future political steering will be established through an EU multiannual strategic policy cycle as defined by Article 8 of Regulation (EU) 2019/1896. The present evaluation was carried out without prejudice to the latter.

## **1.2. SCOPE AND METHODOLOGY OF THE THEMATIC EVALUATION**

The overall aim of this thematic evaluation is *to promote the uniform, harmonised and efficient implementation of the European Integrated Border Management at EU level* in accordance with Union legislation and common standards for border management. Its added value lies in the identification of common strengths and weaknesses, recurrent issues and patterns. This report is therefore intended to contribute to the ongoing debate on the future of

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training, research and innovation.

<sup>10</sup> COM(2018) 250 final; complemented by instructions set in the 3rd Progress Report on the operationalisation of the European Border and Coast Guard in May 2017- COM(2017) 219 final.

the border management policies at EU level and the establishment of an EU multiannual strategic policy cycle defined by Article 8 of Regulation (EU) 2019/1896 on the European Border and Coast Guard.

The Commission and the Member States supported by Frontex (the on-site team) thus evaluated if the Member States' national strategies for integrated border management are aligned with (1) *the content of Article 4 of Regulation (EU) 2016/1624*<sup>11</sup> and (2) *with the technical and operational European Integrated Border Management Strategy*, while taking into account the specificities of each Member State (e.g. border type, architecture of national border management system, national legislative framework, its geographical location, etc)<sup>12</sup>. The current report does not reflect the level of implementation in the evaluated Member States.

This thematic evaluation was carried out in two phases organised in Brussels: an induction phase between 17 and 23 November 2019, and a drafting phase between 13 and 17 January 2020. The on-site team was organised in five sub-teams composed of six experts from the Commission, 15 experts from 15 Member States<sup>13</sup> and five observers nominated by Frontex. The on-site team evaluated 25 national strategies for integrated border management<sup>14</sup> according to a commonly agreed methodology established by an *advisory group* with experts nominated by the Commission and several Member States supported by observers from Frontex. The thematic evaluation was carried out using as a basis Regulation (EU) 2016/1624. In addition, each Member State was assessed against 140 benchmarks reflecting the 11 components of the European Integrated Border Management<sup>15</sup>, the three overarching components and the three strategic objectives included in the technical and operational European Integrated Border Management Strategy: *reduced vulnerability of the external borders based on comprehensive situational awareness; safe, secure and well-functioning EU external borders; and sustained European Border and Coast Guard capabilities*. The process of establishing the national strategies and the thematic evaluation was supported by two training programmes developed by the Commission and the Member States, and organised by Frontex. The first aimed at supporting Member States to draft the national strategies, and the second was designed for the specific needs of the thematic evaluation.

The report consists of two parts: *a horizontal assessment* of the compliance of the Member States' national strategies with the legal and policy framework, and an *annex for each Member State* assessing their respective national strategy.

The report has been drafted by the on-site team based on desk research of the content of the

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<sup>11</sup> This thematic evaluation had been prepared before the entering into force of Regulation (EU) 2019/1896; therefore, the evaluation process was mainly based on the provisions of Regulation (EU) 2016/1624 on the European Border and Coast Guard.

<sup>12</sup> Article 3 of Regulation (EU) 2016/1624.

<sup>13</sup> Austria, Belgium, Germany, Denmark, Estonia, Finland, Hungary, Italy, Latvia, Netherlands, Poland, Portugal, Romania, Slovenia, and Sweden.

<sup>14</sup> Austria, Belgium, Switzerland, Czech Republic, Germany, Denmark, Estonia, Greece, Spain, Finland, France, Hungary, Iceland, Italy, Lithuania, Luxembourg, Latvia, Malta, the Netherlands, Norway, Poland, Portugal, Sweden, Slovenia, and Slovakia.

<sup>15</sup> Regulation (EU) 1624/2016.

national strategies provided by all evaluated Member States and, when available, the action plans, a targeted questionnaire sent to all Member States, in some cases, supplementary written questions, and the results of video-conference discussions organised by the on-site team with the national authorities of one Member State. Frontex provided a summary of the main findings of the vulnerability assessment process for each evaluated Member State which was used by the on-site team. The results of the first five years of the Schengen evaluation cycle in the area of the European Integrated Border Management were also used.

The evaluation presents general findings, assessments, and conclusions related to the strategic approach to each of the 11 components of the European Integrated Border Management, the three overarching topics, and several elements of the technical and operational European Integrated Border Management Strategy. It also reflects the annexes which outline the specific situation of each Member State. This report highlights the main elements of each component as depicted by the national strategies and the good practices identified by the on-site team.

## **2. STATUS OF THE NATIONAL STRATEGIES**

The formal adoption of a national strategy for integrated border management at the level necessary to guarantee the necessary political commitment for its efficient implementation plays a pivotal role in the strategic process.

Member States have established their national strategies at various levels depending on their border management system and institutional architecture. For example, some Member States have opted for formal adoption at governmental or ministerial level, while other Member States opted for establishing the national strategy at service level. 13 Member States have officially adopted the documents, 7 Member States are in the process of adoption, and 5 Member States did not provide any information on the status of the national strategies. Given the lengthy national adoption procedure, after receiving the results of the thematic evaluation, few Member States have chosen to formally adopt the document.

To ensure efficient application, it is advisable that the national strategy would not be part of or attached to another strategic document concluded at national level, but to be *a stand-alone document* issued to ensure the primacy for efficient application of specific legislative, strategic, operational and technical provisions at the national and EU levels in the area of integrated border management. With 2 exceptions, Member States have opted for stand-alone national strategies.

## **3. ALIGNEMENT OF NATIONAL STRATEGIES WITH THE OVERALL STRATEGIC FRAMEWORK**

The overall quality, structure and scope of the 25 national strategies for integrated border management are quite diverse. The evaluation showed that most Member States used a commonly developed structure for designing their national strategies. The structure followed and agreed by the Member States was different from the concept used by Frontex to develop the technical and operational European Integrated Border Management Strategy. In some

cases, the formulation of strategic objectives and priorities in national strategies is unclear, unrealistic or not driven by operational needs. The lack of a comprehensive planning framework and the weaknesses in the prioritisation, organisation, and allocation of resources have the potential to reduce the efficiency of border management actions at EU level.

With 6 exceptions, most Member States largely followed the *four-tier access control model* to establish their national strategies.

#### 4. NATIONAL GOVERNANCE

The creation of a well-functioning and permanent governance system for European Integrated Border Management coordinated by a specific governing structure and comprising all national authorities involved is essential for the efficient establishment, monitoring and implementation in the Member States.

The responsibilities of the governing structure should be drafting, coordination and monitoring of the implementation of the national strategies, and, ultimately, the revision of those strategies. In addition, the link between the national governing structure and the High Level Integrated Border Management Working Group as established by the Frontex Management Board, is key to ensure a common understanding of the different roles and responsibilities in implementing the concept shared between Member States and Frontex. The relation between the national strategy for integrated border management and other relevant strategic documents at the national and EU levels shall be defined in order to identify possible common actions, ensure coordination and avoid duplications. The strategic capability development planning process should also be grounded on the national strategy as overarching strategic document. An efficient option to ensure coordination would be that Member States include the national capability development plan as annex to the national strategy for European Integrated Border Management after the revision of the current document. Mention must be made that national capability development plans should be based on a common methodology adopted by Frontex Management Board, which is currently under preparation.

The national governance system is well defined by the majority of Member States (14). However, for 8 Member States this needs improvements, and 3 Member States have not clearly defined the governance system, lacking relevant information regarding the national coordination levels and interinstitutional relations. In some Member States, a national coordinator for the implementation of the European Integrated Border Management is officially appointed. The majority of the Member States described the national system for the European Integrated Border Management (in some cases it is included in an annex to the document) and its purpose (22 Member States).

As to the cooperation between the stakeholders in the governance of the European Integrated Border Management, including in the establishment, monitoring and revision of the national strategy, the majority of Member States (18) provided clear descriptions of the authorities involved at the national level. The evaluation identified room for improvement in 6 Member

States regarding the clear description of tasks performed by each national authority. 1 Member State provided a comprehensive description of the national governance and for this reason was considered a point of particular interest that could be used by other Member States that need to improve this chapter. The evaluation showed that the stakeholder's real needs were not sufficiently outlined in the content of the national strategies. In most Member States there is a lack of efficient dissemination / communication strategy for this document.

Regarding inter-agency cooperation, the thematic evaluation of the national strategies highlighted that, while in a number of Member States there are several national authorities involved in the management of borders, in some cases, no overarching authority has been established to coordinate the implementation of the European Integrated Border Management and to prioritise the actions to be taken.

As to the level of representation, some Member States highlighted the difficulties to ensure a permanent high-level representation in the national governing structure, which would guarantee that decisions taken have the required political and financial commitments.

9 Member States established in their strategies the connection between the national governing structure for European Integrated Border Management and the High Level Integrated Border Management Working Group. In 7 Member States, this relationship is unclear and 9 Member States did not address this topic. 1 Member State mentioned in the national strategy that the *involvement of the Frontex Liaison Officer (as an observer)* in the national governance body is considered beneficial for information sharing and effective cooperation, and to guarantee a connection between the national and European levels. This model was considered as a good practice.

It is crucial that Member States identify in the national strategy the main risks and challenges at the EU external borders to support the strategic planning of integrated border management activities and resources tailored to operational situation and the geographical location. This analysis should combine the results of national strategic risk analysis with the European one, as well as the results of the European quality control mechanism, in particular the Schengen evaluation mechanism and vulnerability assessment. It should cover the scope of the European Integrated Border Management, threats, main vulnerabilities and other elements, such as a forecast of the operational situation to describe specificities due to their geographical location. Most Member States provide for such comprehensive overview in the national strategy. However, only a limited number of Member States combined this overview with a summary of the main national capacities and only 1 Member State included the main strengths, weaknesses, opportunities and threats to its border management system.

**Outline of the main challenges to border management identified by the Member States in the content of the national strategies:**

All Member States considered that the main challenges for border control in the upcoming years are related to the capacity to ensure a secure and fluent control of the continuously growing passenger flows and transport of goods while taking into account global risks such

as climate change, disparities in the economic development between geographical areas, the scarcity of natural resources, the increasing geopolitical instability, cross-border crime, organised crime, terrorism, and threats of hybrid nature. Other different types of risks to EU borders, such as health risks, should be considered in the strategic planning for border management.

In addition, Member States indicated that these global risks could trigger mass movements of irregular migrants and secondary movements at the Union's borders, and lead to an increase of migrant smuggling and trafficking in human beings. Routes for irregular migration and cross-border crime as well as *modi operandi* can change rapidly. New challenges for border management at the Union's borders may emerge quickly (e.g. such as world-wide pandemics). The operational environment is continuously evolving due to technological progress, increased use of large-scale IT systems, integrated surveillance systems, and new working processes. Enhanced European cooperation, new European concepts, and increasing integration will also have a direct impact on the national operational environment, planning systems and required professional skills for border guards as stated by the Member States in the national strategies. Therefore, ensuring the required national capacity to implement the rapid adjustments of the European legislation on integrated border management was considered as one of the biggest challenges by several Member States.

The national strategy should mention a clear lapse of time for being in effect. Most Member States have established a timeframe for the implementation of their national strategies, which is aligned either with the national financial cycle, or with other national strategic programmes, action plans addressing Schengen evaluation findings or results of their vulnerability assessments. In some Member States, the timeframe is aligned with the EU financial framework to ensure efficient management of EU funding. 4 Member States did not clearly establish any timeframe for their national strategies.

Furthermore, the national strategy should also provide information on the financial arrangements to implement the proposed objectives. Only 8 Member States indicated a combination of the national budget with the specific financial envelope earmarked from the EU funding scheme. However, 8 Member States must further clarify the financing scheme for the implementation of the national strategy and 9 Member States did not refer to this topic.

To accommodate the complex set up, the strategic process identified should be progressive and to include possibilities for further development and consolidation. Half of the national strategies (13) included information on the revision process. **1 Member State** stated that it will update the national strategy according to the Policy Cycle for the European Integrated Border Management, integrating the national and EU levels; therefore, this formulation in the national strategy was considered a good practice fulfilling the requirement set out in Article 8(6) of Regulation (EU) 2019/1896. However, **7 Member States** lacked specific information on this topic and 4 did not include it at all.



Only **9 Member States** identified and described the main risks to the implementation of the national strategy, while the rest of them must improve the risk assessment.

**18 Member States** defined an implementation mechanism for the national strategy by attaching an action plan. 2 Member States only vaguely established such an action plan, while 5 Member States did not include such a document. In more than half of the Member States, the strategic objectives are not clearly connected to the specific objectives and the actions proposed in the action plan.

The overall assessment of the governance structures of the national strategies for integrated border management indicates a good level of compliance with the general requirements to ensure efficient setting up, implementation and monitoring. In general, financing methods and specific risks related to the implementation of the national strategy are the most underdeveloped elements of the governance related to the national strategies.

## **5. COMPONENTS OF THE EUROPEAN INTEGRATED BORDER MANAGEMENT AND TECHNICAL AND OPERATIONAL EUROPEAN INTEGRATED BORDER MANAGEMENT STRATEGY**

### **5.1. Border Control**

Risk analysis driven border control is acknowledged by all Member States as the core component of the European Integrated Border Management. Frontex and Member States' border management authorities forming the European Border and Coast Guard should establish legal, institutional, administrative and operational capacity, and the necessary resources to conduct effective and efficient border control at the Union's borders in all circumstances.

The national strategies should contain clear and realistic strategic objectives covering the four elements of border *control* (1) *border checks*, (2) *border surveillance*, (3) *detection, prevention and combating of cross-border crime*, and (4) *referral mechanism* to ensure that persons in need of international protection are given effective access to the specific procedures in line with fundamental rights. Sufficiently flexible operational priorities should support efficient migration management and border security in the Member States. This chapter assesses how these various elements have been incorporated into the national strategies.

### **Border checks**

Information-led and evidence-based border checks are cornerstones of border control activities. Their ultimate objective is to ensure that there is the capacity to perform systematic and effective border checks while providing for a smooth traffic flow based on risk analysis.

Border checks should make an increased use of pre-arrival information supported by interoperable state of the art technologies including large scale information systems. In particular, it is important to ensure full availability and use of the Schengen Information System, Visa Information System and Eurodac. Institutional capacity and sufficient number of specially trained professionals should ensure the optimum operational conditions for performing effective checks on persons and their documents on entry and exit in a consistent and timely manner. Objectives to enhance the skills and equipment for document experts operating at air, sea and land borders should be addressed in the document, as needed. All these elements should have been reflected on the national strategies.

More than half of the Member States have included wide-ranging objectives related to this area. As to information systems, **5 Member States** still need to better formulate strategic objectives to address the use of existing information system and **7 Member States** did not make any reference in their strategies to the need to ensure the availability of the Schengen Information System or other information systems and information exchange with the SIRENE Bureau.

Given the recent legislative changes, it is concerning that only **12 Member States** included in the strategy clearly defined responsibilities and implementation plans to ensure efficient establishment of the Entry-Exit System; in **6 Member States** the strategies do not provide a clear strategic planning for the implementation of the system, and **7 Member States** did not clearly address this topic. **4 Member States** still need to clarify the strategic lines related to the national plans for the implementation of the European Travel Identification and Authorisation System and **8 Member States** did not include any of these elements.

### **Border surveillance**

The EU's external border should be constantly monitored (24/7) and the illegal border crossings should be detected to the highest possible extent.

Surveillance activities at each external border section should correspond to the impact level allocated to it and the specific circumstances of the external borders, using integrated surveillance systems, mobile equipment and mobile patrols (units) while taking into account risk analysis. The development of advanced tools and technical equipment to establish pre-frontier surveillance capacity is also relevant. By implementing the national strategies, Member States should therefore aim to establish a risk analysis driven integrated border surveillance system with constant organisational, administrative, and technical capacity. The integrated border surveillance system should also be in a state of constant readiness to prevent and detect unauthorised border crossings and to apprehend persons trying to cross the border illegally, including those hidden in transportation means.

**7 Member States** did not include clear plans for the development of surveillance capabilities along the external borders and **4 Member States** did not develop border surveillance components in the content of the national strategies.

In general, border surveillance needs to be better reflected in the content of the national strategies, especially with regard to the development of integrated border surveillance systems and interconnection, to ensure a constant situational monitoring as well as to ensure and further develop the reaction capability. Use and integration of European surveillance capabilities to support national border surveillance could be better reflected in strategic planning.

### **Prevention and detection of cross-border crime**

The national strategies should boost the capacity of the national authorities to detect, investigate, prevent and combat cross-border crime and terrorism at the Union's borders, for example, smuggling, trafficking, in particular trafficking of human beings, the movement of foreign terrorist fighters; and to take initial measures to protect the victims of crime and terrorism. There should be a constant capacity to prevent and detect cross-border crime at the external borders related to border control. For this purpose, the border control should be integrated with the police functions for the prevention and fight against crime at the national level, and with the activities carried out in the framework of the EU policy cycle for countering cross-border crime.

Well-defined coordination structures, sufficient and adequate resources, including targeted education and training, clear roles and responsibilities of the national authorities, and well-organised exchange of information should be guaranteed and thus properly reflected in their national strategies. To this end, Member States should make use of the capabilities of specific information systems such as the Advance Passenger Information System.

The results of the thematic evaluation clearly point out a general weak coverage of this topic in the national strategies as only **1 Member State** has efficiently developed all these elements in the national strategy, therefore, it was considered a good practice. **5 Member States** addressed some of the elements related to the prevention and detection of cross-border crime while all others did not touch upon this topic (**2 Member States**) or need significant improvement of the text (**18 Member States**).

### **Referral mechanism**

For effective migration management, Member States should ensure adequate capacity to provide systematic identification and registration of persons in need of international protection and other vulnerable persons at risk, and to refer them to the appropriate services.

Sufficient capacities for screening, debriefing, identification, registration (including fingerprinting), and systematic upload of this information in the relevant databases should be included in the national strategies based on standardised operating procedures and supported by adequate resources, together with an effective first reception system. Sufficient accommodation capacity with adequate conditions should be available to process migrants during the screening process.

Despite the importance of the referral mechanism, only **7 Member States** fully covered the topic in the context of their national strategies; **10 Member States** need to amend their text; and **8** did not develop any plan in this regard even though it is of particular importance given their geographical location and operational situation. On the positive side, **2 Member States** integrated strategic objectives related to the **asylum process** in their national strategy to ensure an efficient approach; therefore it was considered a *good practice*.

### Contingency planning

On the basis of comprehensive and reliable situational awareness, Member States should ensure the ability to reinforce the capacity for border management and return on the basis of efficient contingency plans.

Therefore, the national strategies should also contain reference to the drafting, regularly updating, and testing of contingency plans, including the use of European and national capacities and instruments (e.g. rapid border interventions, migration management support teams, return intervention teams as well as full use of the European support such as the concept of hotspots).

In general, this is a weak point identified by the thematic evaluation as only **8 Member States** have addressed contingency planning in the national strategies, while more than half (13) did not include sufficient reference to this topic, and **6** still need to improve their approach on this issue.

### 5.2. Search and rescue

The national strategy should address objectives to integrate the search and rescue function in the national sea border surveillance concept and to make the link with the EU support in this area provided by the maritime joint operations coordinated by Frontex.

With **2 exceptions**, all Member States included relevant objectives in their national strategies to ensure the effective management of maritime search and rescue operations. **1 Member State** highlighted that the search and rescue function is an integral part of the national sea border surveillance system in terms of planning and development of surveillance capabilities; therefore it was considered a *good practice*.

### 5.3. National and European situational picture and early warning system

Constant, reliable and comprehensive situational awareness at the borders to guarantee a high level of ability to take adequate measures at the European and national levels using all available resources should be guaranteed by the application of the national strategies. A comprehensive near to real-time situational picture should be established, shared and further developed at the national and European levels in line with the legislative framework and the operational needs. Full implementation and development of EUROSUR

harmonising the new legislative requirements were largely included in the national strategies.

Most Member States addressed the issue of constant monitoring of the EU borders, including secondary movement. However, in **4 national strategies**, this element was not addressed, although it is relevant for their geographical and operational situation as three of them are transit and destination countries for irregular migration. **4 Member States** do not include the efficient implementation of EUROSUR in their national strategies, whereas it is largely covered at different levels by all other Member States.

Member States should also make reference in the national strategies to the establishment of early warning systems at the borders in order to support the efficiency of their operational response; however, only 10 Member States addressed this issue.

The overall assessment of this chapter identifies the need for Member States to further develop and consolidate strategic lines in their national strategies to ensure a comprehensive national and European situational picture, and to constantly monitor the EU's borders. In fact, 6 Member States did not include the relevant elements in their national strategies and 5 still need to improve the approach in this regard.

#### **5.4. Risk analysis**

Reliable, comprehensive and integrated risk analyses at the national and European levels should be used for strategic and operational planning and decision-making in border management.

Risk analysis should be able to provide concrete concepts and actions (legal, technical, operational) to address timely current and potential risks, threats and vulnerabilities as well as their impact covering the whole scope of the European Integrated Border Management. The Common Integrated Risk Analysis Model to generate unified risk analysis products for border management supports the delivery of risk analysis for border control and return purposes. Therefore, the national risk analysis system in the field of integrated border management should be based on the European Common Integrated Risk Analysis Model. The risk analysis system should be clearly structured at all levels (national, regional, and local) in the framework of an organisation responsible for European Integrated Border Management functions. Adequate institutional capacity, including an appropriate number of staff and specific training for risk analysis should support the efficient implementation of this function.

In general, the main elements related to risk analysis are largely addressed by Member States in their national strategies. Only **2 Member States** did not address this issue while 5 need to improve the approach connected to the implementation of the Common Integrated Risk Analysis Model. The reference to ensure sufficient institutional capacity for risk analysis needs to be further elaborated by **11 Member States**. The connection between the risk analysis and the decision making for border control must be more visible in the content of the national strategies (**6 Member States** did not even make a reference to it in the strategies). A

*good practice* was identified in **1 Member State** in relation to the formulation of this part since the strategy ensures regular and systematic collection and exchange of information for risk analysis by involving all relevant authorities.

### **5.5. Cooperation between the Member States supported and coordinated by the European Border and Coast Guard Agency**

The integration of the national and European strategic, operational and technical capabilities is essential for efficient border management. Functional national coordination and planning mechanisms for efficient cooperation with Frontex are core elements of border management at the EU level and proficient functioning of the European Border and Coast Guard.

This represents a large mentality shift from a national concept to a European one consolidated by Regulation (EU) 2019/1896 which reinforces the shared responsibility of managing the EU's borders between the national authorities and Frontex. The concept requires fuller and more mature integration of Frontex within Member States' strategic approaches to make the European Border and Coast Guard concept work properly. This entails a commitment to provide support to the actions promoted by the Agency, and a readiness to integrate support from the Agency in the national strategic and operational functions of border management.

The majority of Member States have set in their national strategies priorities for cooperation with Frontex (e.g. active and flexible use of focal points) showing their commitment towards the development of a European Border and Coast Guard. In addition, **more than half of Member States** have connected the national strategic planning related to the national resources for border management with Frontex's planning. **4 Member States** still need to make this connection more visible in the text of the strategy and 5 need to include this topic.

Cooperation between Member States (bilateral or multilateral) is also covered by some national strategies under this chapter.

### **5.6. Inter-agency cooperation**

Close and effective formalised inter-agency coordination and cooperation between the different national authorities at central, regional and local levels are essential for the effective functioning of integrated border management systems.

The structure and organisation of the inter-agency cooperation in border management vary significantly at the national level as regards the distribution of competences between the national authorities, and their level of involvement. The national strategies should ensure systematic cooperation in the areas of information exchange, risk analysis, strategic planning, and development of capabilities. Formal networks at national level drawn from representatives of all the relevant services, as already exist in some Member States, is considered as a *good practice*.



Border guards and customs are strategic partners in border control at the Union's external borders therefore the development and strengthening of their cooperation was underpinned in the Commission Guidelines on Better Development of the Cooperation Between Border Guards and Customs<sup>16</sup> and referred to in the technical and operational European Integrated Border Management Strategy. To note that only **9 Member States** sufficiently covered cooperation with customs authorities in their strategies.

The fragmentation of cooperation is visible in the context of some national strategies. The coordination between the relevant national authorities involved is not systematically ensured in almost **half of the Member States**. Overall **8 Member States** have covered the elements related to inter-agency cooperation, whilst **1 Member State** did not make any reference. **16 Member States** need to improve the formulation of the strategic lines related to this topic.

### 5.7. Cooperation with the third countries

Cooperation with the third countries should be based on formal documents when possible. Member States have the ability to conclude bilateral arrangements with third countries and additionally should make the best use of the existing tools established at the EU level to develop cooperation with third countries, such as the status agreements concluded by the EU and third countries and the working arrangements concluded by Frontex.

When developing third-country cooperation for border management, it is relevant from operational perspective that Member States give priority to develop cooperation with their neighbouring third countries, EU candidate countries, and those countries which are of origin and transit for irregular migration and cross-border crime. European border management standards should be shared with third countries through capacity building to ensure support and increase compatibility. Member States should ensure that there is sufficient institutional capacity to develop cooperation with third countries for border management purposes.

Frontex and other EU organisations and bodies capitalise on their expertise and mandate to play essential roles in establishing mutual trust and cooperation between Member States and international partners. Third country cooperation and other international cooperation can also be developed through liaison officers and through the different types of cooperation centres established at external borders, such as the police and customs cooperation centres.

In conclusion, Member States largely integrated the 'third country cooperation' component in the national border management strategic concept. However, only **9 Member States** fully covered the elements of this component; therefore, more than half of the Member States (16) need to improve the formulation of strategic lines related to this topic, particularly the monitoring of migration flows in third countries, to allow for a more reliable prediction of migration flows and cross-border crime into the EU, including the establishment of an early warning system. **1 Member State** covered all the elements related to the third country and

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<sup>16</sup> (Ares (2018)6193959 – 3.12.2018).

other international cooperation showing pro-active approach; therefore, it was considered a *good practice*.

## 5.8. Measures within the Schengen area without controls at internal borders

Compensatory measures with the view to securing the free movement of persons and ensuring a high level of security of citizens living in the EU require clearly defined responsibilities at national level between all authorities involved.

The most important element of this component is to establish and maintain systematic and fast information exchange between the Member States in the area without controls at internal borders as a compensatory measure to the lifting of border control at the internal borders. Making use of the police and customs cooperation centres (contact centres), established at the internal borders and also connected to external borders, supports the achievement of this objective. Efficient bilateral and/or multilateral cooperation between the Member States plays an essential role. Member states should be able to apply with priority police checks at their internal borders for migration control purposes when required by the risk analysis and operational situation. Only, as a measure of last resort, the possibility to reintroduce border control at the internal borders (procedures, responsibilities, capabilities, response time etc.) should be also supported by the provisions of the national strategy, especially to reflect the impact of the reintroduction of controls at internal borders on the resources for border management. Strategic measures to avoid absconding (detention, including capacity and alternatives to detention) should be included in the national strategy for efficient migration management.

All Member States have included measures to support the cooperation within the area without controls at internal borders. **6 Member States** have fully covered all topics relevant for this component; **12 Member States** did not cover the development of the information exchange by also using the police and customs cooperation centre (contact centre) although for some of them this aspect could be a valuable cooperation tool.

## 5.9. Return

Effective return of irregular migrants is a necessary pre-condition for efficient migration and asylum policy.

Member States have included a strategic objective for setting up a national return system which should count on a streamlined and well-integrated organisation of competences at national and EU levels, able to mobilise all the actors involved (police, border guard, asylum, and immigration authorities) and coordinate their actions. These strategic goals have to be further translated into concrete objectives and actions in the national strategies and respective action plans.

The majority of the Member States have described in their strategies the authorities involved in the return process and division of work within the framework of European Integrated



Border Management coordination. In this case, the example of 1 Member State where the authorities involved in each step of the procedure and their tasks are well reflected in the text of the strategy can be considered as a good practice and be used by the Member States where improvements are still necessary.

The national strategies should contain **strategic objectives** to ensure an efficient and augmented return rate (strategic relationship management, readmission agreements, cooperation with consulates, cooperation with carriers, and cooperation with international organisations). Only 12 Member States have reflected this in their national strategies and in some cases, the measures and objectives for either increase or maintain the return rate are not reflected at all.

A well-functioning return system should be subject to well regulated **cooperation** between all authorities (Border Guard, Immigration Authority, Asylum Service,) within the limits of the law, and with full respect for fundamental rights and the legitimate expectation of confidentiality. This can be established and implemented at national level through the national strategy. However, the majority of the strategies are poorly or not at all covering this important aspect of migration management. The strategy, through clear strategic objectives and measures in the respective action plans, must ensure and be the basis of this horizontal cooperation between national authorities involved in all steps of migration management. Furthermore, the majority of the national strategies do not cover the pre-return phase, nor do they describe the current activities, or establish future targets or actions in this regard.

The majority of the Member States have clear objectives regarding the use of **Frontex support** in the field of return; however, some Member States have not covered this important aspect in their strategies. This situation may have a negative impact on the future activity in the field of return at EU level. In their strategies, Member States have reflected the current situation and future objectives on participation in the European Return Liaison Officer Network. However, some Member States do not address this topic either by describing the current situation or establishing future plans through objectives, even though in practice, they are participating and making use of the network.

With some exceptions, where the area of **voluntary return** is not covered, Member States have included in their strategies, objectives on what they aim to achieve in this regard.

The **training** of personnel is an important activity in order to ensure the sustainability of the system. Therefore, the strategy must contain clear objectives in order to reflect the vision and the plans of the authorities in this regard, taking in consideration also future needs. The majority of the strategies sufficiently reflect this aspect either in the return component of the strategy or by mentioning the training of the personnel in the return field in other components of the strategies. However, there are some cases where there are no objectives in order to reflect the future plans of the Member States to ensure a constant level of training of the personnel and the availability of proper trained personnel in the return field for the future.

In general, the majority of Member States have covered the return component in their national strategies in a way which reflects the connection with the area of border management, in particular the management of migration. However, in all cases there are parts of the return component that require improvements and redrafting in order to clearly reflect the requirements of the legal basis.

## 5.10. Quality control mechanism

Border management at national and EU levels should be systematically subject to the application of the European quality control mechanism covering the entire scope of the European Integrated Border Management.

The quality control component consists of the Schengen evaluation mechanism, a peer-to-peer review process between the Commission and the Member States (with the participation of the relevant agencies), the vulnerability assessment process implemented by Frontex, and the national quality control mechanisms established by each Member State. The results of these quality control processes should be used to facilitate the sustainable development of border management at EU borders through risk-based assessments and strategic evaluations, with a view to measuring the effectiveness of the national systems and making recommendations for adaptation, where appropriate. Quality control is an important management tool for strategic planning as its recommendations and lessons learnt can be transformed into future objectives and actions in the planning documents. Moreover, the monitoring and evaluation must be supported by sufficient institutional capacity at the national and the EU levels.

1 Member State demonstrated a *good practice* in the active participation in the implementation of the quality control mechanism and the creation of a national evaluators' pool (a group already trained in Frontex Schengen Evaluators' courses). All Member States should have a permanent national quality control mechanism with an annual evaluation programme and clear systems for follow-up. The results of the Schengen evaluation and vulnerability assessment should be synchronised and taken into account when preparing strategic priorities for the national strategy and for prioritising the allocation of EU funds. The outcome of the quality control should inform the comprehensive national strategic situational picture regarding the overall functioning of the European Integrated Border Management at the national and European levels.

In general, all Member States have addressed this component in their national strategies, and almost half of them have covered all the elements related to the quality control mechanism. However, **14 Member States** must improve the text relevant to quality control.

## 5.11. Towards the development of national capabilities

Strategic elements to ensure the necessary human, technical and financial resources for border management should be part of any national strategy and serve as basis for the development of national capability development plans for the efficient implementation of the European Integrated Border Management. To ensure comprehensive and coherent approach to the gradual implementation, the national capability development plan should be fully synchronised with the national strategy.

The development of national capabilities for border management is one of the three strategic objectives included in the technical and operational European Integrated Border Management Strategy developed by the Agency. However, in the future, this process will be steered by the

multiannual strategic policy cycle and it will follow the harmonised approach developed in accordance with Article 9 of Regulation (EU) 2019/1896 which entered into force on 4 December 2019.

At the time of the 2019 thematic evaluation, the majority of the Member States did not include in the national strategies priorities to develop the strategic planning of the national capabilities for border management or put arrangements in place to integrate all relevant national authorities for that purpose.

The national strategies should set the scene to preparation of the national capabilities developed plans in accordance with Article 9 of Regulation (EU) 2019/1896 to ensure integrated and interoperable solutions. This approach should include the necessary capacity (administrative, technology, infrastructure and financing) to **implement and utilise all the new information systems** created for border management purposes. The national strategy should also define the national priority areas in **research and innovation** and how cooperation with Frontex (network, projects) could be used to the best possible extent. As professional and specially trained border guards and return experts are one of the core resources for efficient border management, accurate planning of human resources is essential, including an efficient human resources strategy, based on a sound recruiting plan and a well-established career path.

The inter-agency synergies for capability development and planning are more integrated in the Member States where fewer national authorities are involved in border management. In addition, only **9 Member States** fully addressed the development of the national capabilities for border management in the content of the strategy, while **12 Member States** did partially, and **4 Member States** did not include this aspect.

Only 3 Member States addressed the strategic planning of human resources in the national strategies, while 13 Member States did not include any relevant reference to this element and 9 Member States need to consistently improve the reference to the management of the human resources in the document.

The evaluation revealed that it is essential to assess the strategic basis for capability development in the national strategies and for this purpose to adopt a cross-sectoral approach involving different national authorities. The efficient management of human resources, including recruitment and training, is a key aspect. These conclusions should be considered by Frontex while establishing the methodologies and procedures for the development of national capability development plans.

These conclusions should be instrumental for the Management Board of Frontex while establishing the methodologies and procedures for the development of national capability development plans in accordance with Article 9 of Regulation (EU) 2019/1896.

## **5.12. Solidarity mechanism**

Solidarity mechanism in the European Integrated Border Management refers to the financial support provided by the Union to the Member States to complement the national budget to ensure and guarantee efficient implementation of the European Integrated Border Management.

Based on the priorities established at the national and EU levels, Member States should formulate clear and well elaborated national priorities related to the use of EU funding to implement the European Integrated Border Management taking into account the results of the quality control mechanisms. The national planning for the EU financial programmes, in particular the Border management and Visa instrument, should be based and synchronised in all Member States with the national strategies.

All Member States have largely covered this area, **13 Member States** included relevant strategic elements to ensure financing of the implementation of the European Integrated Border Management. and **12 Member States** have to consolidate their approach on this topic.

### **5.13. Education and training**

Member States should provide and ensure basic, continuous, and specialised training for staff involved in border management and return on the basis of coherent training need analysis.

The EU concepts and standards such as the Common Core Curriculum designed by Frontex and the Sectoral Qualification Framework should be taken into account by each Member State when establishing their national training system for border management and return. Education and training is also an important part of the capability development planning of border management and should be aligned with the national strategy with a view to including all the relevant national authorities. The national authorities responsible for border management should ensure the necessary institutional capacity to implement the training system for border guards and return experts, such as the establishment of specialised training units.

Member States should nominate a national training coordinator and a national training institution (if relevant) as Frontex Partnership Academy to facilitate the cooperation with Frontex when developing and implementing the European Border Guard training concept. Less than half of the Member States (11) fully covered these aspects, and all others need to improve their approach in this regard.

Member States should also certify the national education and training programmes to guarantee and to standardise the required level of quality, and to consider using e-learning methods for all the authorities involved in border management. Only 9 Member States addressed the certification issue, and all other must include references to certification of training and the use of e-learning.

The overall assessment of education and training in the national strategies suggests that the situation is generally unsatisfactory with only a minority of Member States (7) having a consolidated approach to education and training.

#### 5.14. Fundamental rights

Member States should establish specific mechanisms in line with Union legislation and principles to promote fundamental rights as guaranteed in the Union legal order, including as enshrined in the Charter of Fundamental Rights of the EU and as reflected in the Fundamental Rights Strategy and the Code of Conduct issued by Frontex.

A high level of enforcement and monitoring of the application of fundamental rights principles and standards should be guaranteed by the national strategies. Such mechanism should aim at supporting the border guards and return experts to identify and protect the vulnerable groups. In addition, an effective national complaint mechanism related to potential violations of fundamental rights should be set at national level to ensure effective supervision. The national strategies should propose strategic objectives, to ensure clear responsibilities of the national authorities, procedures and specific guidelines, to safeguard the respect of fundamental rights standards in all stages of border management. Capacity building activities supported by sufficient institutional capacity and training are part of the strategic development of fundamental rights awareness at national level. The national strategies should also reflect the cooperation with international organisations and non-governmental organisations in the field of fundamental rights.

Furthermore, the national strategies should ensure that the provisions of data protection legislation should be fully implemented and monitored at national level.

The evaluation concluded that the Member States largely ensured in the national strategies that fundamental rights principles and standards are encompassed in all stages of border management as **12 Member States** have fully covered all elements relevant to fundamental rights in their national strategies and **7 Member States**, although they had included this element, needed to improve the content of the chapter. However, **6 Member States** have limited coverage of fundamental rights in their national strategies.

## 6. GENERAL ASSESSMENT

The overall assessment of the national authorities' contribution to the delivery of the European Integrated Border Management is positive as all Member States established national strategies to develop a strategic approach to border management and gradually implement it by aligning the content of the documents to the EU legislation and standards. Furthermore, the national strategies are officially adopted in half of the Member States.

After comprehensive preparation, the Commission and the Member States, supported by Frontex, have established a basis for the development of a *European culture for integrated border management*. For achieving this objective, the training programmes developed by the Commission and some Member States, and organised by Frontex were pivotal in the implementation and the current thematic evaluation of the national strategies.

It was positively noted that a permanent national governance structure necessary for the overall coordination and implementation of the national strategies was well established in most Member States where a national governance structure was nominated, and also the clear connection to the High Level Integrated Border Management Working Group established in Frontex was in place. These elements create a good basis for the implementation of the new policy cycle at the national and EU levels.

In general terms, the Member States should improve the priority setting in integrated border management at the political and strategic levels. This is even more evident in those Member States in which border management competences are fragmented as the overall challenge identified by the thematic evaluation was to find a reasonable balance between flexibility and the need to comply with different procedures and diverse national decision-making processes. The evaluation reports (attached in the annex) for each Member State outline the need to reinforce the link between priority setting in the national strategies and the allocation of resources.

As a general conclusion, the national strategies focus more on the current state of play and generally lack a far reaching strategic approach. In some Member States, the national strategies are not accompanied by action plans to ensure their effective implementation.

The stakeholders involved in or concerned by the European Integrated Border Management are diverse. The existing evidence suggests that further room for improvement lies in the need to identify joint strategic approaches to meet the needs of several stakeholders, and to streamline the coordination and cooperation between the different national authorities involved in the implementation of the European Integrated Border Management. In this regard, the consolidation of the national coordination structure is considered to be the right solution for the efficient implementation of the European Integrated Border Management.

Despite their heterogeneity, Member States demonstrated good strategic approaches in areas relevant to the governance, cooperation with third countries, return, the national and European situational picture, quality control mechanism, fundamental rights, and search and rescue. It



was also visible, that awareness of the necessity and usefulness of the strategy aligned with the Union standards has grown in the Member States.

As a general conclusion, several evaluation reports (in annex) highlighted concrete need for an improvement in the strategic approach of the Member States with regard to border control, border checks, border surveillance, referral mechanism, risk analysis, prevention, detection, and combating cross-border crime, measures within the Schengen area, cooperation between Member States supported by Frontex, solidarity mechanism, and interagency cooperation.

The strategic approach to the establishment of new information systems for border control and the development of the existing ones point to an overarching challenge in the strategic approach of the Member States. Some elements of border surveillance also need further improvement, especially the development of national border surveillance systems and the correlation with the results of risk analysis. The strategic approach to further develop comprehensive national contingency planning should be strengthened to guarantee an adequate capacity to better manage all types of crisis situations at the external border.

The most prominent shortcoming in the strategic approach of the Member States relates to the prioritisation and organisation of national resources for border management. Furthermore, most Member States face difficulties in critical functions connected to the management of human resources (staffing needs, staff allocations, recruitment policies, and career development), which is found as the weakest element in the way it is reflected in the national strategies. In addition, comparable assessment resulted for the area of education and training.

The alignment of the national strategies with the technical and operational European Integrated Border Management Strategy is still only partly accomplished. The strategic approaches taken by the Member States when drafting the national strategies and the lines adopted by Frontex for establishing the technical and operational European Integrated Border Management Strategy are not sufficiently integrated in relation to the format, content and general approach. This process will be overtaken in the near future by the implementation of the new Regulation (EU) 2019/1986, in particular, the establishment of the EU multiannual strategic policy cycle to steer the European Integrated Border Management. The results of the thematic evaluation will contribute to the establishment and implementation of this policy cycle, as well as the revision of the technical and operational European Integrated Border Management Strategy.

Based on the multiannual strategic policy developed by EU institutions, Frontex should revise the technical and operational European Integrated Border Management Strategy and Member States should revise the national strategies to ensure better alignment, and the efficient implementation of the European Integrated Border Management. **As a result, the revision of the Member States' national strategies will follow the implementation of the EU policy cycle in accordance with the timeline set up in the Roadmap for the implementation of Regulation (EU) 2019/1896.**

For better achieving these objectives, the updated training programme for strategic level

experts responsible for the implementation of the European Integrated Border Management. should be developed by the Commission, Member States and Frontex. This training should support the revision of the technical and operational European Integrated Border Management Strategy in coordination with the revision of the national strategies. Experience gained and lessons learned from this evaluation should be connected to this training.

As a result, the timeline for the revision of the Member States' national strategies will be aligned with the roadmap for the implementation of Regulation (EU) 2019/1896 and will follow the implementation of the multiannual policy cycle.

Overall, the results of this evaluation provide for a clear understanding of the current state of the process of alignment of Member States' national strategies with the legal and policy framework and the technical and operational European Integrated Border Management Strategy. This will contribute to the development and implementation of the future multiannual strategic policy cycle and the gradual introduction of a *European integrated border management* as requested by the Treaty.

*Annex for each MEMBER STATE*