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**REPORT FROM THE COMMISSION**

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

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

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

The effective protection of the European Union's external borders remains the essential element for the normal functioning of the Schengen area without internal border controls and for the delivery of the European Agenda on Migration. Since the entry into force of Regulation on the European Border and Coast Guard (hereinafter: the Regulation) eleven months ago, continuous efforts were made for its swift implementation, putting particular emphasis on making the European Border and Coast Guard Agency (hereinafter: the Agency) fully operational as quickly as possible. To this end, the Commission has been reporting on a regular basis on the progress made.

The present report takes stock of the progress made since June 2017. In light of the progress achieved, it recalls the key actions which the Agency, the Commission and Member States still need to take in the coming months.

The recommendations to remedy the vulnerabilities identified in the assessments in a number of Schengen States<sup>1</sup> have been sent and the concerned States have submitted their Action Plans accordingly.

The Agency has continued simulation exercises and emerging threat assessments, in view of assisting the Schengen States in identifying vulnerabilities related to possible future or already emerging challenges at the external borders.

The Agency has been carrying out joint operations along the main migratory routes, notably in the Central Mediterranean, the Eastern Mediterranean and further on the Western Balkans route. As indicated in the previous report, the Agency has also launched two new joint operations to address the irregular migratory flows on the Western Mediterranean route. The latter matches with and contributes to tackling the recent increase of irregular migration along this route.

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

The Agency continues providing operational support on the ground to Member States in border management with over 1,700 border guards and other relevant staff being deployed at different sections of the EU external borders. Previous reports identified gaps in deployment which still remain. The gaps are partly filled by assets and border guards deployed by the host Member States and co-financed by the Agency. However, Member States' contributions are needed to boost efficiently and sustainably the overall capacity of the host Member States to protect effectively their EU external border sections.

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

#### *Greece*

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

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<sup>1</sup> For the purpose of this Report, the term "Schengen States" refers to the Member States and third countries bound by the Regulation or which otherwise implement it in national law.

888 officers are deployed by the Agency in the context of Joint Operation Poseidon including the support for readmission activities and 280 security officers, co-financed by the Agency, that are deployed by the Greek Police. The figure includes experts assisting in the implementation of the hotspot approach as well as crew members of the deployed assets and coordination staff. The deployment also includes 3 offshore patrol vessels, 4 coastal patrol vessels, 12 coastal patrol boats, 1 fixed-wing aircraft, 2 helicopters, 16 patrol cars, 4 buses 4 thermo-vision vehicles and 4 mobile offices.

The Agency also supports Greece through Joint Operations Flexible Operational Activities and Focal Points in border control activities, with the current deployment of altogether 52 officers supported by 1 thermo-vision vans, 13 patrol cars, 1 heartbeat detector and 2 smartdeck cameras at the Greek land borders with Turkey, Albania and the former Yugoslav Republic of Macedonia as well as relevant air operations. The operational activity in Northern Greece enhances border surveillance and prevents irregular secondary movements, thus further reinforcing the EU's response to the challenges at the Western Balkans route.

The current deployment at the Greek land border with Albania and the former Yugoslav Republic of Macedonia consists of 31 officers (with 2 smartdeck cameras and 10 patrol car) with a continued shortfall of 35 officers until mid-September and then 37 until mid-October.

### ***Italy***

Under the umbrella of Joint Operation Triton deployed in Italy and in the Central Mediterranean Sea, the Agency has deployed 407 officers, including crew members of the deployed assets, coordination staff and experts assisting in the implementation of the hotspot approach. The deployment is supported by 3 aircrafts, 3 helicopters, 2 offshore patrol vessels, 6 coastal patrol vessels 1 coastal patrol boats and 12 mobile offices.

### ***Bulgaria***

The Agency continues to assist Bulgaria in controlling the land borders, also in view of preventing irregular secondary movements. The support is provided through Joint Operations Flexible Operational Activities and Focal Points at Bulgaria's land borders with Turkey and Serbia as well as relevant air operations. The current deployment comprises 126 officers (including crew members of the deployed assets) supported by 6 thermo-vision vehicles, 38 patrol cars, 1 CO<sub>2</sub> detector, 39 smartdeck cameras and 3 mobile offices.

### ***Spain***

The Agency is currently implementing three joint operations assisting the Spanish authorities by supporting coordinated operational activities at the external sea borders of the Western Mediterranean region and the Atlantic Ocean region (in the proximity of Canary Islands) in order to control irregular migration flows towards the EU and to tackle cross border crime. Joint Operation Indalo 2017 has already been implemented since May 2017 and additionally Joint Operations Minerva and Joint Operation Hera were launched in August 2017. The current deployment in Spain for maritime operations is 193 officers (including crew members of the deployed assets, coordination staff and debriefing teams), supported by 2 aircraft, 1 offshore patrol vessel and 1 coastal patrol boat.

### ***Western Balkans***

44 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 as well as Focal Points and Coordination Points at the land borders among the Member States and Western Balkans countries respectively. In addition there are 11 officers deployed in

Tirana airport in order to support and advise the local authorities in border checks. They are supported by 4 patrol cars.

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

In its last two reports, the Commission stressed the importance of elaborating a comprehensive strategy to develop the Agency's own capabilities, in particular to allow the Agency to fully benefit from 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. After the first discussion in June meeting, the Agency will present to the Management Board for adoption on 26-27 September 2017 the comprehensive strategy taking into account different possible options (i.e. purchasing, renting, leasing, long-term deployments) and how to keep them operational after acquisition.

Any acquisition or leasing of equipment entailing significant costs to the Agency shall be preceded by a thorough needs and cost/benefit analysis and consequently any such expenditure shall be provided for in the Agency's budget.

Therefore this strategy on the Agency's own capabilities should also set out how the Agency would develop its technical equipment in a long term perspective and should be accompanied by a corresponding assessment of the potential implications both in terms of the dependence of the Agency on the readiness of the Member States to deploy equipment and in terms of the evolution of the budget of the Agency in the coming years. All this without prejudice to a thorough needs and cost/benefit analysis related to concrete procurement of equipment by the Agency.

Such a comprehensive strategy on the Agency's own capabilities, would the Commission be in position to estimate the financial resources needed.

### Next steps

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

- *Since the shortcomings and gaps persist, step up its efforts in seeking the necessary contributions to the ongoing operations in the framework of bilateral contacts with Member States as matter of priority;*
- *ensure the swift endorsement by the Management Board at its September 2017 meeting of the comprehensive strategy on how the Agency's own capabilities will be developed and used in 2017-2020 and set out strategic objectives regarding the relevant equipment needed under the post 2020 Multiannual Financial Framework.*

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

- *Since the shortcomings and gaps persist, ensure that the agreed resources are made available to the Agency for the running of operations and the mandatory pools;*
- *immediately provide the necessary resources on the basis of the currently identified gaps as set out in Annex I.*

## **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 since 7 December 2016, on two issues already signalled in the report of June only partial progress has been made; therefore the full readiness of the Rapid Reaction Pool is still affected:

#### 1) Nomination of border guards

The requirement to nominate the border guards is clearly defined in Article 20(4) of the Regulation. The Agency needs the names of officers to ensure the quality of the Pool by verifying whether the nominated border guards correspond to the defined profiles and by ensuring that they are adequately trained prior to their participation in the operational activities. Despite the urgent calls from the previous report to complete the nomination by the end of June 2017, only five more Schengen States (Austria, Bulgaria, Croatia, Hungary and Malta) have provided the names of experts matching or exceeding the size of their respective contributions foreseen in Annex 1 to the European Border and Coast Guard Regulation. This amounts to only 15 Schengen States altogether (Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Estonia, Finland, France, Hungary, Luxembourg, Malta, the Netherlands, Romania, Switzerland and partly Germany).

At the Management Board meeting of 13-14 June 2017, the Agency presented a concept note containing different options for the nomination of experts to the rapid reaction pool also addressing the concerns voiced by Member States regarding the need for identifying the individual experts forming part of their contribution to the pool. However, while the suggested solution allowing Member States to nominate a required number of experts but also additional replacements was well considered by the majority of Member States, the discussions were not conclusive.

The issue will be back on the agenda of the next Management Board meeting on 26-27 September 2017. This discussion will be preceded by a technical workshop on 14 September 2017 to allow the Agency to comprehensively address with the Member States the composition and functioning of the Rapid Reaction Pool and prepare decisions for the Management Board meeting.

The Commission calls on the Agency and the Member States to swiftly remedy this very important outstanding issue. With this objective, on 12 July 2017, Commissioner Avramopoulos sent a letter to the Ministers of Interior of all Member States stressing that the lack of nomination of border guards remains a serious concern affecting the full operationalisation of the Rapid Reaction Pool and calling to nominate border guards in accordance with Article 20 of the Regulation.

#### 2) Harmonisation of profiles

Since the last report, following continued bilateral contacts of the Agency with Member States, more compliance was achieved between the number of experts pledged by the Member States per profile and the thresholds set up in the relevant implementing decision of the Management Board. While officers for some profiles continue to be slightly over-pledged, some deficits have been decreased, notably for registration/fingerprinting experts (from 137 to 29) and, to a lesser extent, also for screening experts (from 38 to 23).

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

Also this issue should be addressed in the technical workshop on 14 September.

### ***Rapid Reaction Equipment Pool***

As set out in previous reports, the Agency has again requested pledges needed from Member States at the meeting of the Pooled Resourced Network on 5-6 July 2017. However, by the end of August 2017, no new additional pledges were made for coastal patrol boats, offshore patrol vessels and thermo-vision vehicles, still leaving considerable gaps. The situation has therefore not changed since the previous Pooled Resourced Network of 25-26 April 2017 mentioned in the previous report. Effectively this means that since April 2017, the Pool continues to be ensured by only 14 Member States (Austria, Bulgaria, Croatia, the Czech Republic, Germany, Finland, Hungary, Italy, Latvia, the Netherlands, Poland, Portugal, Romania and Slovenia). Also this issue needs to be addressed during the dedicated technical workshop on 14 September and then in the following Management Board meeting.

Setting up and ensuring the full availability of human resources and equipment through the Rapid Reaction Pool and the Rapid Reaction Equipment Pool are prerequisite for the reinforcement of control at the external borders whenever an immediate response is required. Should there be no solution found at technical level regarding the outstanding issues which jeopardize the full operationalisation of the Pools, the Commission together with the Agency will assess next steps that could be taken to ensure that the Rapid Reaction Equipment Pool has the necessary equipment available.

### ***Rapid Reaction Exercise***

As called in the previous report, the Agency will organise shortly and before the end of October 2017 an exercise to verify the readiness and effectiveness of the mandatory deployment from the Rapid Reaction Pools in case of a rapid border intervention.

This exercise will allow the Agency to test the application of the rapid reaction mechanism, especially the Agency's capacity to properly distribute the needs among the Member States and seek their respective contributions. In line with the targeted request, each Member State will be expected to check the availability of the border guards and technical resources as declared for the Rapid Reaction Pools.

### **Next steps**

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

- *Since the Rapid Reaction Equipment Pool continues to be contributed by only 14 Schengen States, to urgently discuss this matter bilaterally with the relevant Schengen States and in the Management Board meeting to ensure that those that have not yet contributed to the Rapid Reaction Equipment Pool (Belgium, Cyprus, Denmark, Estonia, France, Greece, Malta, Norway, Luxembourg, Lithuania, Spain, Slovakia and Sweden) do so in view of filling the identified equipment gaps;*
- *rapidly ensure that the experts nominated to the Rapid Reaction Pool, especially registration/fingerprinting officers and screening officers, are provided according to the numbers of specific profiles defined by the Management Board;*
- *rapidly verify the availability of all 1,500 border guards in the Rapid Reaction Pool and carry out by the end of October 2017 a mock deployment of human and technical resources from the Pools.*

***Member States should:***

- *if not yet done so, rapidly contribute to fill the identified gaps of the Rapid Reaction Equipment Pool;*
- *communicate rapidly the names and profiles of the experts assigned to the Rapid Reaction Pool for those Member States that have not yet done so.*

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

*3.2.1. State of play on the vulnerability assessment process*

The reinforcement of preventive assessments guaranteeing the effective functioning of the Schengen area continues to be a top political priority for the European Union. As indicated in the past report, the Agency made intense efforts to prepare and conclude the first stage of the vulnerability assessment process (i.e. the **baseline assessments**<sup>2</sup>) in accordance with the common methodology and the agreed calendar.

Following the baseline assessments, in accordance with Article 13 (6) of the Regulation, the Agency's Executive Director has addressed to 21 Schengen States recommendations setting out a number of concrete measures to be taken. Following the compulsory consultation with Member States foreseen under the Regulation, the final recommendations were sent out between 13 July and 20 July 2017. The recommended measures concern 46 vulnerabilities out of the total of 136 vulnerabilities identified by the Agency throughout the baseline assessments. The recommendations aim addressing – as matter of priority– the most urgent vulnerabilities in relation to the current challenges at the external border. Member States were however invited to take into account the remaining vulnerabilities, for which no formal recommendations were made in accordance with the Regulation, in their national planning processes.

Most of the recommended measures have an implementation deadline of 6 months from the receipt of the recommendations. Some specific measures are only expected to be fully completed by the end of July 2019. The latter appears to be related to structural issues, such as staffing.

The timeline for the implementation of the recommendations means submitting an Action Plan to the Agency by the end of August 2017 and regular quarterly reporting on the progress in the implementation of the action plan. This will allow the Agency to effectively monitor the implementation of the recommendations by the Schengen 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. As of 4 September 2017, 13 Schengen States have sent their Action Plan to the Agency. A reminder was sent by the Agency to the remaining Schengen States.

In cases where the persistence of the vulnerabilities may put the overall functioning of the Schengen area at risk, failing to implement the recommendations within their respective time limit may trigger the procedures set out in Article 13(8) and Article 19 of the Regulation, i.e. the setting out of the necessary measures by the Management Board in a decision binding on the Member States concerned and ultimately activating the specific procedure in accordance with Article 29 of the Schengen Borders Code.

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<sup>2</sup> Baseline assessments are in-depth analysis of Member States' existing capacities in conjunction with current threat indicators against a set of objective criteria.

Moreover, as indicated in the previous report, on the basis of the baseline assessments for six Member States (Bulgaria, Croatia, France, Greece, Italy and Spain) the simulation exercises to assess their capacities to face future challenges at the external borders are carried out in 2017. For this purposes the six Member States had to submit additional information to the Agency by 1 September 2017. The Commission regrets that only two Member States have complied with this deadline. 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 reported, in parallel the Agency runs the Emerging Threat Assessments. Such Emerging Threat Assessments currently are being carried out by the Agency with regard to Greece, Italy and Spain.

Building on the first experiences from the Baseline Assessment, the Agency, supported by the Vulnerability Assessment Network which consists of the representatives of the Schengen States, is also working on the revision of the common methodology planned to be proposed for adoption by the Management Board in November 2017.

According to the new structure of the Agency adopted by the Management Board on 12-13 June 2017 to reflect the importance of the vulnerability assessments a dedicated unit has been created and is being steadily reinforced.

### *3.2.2. Impact of the vulnerability assessment on other components of the Schengen system*

The vulnerability assessment process, including its recommendations, assists the Schengen States in identifying any existing and possible future threats and vulnerabilities which may affect the effective management of their external borders. The assessments and implementation of its recommendations is an important contribution to safeguarding the proper functioning of the Schengen area, thus is in the interest of all Member States, not only of those concerned by the given recommendations. Consequently, the monitoring of the implementation of the measures identified is an integral part of the joint European endeavour aimed at managing migration in all its dimensions. Furthermore, it is equally important that the results of vulnerability assessments are also fully taken into account in other instruments contributing to the well-functioning of the Schengen area, namely Schengen evaluations and the EU funding in the area of managing external borders.

It is particularly important to ensure synergy between the Schengen Evaluation process and the vulnerability assessments since both mechanisms are part of the Schengen quality control efforts. Such synergy and coordination will make recommendations of both mechanisms mutually reinforcing and complementary and would also provide the basis for the Commission to better estimate and prioritise the financial resources needed.

To achieve that, the Commission has already shared with the Agency in February 2017 all the relevant documents related to the past Schengen Evaluations and will continue to do so on a regular basis for the subsequent evaluations.

To that end, the Commission has received the full package of the first results of the vulnerability assessments and will take the results (findings and corresponding recommendations) into account when assessing the overall functioning of the Schengen area and when assessing the draft national programmes under the relevant EU funds, notably the Internal Security Fund, and any requests for additional emergency funding.

#### Next steps

***The Commission will:***

- *continue following-up closely the vulnerability assessments and the implementation of its recommendations at political level and stands ready to work with the Member States, the European Parliament and the Council in view ensuring the well-functioning of the Schengen area.*

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

- *complete the simulation exercises till October 2017;*
- *continue monitoring the situation at the external borders, complete the on-going Emerging Threat Assessments and deliver their results to the Member States concerned in due time;*
- *by the end of November 2017, adopt the revised common methodology for vulnerability assessments based on the experiences gained.*

***Member States should:***

- *urgently submit to the Agency the relevant action plans for the implementation of the measures recommended by the Executive Director following the baseline assessments;*
- *ensure the timely and effective implementation of the measures recommended within the time limit set by the Executive Director following the baseline assessments and report quarterly to the Agency on the progress achieved;*
- *in view of the recurrent vulnerability assessments that the Agency shall carry out at least once a year, Member States, which did not provide the complete data on existing capacities, should improve their respective national processes of data collection;*
- *the six Member States selected for the simulation exercise should respond swiftly to requests from the Agency for additional data and information as well as provide timely comments on the interim assessments.*

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

The progress made by the Agency in the full implementation of its new mandate on returns continues to be mixed.

On one hand, the number of return operations conducted by the Agency jointly with the Member States has increased and the number of destination countries<sup>3</sup> enlarged. In total between 1 January and 31 July 2017, the Agency provided support to 193 return operations of third-country nationals during which 8608 illegally staying third-country nationals were returned.

On the other hand, the mandate on returns received by the Agency under the Regulation offers a much broader framework, with new instruments and tools that would enable the Agency and the Member States to significantly improve the return rates. This was also the objective of the Renewed Action Plan on Returns proposed by the Commission in March of this year, which the Member States fully endorsed.

To achieve this necessary operational transformation, with visible results in terms of return rates across Member States, the Agency needs to fundamentally change its approach, accompanied by an equally clear focus and drive from the Member States through the Agency's Management Board and through the actions of their authorities responsible for return.

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<sup>3</sup> Between 1 January and 31 July 2017, the most important third-countries of destination outside the Western-Balkans were: Tunisia (with support to 30 national return operations), Nigeria (12 operations), Afghanistan (11), Georgia (8) and Pakistan (6).

It is only through joint mobilisation of both the Agency and the Member States' responsible authorities that such an operational transformation can be achieved. For example, throughout 2017 the Agency has not yet provided support to voluntary departure operations from any Member State, and in general the use of the Agency's operational support for returns remains limited to only few Member States<sup>4</sup>.

The same applies to the three return pools of forced-return monitors, forced-return escorts and return specialists, which are now available for operational support<sup>5</sup>. Experts from the pools have been put to use in practice (44 monitors from the pool of forced-return monitors for 47 return operations, and 10 forced-return escorts were deployed in one return operation). But this effective tool remains overall under-utilised by the Member States, in particular with regard to forced-return monitors and forced-return experts. To encourage and facilitate the use of the pools, the Agency is yet to deliver to Member States a final set of practical modalities and rules concerning the deployment of personnel to the pools, their operational tasks and legal responsibilities.<sup>6</sup>

The procedures for chartering aircraft directly by the Agency<sup>7</sup> are still ongoing, while another much-expected tool for supporting return operations from the Member States, namely the return by commercial flights is to this date still pending. The Agency must finalise the launch of a targeted pilot project (now only expected in September<sup>8</sup>) and further develop it to cover all relevant return destinations.

The Agency needs to urgently advance efforts to address these shortcomings and gaps. In their turn, Member States must show a common commitment in significantly increasing results on returns. To that end they must use the Agency as the framework within which such results can be achieved. That would mean not only allocating resources based on established quotas and pledges, but actually aligning operationally their competent authorities responsible for returns, with their targets and practices, with those of the Agency.

The Commission invites the Agency to discuss this matter in the upcoming Management Board meeting.

In parallel, the Commission, with the support of Member States through both existing and new EU-funded programmes on return, will continue to offer targeted operational assistance

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<sup>4</sup> By 31 July 2017, the Member States that participated in most joint return operations were Germany (62), and Austria (26), followed by Belgium and Sweden (each 14), Hungary (13). On the other hand, several Member States in need of support make only very limited use or do not use joint return operations at all (for instance France with only one operation or Bulgaria with no engagement at all in 2016 and 2017).

<sup>5</sup> By 31 July 2017, the number of experts offered by Member States for the pool of forced-return experts still does not match the requested number (426 experts offered for 600 places); Member States and Associated countries that have not contributed to the forced-return escort pool are: Spain, Greece, Iceland, Malta, Switzerland, Sweden; Member States and Associated countries that have not contributed to the forced-return monitor pool are: Denmark, Estonia, France, Cyprus, Lithuania, Norway, Poland, Switzerland, Slovakia, Sweden; Member States and Associated countries that have not contributed to the return specialist pool are: Bulgaria, Czech Republic, Greece, Norway, Slovakia, Finland, Switzerland.

<sup>6</sup> See the fourth operationalisation report, COM(2017) 325 final, calling for the Agency to immediately finalise the practical modalities, rules, operational tasks and legal responsibilities for the deployment of the pools' members.

<sup>7</sup> At this point, Member States' authorities charter aircraft and other equipment for return operations themselves. These costs are then (partly) covered by the Agency. The Agency does not charter aircraft directly.

<sup>8</sup> See the Communication On a more effective return policy in the European Union – a Renewed Action Plan, COM(2017) 200 final, where the Agency was called upon to put in place by June 2017 a mechanism for commercial flights, as reiterated in the fourth operationalisation report.

aimed at directly supporting the Agency to fully develop all elements of its new mandate, to fill current operational gaps and to build sufficiently robust and flexible internal structures capable of offering full range of operational support to Member States. This process will also contribute to the full absorption of all EU-funded programmes on return in due time, including new activities and projects, as well as the know-how that has been developed under those projects, with the goal of building up the competence of the Agency.

#### Next steps

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

- *finalise, as a matter of urgency, the operational delivery of all the points that are or may still be outstanding<sup>9</sup>, including in particular:*
  - *immediately finalise and implement the practical modalities, rules, operational tasks and legal responsibilities for the deployment of the return pools' members;*
  - *launch a fully operational pilot project for use of commercial flights for return operations;*
  - *develop a strategy and pro-actively propose the organisation of return operations, based on the monthly information to be provided by the Member States, fully utilising the budget available for returns in 2017;*
  - *step up pre-return assistance, including, by organising identification;*
  - *finalise the mapping of Member States' capacities and return needs;*
  - *step up the training of third country authorities taking part to collecting return operations;*
- *together with Member States urgently discuss the state of play of the results in operationalising the new returns mandate to ensure that return rates are significantly increased in line with the Renewed Action Plan on Return;*
- *urgently put in place the necessary internal structures capable of offering full range of operational support to Member States and becoming the EU's coordinating and operational arm on return.*

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

- *provide, in the upcoming Management Board of September 2017, their contribution how the Agency can, in the short term, fulfil all outstanding elements under the new mandate, as well as the actions pending from the Renewed Action Plan on Return;*
- *since no Member State has done so 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;*
- *align their national strategies and operational plans on return with the the Agency's plans to progress towards operational integration of return activities at EU level.*

### **3.4. Headquarters agreement**

As called upon by the Commission in previous reports, Poland has now completed the ratification process for the headquarters agreement and notified the Agency accordingly. The Agreement will enter into force on 1 November 2017. The Commission is looking forward to the implementation of the Agreement, providing for the best possible conditions for the proper functioning of the Agency in accordance with Art. 57 of the Regulation.

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<sup>9</sup> See in particular COM(2017) 201 final; COM(2017) 219 final; COM(2017) 325 final; COM(2017) 200 final.

#### Next step

- *The Agency and Poland should ensure the smooth implementation of the Headquarters Agreement.*

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

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

At the Management Board meeting of 13-14 June 2017, the Management Board approved rules defining the role and tasks of such Liaison Officers, their access to information and, where relevant posting a single Liaison Officer to a cluster of several Member States. The Agency has started the procedure for the deployment of 1 liaison officer to a single Member State (Bulgaria) and confirmation of the main seats for the deployment of 5 liaison officers to the five clusters of Member States: 1) Italy and Malta, 2) Greece and Cyprus, 3) Slovenia and Croatia, 4) Romania and Hungary and 5) Spain and Portugal.

The Agency should accelerate the work on the draft Memorandum of Understanding, in order to sign, by October 2017, such a Memorandum of Understanding with each Member State to set out the modalities of deployment. The Agency has not yet launched the procedure to recruit the liaison officers. Given that before the deployment the selected candidates must be trained and familiarised with the Agency, the relevant publication of vacancy notices should take place without any further delay in order to ensure that liaison officers are effectively deployed by the end of 2017.

While the priority for the deployment is currently given to Member States which are considered more affected at the moment by the migration flows, the Agency should in parallel step up and accelerate the work towards the deployment of liaison officers to the remaining Member States, so they could effectively support the Agency in the next vulnerability assessment circle.

#### Next steps

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

- *Establish the draft Memorandum of Understanding and share it with the Member States concerned by the end of September 2017;*
- *Launch without any further delay the relevant selection procedures for the recruitment of the Liaison Officers in view of their training and effective deployment at the latest by the end of 2017;*
- *step up and accelerate the work towards the deployment of liaison officers to the remaining Member States by February 2018.*

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

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

### **3.6. Development of European Integrated Border Management strategic framework**

In the third progress report, the Commission proposed to develop a strategic framework for the European Integrated Border Management (IBM) with three integrated levels: 1) a political strategy by the Union Institutions 2) a technical and operational strategy by the Agency and 3) national strategies by the Member States. In that context, close cooperation between the Commission with the Member States and the European Parliament is a condition *sine qua non* for the successful development of the political IBM strategy and its smooth endorsement. The political strategy will steer both the Agency's technical and operational strategy and the national strategies.

The calendar for the process is very tight and ambitious due to the very complex consultation of different internal and external stakeholders. The first expert level meeting with Member States's experts took place on 20 June 2017 where the development process has been explained and the main components of the future political strategy were discussed. The Commission delivered a presentation to the LIBE Committee of the European Parliament on 29 June 2017 on the Integrated Border Management strategy development process and several working meetings are also foreseen in early September.

In addition, given the political importance of the strategy and its endorsement, a tripartite high level meeting is expected to take place on 17 October 2017.

#### Next steps

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

- *Organise a tripartite high level meeting in October 2017 with representatives of Member States and members of the European Parliament to further discuss the establishment of the political framework for a European Integrated Border Management;*
- *include a thematic 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 IBM strategy by February 2018;*
- *establish, in close cooperation with the Commission, a special Schengen evaluation training for selected Integrated Border Management experts.*

##### ***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).*

#### **4. CONCLUSIONS**

The roll-out of the new tools of the European Border and Coast Guard Regulation, as well as the provision of operational support by the European Border and Coast Guard Agency to Member States at various sections of the external borders affected by irregular immigration, have continued.

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

In addition, the Member States and the Agency need to deliver in the area of return operations by fully utilising the support tools now offered by the Agency's broader mandate.

The Commission, with the support of Member States will continue offering targeted operational assistance aimed at directly supporting the Agency to fully develop all elements of its new mandate, to fill current operational gaps and to build sufficiently robust and flexible internal structures capable of offering full range of operational support to Member States.

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

The Commission will continue reporting on the progress made in implementing the European Border and Coast Guard Regulation and to reinforce the external borders, notably on the operationalising the Agency's new mandate on returns and the development and implementation of a European integrated border management.