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

**on the evaluation of Regulation (EU) 2019/1896 on the European Border and Coast  
Guard, including a review of the Standing Corps**

{SWD(2024) 75 final}

## 1. Introduction

An area without internal border controls requires a comprehensive set of European Union (EU) rules that ensure a common and highly efficient management of our common external borders, as emphasised in the Commission's 2021 Schengen strategy<sup>1</sup>. The mission of the European Border and Coast Guard Agency (Frontex) is to support Member States in managing the external borders effectively and efficiently and addressing threats and migratory challenges at those borders, in full compliance with fundamental rights<sup>2</sup>.

The European Council of 26 and 27 October 2023 called on the EU institutions and Member States to engage in concerted efforts to mobilise all relevant policy areas at national and EU level to enhance internal security, including, inter alia, by the protection of the external borders, the fight against smugglers and close cooperation with third countries<sup>3</sup>. The European Border and Coast Guard, including Frontex, must play a decisive part in this effort.

In the last few years, the EU has taken a number of landmark decisions to strengthen its external borders, with the objective of turning the EU's external border management into one of the highest-performing systems in the world. The mandates of the key agencies, such as Frontex and the EU Agency for the Operational Management of Large-Scale IT Systems (eu-LISA), have been reinforced, a new Schengen evaluation mechanism was launched in October 2022<sup>4</sup>, a new IT infrastructure at the external borders is being implemented, and the visa process will be digitalised by 2030. In this context, the European Border and Coast Guard Standing Corps, established by Regulation (EU) 2019/1896<sup>5</sup> on the European Border and Coast Guard (the EBCG Regulation) and being set up progressively until the end of 2027, is a true example of European integration in the area of external border management. For the first time ever, the EU has its own uniformed service. The Standing Corps, made up of 10 000 Frontex and national officers, will be available at all times to support Member States facing challenges at the common external borders and to make returns more effective.

Frontex and the Member States' authorities responsible for border management and return and reintegration cooperate in the framework of the European Border and Coast

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<sup>1</sup> COM(2021)277 final: Communication from the Commission to the European Parliament and the Council "a strategy towards a fully functioning and resilient Schengen area".

<sup>2</sup> Article 1 of 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 Regulation (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019).

<sup>3</sup> EUCO 14/23, [20241027-european-council-conclusions.pdf\(europa.eu\)](#).

<sup>4</sup> Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2012 (OJ L 160, 15.6.2022).

<sup>5</sup> 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 Regulation (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019).

Guard. To make this cooperation as effective as possible, the EBCG Regulation tasks the Agency and the Member States with the effective implementation of European integrated border management as a shared responsibility. As part of this effort, the Commission, on 14 March 2023, published a communication establishing the multiannual strategic policy for European integrated border management<sup>6</sup>. This was complemented by Frontex in its technical and operational strategy<sup>7</sup> adopted on 20 September 2023.

Article 121 of the EBCG Regulation requires the Commission to carry out an evaluation of that Regulation by 5 December 2023 and every four years thereafter. The evaluation should assess, in particular, the impact, effectiveness and efficiency of Frontex<sup>8</sup>. The Commission is required to report to the European Parliament, the Council, and the Management Board of Frontex on the evaluation's findings.

The Commission is also required to carry out, by 31 December 2023, a review of the Standing Corps<sup>9</sup>, including its composition and its expertise and professionalism.

The Commission carried out the evaluation and the review between May 2022 and October 2023. They were based on a broad consultation exercise involving Member States' authorities, the European Parliament, the Council, Frontex itself, and relevant EU agencies, including the Fundamental Rights Agency<sup>10</sup>. This work has also been supported by an external study<sup>11</sup>.

This report sets out the conclusions that the Commission has drawn from the evaluation of the Regulation and the review of the Standing Corps, both detailed in the Commission staff working document that accompanies the report. However, even when taking into account that the implementation of the Regulation is not meant to be completed yet, the evaluation and the review identified important delays and gaps in some areas. To address those, the report also proposes measures, in the form of an action

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<sup>6</sup> COM(2023)146 final – Communication from the Commission to the European Parliament and the Council establishing the multiannual strategic policy for European integrated border management.

<sup>7</sup> Management Board Decision 30/2023 of 20 September 2023 adopting the Technical and Operational Strategy for European integrated border management 2023-2027.

<sup>8</sup> Article 121 requires the Commission to assess: (a) the results achieved by the Agency, having regard to its objectives, mandate, resources and tasks; (b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks; (c) inter-agency cooperation at EU level, including the implementation of European cooperation on coast guard functions; (d) the possible need to modify the mandate of the Agency; (e) the financial implications of any such modification; (f) the functioning of the standing corps; and (g) the level of training, specialised expertise and professionalism of the Standing Corps.

<sup>9</sup> The review (Article 59 of the Regulation) is to look at: (a) the overall number and composition of the standing corps; (b) the size of individual Member States' contributions to the Standing Corps; (c) the expertise and professionalism of the Standing Corps and the training it receives; and (d) the need to maintain the reserve for rapid reaction as part of the Standing Corps.

<sup>10</sup> FRA (2023) [The European Border and Coast Guard and fundamental rights](#)

<sup>11</sup> [To be updated once the study is published]

plan, to fully achieve the objectives of Frontex and the European Border and Coast Guard.

## 2. Abstract of the evaluation

Despite significant challenges, such as the Covid-19 pandemic, the instrumentalisation of migration and Russia's war of aggression against Ukraine, the evaluation concludes with a positive assessment of the relevance and EU added-value of the EBCG Regulation, which remains a sufficient basis to address current and future challenges at the EU's external borders.

Irregular migration continues to be an important challenge, requiring a common and coordinated response by the EU and its Member States internally and externally, in cooperation with partner countries. In accordance with recital 6 of the Schengen Borders Code; *'Border control should help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations'*. The implementation of the EBCG Regulation has contributed to strengthening the management of the EU's external borders, in full compliance with fundamental rights, and to improving the efficiency of the EU's return policy. It also allowed for the gradual but successful launch of the EBCG Standing Corps.

Since 2019, the Agency has stepped up its operational support to Member States in various areas of its mandate, meeting their needs to a great extent. The number of joint operations carried out between 2020 and 2023 steadily increased. In 2023, the Agency launched 24 joint operations, compared to 15 in 2020, 19 in 2021 and 20 in 2022, and had 2 874 personnel deployed in mid-October 2023, compared to 1 122 in 2020. During the evaluation period, the Agency has become increasingly pro-active in proposing operational support to Member States based on its own analysis of operational priorities.

Frontex also continued to increase support to Member States in return-related activities. In 2022, the Agency supported the effective return of 24 868 third-country nationals, an increase of 36% compared with the previous year. With the strengthened mandate in the area of return, the Agency, in parallel, is working on further increasing the deployments of Forced Return Escort and Support Officers and on enhancing activities under Joint Reintegration Services.

Cooperation with partner countries, as an important part of Frontex's mandate and in line with its International Cooperation Strategy, has gradually increased as well. In 2022, Frontex reinforced its operational engagement in partner countries by expanding its operational area and strengthening its operational capacity. As of October 2023, Frontex had nearly 600 staff deployed across ten joint operations in eight third

countries<sup>12</sup>. One new operation, JO North Macedonia, was launched in 2023 on the basis of the status agreement between North Macedonia and the European Union that entered into force in April 2023.

In addition, the Agency's risk analysis and vulnerability assessments have become well-established tools contributing to situational awareness, supporting an appropriate operational response. During the evaluation period, the Agency developed comprehensive methodologies and has steadily enhanced the quality of its risk analysis products, that increasingly focus on prediction and prevention, as well as of its vulnerability assessments to assess and monitor Member States' capabilities at the external borders.

Although the implementation period for the operationalisation of Frontex's mandate set in the EBCG Regulation is still ongoing and will continue until 2027, the evaluation identified a number of challenges that currently limit the effectiveness of the Regulation. While certain provisions of the Regulation could have provided more clarity (e.g. on fundamental rights), most of the identified challenges do not stem from the Regulation itself but are the result of organisational, technical or operational shortcomings, mostly delays, in its implementation (e.g. absence of clear command structure for the Standing Corps, gaps in certain Standing Corps profiles). Finally, another set of issues impacting the effectiveness of implementation stems from limitations, e.g. the lack of recognition of the executive powers given to the Standing Corps in the national law of some Member States, or from provisions in EU legislation beyond the EBCG Regulation itself, e.g. in relation to personal data processing by the Agency.

### **Key findings in the main areas of the evaluation**

The analysis of Frontex's **governance structure** shows that there is a clear distribution of tasks between the Management Board and the Executive Director. The oversight structure of the Agency, involving the European Parliament, the Council and the Commission is also clear and effective. Nevertheless, the evaluation finds that Frontex's internal governance is not yet fully fit to effectively support its 2019 mandate due to overlapping responsibilities and occasional conflicting approaches. The implementation of the new organisational structure adopted by the Management Board<sup>13</sup> in November 2023 should address this matter. Another finding is that authorities responsible for return are not yet adequately represented on the Management Board. Currently, Member States on the Management Board continue to be represented

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<sup>12</sup> Albania, Bosnia and Herzegovina , Georgia , Kosovo\*, Moldova , Montenegro, North Macedonia and Serbia. \*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>13</sup> MB Decision 45/2023 of 22 November 2023 on the new organisational structure of the Agency.

primarily by their national border management authorities, which are often not responsible for returns.

Looking at Frontex's activities, **situational awareness and risk analysis** are among the activities considered to add the most value at EU level. Frontex produces multiple risk-analysis products serving a wide range of stakeholders, in line with the objectives set out in the EBCG Regulation, and provides a broad coverage of thematic and geographical areas. These risk analysis products are used by Member States to feed into their own national-level analysis and, to some extent, into their operational planning. At the same time, they also contribute to relevant EU mechanisms and are essential to inform Frontex's operational activities.

**EUROSUR**, the integrated framework for the exchange of information and for operational cooperation within the European Border and Coast Guard, has played a significant role in the Agency's progress towards providing fully up-to-date, reliable and actionable information through 24/7 (near) real-time situation and crisis monitoring surveillance. It has contributed to creating a European situational picture, providing a common framework for information exchange, improving situational awareness and increasing reaction capabilities. The volume, quality, flow and speed of the data exchanged has increased considerably in recent years. However, EUROSUR is still not able to provide complete and entirely up-to-date situational awareness at the EU's external borders. This is primarily due to implementation problems, such as not all Member States reporting border events with the same completeness or regularity.

The respect of fundamental rights is an integral part of European integrated border management. The evaluation finds that the Agency's compliance with EU and international law, in particular the **fundamental rights framework** in place in Frontex, effectively contributes to the prevention of fundamental rights violations in the context of the provision of the support to Member States and third countries. Since 2021, with the strong support of its Management Board, Frontex has actively and effectively developed its internal rules, practices and training of the Standing Corps so as to enhance the respect, protection and promotion of fundamental rights in all its activities. Nevertheless, the evaluation draws attention to the question about the extent to which Frontex can be held accountable for the actions of Member States and how the Agency's actions could effectively contribute to ensuring that host Member States comply with fundamental rights during joint activities, such as joint operations. Here, the Agency's framework includes the option to use Article 46 of the EBCG Regulation, which allows the suspension or termination of operational activities in a Member State. While Article 46 represents an essential tool at the Agency's disposal, it should only be used as a last resort, as the evaluation suggests that Frontex's presence can positively contribute to greater overall compliance with fundamental rights. Therefore, the evaluation concludes that, at this stage, there is no need to modify Article 46.



Frontex's **operational activities** are found to have clear added value for Member States, supporting the implementation of EU policy priorities. Frontex provides extensive technical and operational assistance to Member States through joint operations and rapid border interventions, including technical and operational assistance in the support of search and rescue operations. The effectiveness of operational support provided by the Agency is at times somewhat hindered by the current availability of certain Standing Corps profiles and types of equipment requested by Member States. The new command structure of the Standing Corps, currently under development, will also increase the Agency's effectiveness. Overall, Frontex's operational support appears to have contributed to achieving the objectives of the European Border and Coast Guard; however, cooperation between Frontex and national authorities could be enhanced to increase the effectiveness of deployments.

Frontex's **cooperation with other EU agencies**, such as Europol, **and with third countries** has been hampered to some extent by delays in implementing an appropriate personal data protection framework to allow for an effective exchange of information. The necessary data protection rules were adopted by the Frontex Management Board in early 2024. As regards third countries, the personal data protection rules in the model working arrangement for third countries adopted by the Commission in December 2021 are in the process of being reviewed.

Frontex has been playing an active and positive role in European cooperation on coast guard functions, notably through inter-agency cooperation with the European Fisheries Control Agency and the European Maritime Safety Agency, in the framework of a tripartite working arrangement.

The cooperation between Frontex and Europol in particular needs to be stepped up to enhance the fight against migrant smuggling and human trafficking, to deliver on the objectives of the Commission's recent proposals to modernise the legal framework to combat migrant smuggling<sup>14</sup>. The conclusion of a working arrangement between the two agencies, which is currently being negotiated, will inter alia facilitate the transfer of data for this purpose.

In addition to managing the external borders, the EBCG Regulation explicitly tasks Frontex with providing technical and operational assistance in implementing **return** measures. The evaluation concludes that Frontex has effectively supported Member States in all aspects of the return process, particularly in organising joint return

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<sup>14</sup> Proposal for a Directive of the European Parliament and of the Council on preventing and countering the facilitation of unauthorised entry, transit and stay in the Union (COM/2023/755 final) and Proposal for a Regulation of the European Parliament and of the Council on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings (COM/2023/754 final).

operations and other return-related support, including reintegration. The evaluation finds however that there is room for improvement in the cooperation between the Agency, national authorities responsible for return and the European Commission.

### 3. Abstract of the Review of the Standing Corps

One of the most notable innovations in the EBCG Regulation is the creation of a European Border and Coast Guard Standing Corps, the first-ever EU uniformed service. The Standing Corps gives Frontex a unique tool to support Member States on the ground in their efforts to protect the external borders, fight cross-border crime (including migrant smuggling, trafficking in human beings, terrorism and hybrid threats), and significantly step up the effective and sustainable return of irregular migrants.

The setting up and deployment of the Standing Corps is to take place gradually under the Regulation. It helps foster a common European Border and Coast Guard culture, contributes to the respect of fundamental rights and promotes the highest standards in the implementation of the Schengen *acquis* and good practices.

The Standing Corps is still being built up and aims to become an even more reliable and permanent support for Member States.

The review concludes that changing migratory trends require a flexible and agile deployment of support to Member States, bridging gaps and helping handle unexpected situations. In this context, the recent increase in irregular migration also highlights the need to fight human smuggling and trafficking more effectively. Additionally, security challenges ranging from terrorism to hybrid threats have been on the rise, as evidenced in the most recent attacks in Europe. Episodes of instrumentalisation of migration, attempting to destabilise the EU and its Member States, have also been reported. At the same time, the number of authorised crossings of the external borders continues to grow steadily, emphasising the need to ensure smooth bona-fide travel for business, tourism and international cooperation amid ongoing globalisation. This requires the Agency to be more forward-looking and better at predicting new trends. The Member States, on their side, need to respond effectively to the Agency's calls for staff to be deployed. This also requires that the specific profiles of Standing Corps officers, which define their operational roles, are adaptable to the changing situation.

#### **Overall number and composition of the Standing Corps**

Even though the setting up of the Standing Corps is still in its early stages, it has already proven its added value, and its operational support is appreciated by Member States. Building up the Standing Corps to the required size of 10 000 members by 2027 is in progress. This number was originally based on operational needs assessed at the time



the Standing Corps was proposed, as well as on developments at the EU's external borders. It is overall proportionate to the national capabilities. The EBCG Regulation provides support to Member States in building up the Standing Corps<sup>15</sup> in the interest of the entire EBCG. While this process requires significant efforts from the Agency and from Member States, the results of the review, considering also the present situation at the EU's external borders, do not warrant adjustments at this stage.

However, the current composition of the Standing Corps requires fine-tuning to ensure that it better corresponds to operational needs. There are gaps in the availability of certain specialised experts and profiles. While Member States expect to have additional support from category 1 staff in certain specialised areas, the Agency's statutory staff cannot yet provide such specific expertise in all areas where this is needed, nor Member States have enough specialists available. This situation is expected to improve over time by focussing the training of the Standing Corps on profiles that are the most in demand.

In addition, certain limitations stemming from the EU Staff Regulations<sup>16</sup> that have an impact on the effectiveness of the Standing Corps' category 1 deployment, such as working conditions, allowance entitlements, ranks and reclassification or deployment rules, need to be addressed, primarily through the adoption of new or amended implementing rules, in line with the relevant provisions of the Staff Regulations. Furthermore, it is essential to address deficiencies in diversity, especially in terms of national balance for Standing Corps category 1 staff. The Agency's new HR strategy<sup>17</sup> should allow Frontex to improve the current situation, including with respect to gender.

After initial delays in recruiting statutory staff for the Standing Corps, implementation is now proceeding at full speed. Looking ahead, it is crucial to secure adequate recruitment resources and put in place appropriate processes. Moreover, it is essential to deploy the Standing Corps to operational tasks along the external borders, in third countries and in return operations. The Agency's headquarters in Warsaw should only have a very limited number of Standing Corps staff assigned to support roles.

The Agency has made significant progress in the recruitment of Standing Corps category 1 officers, increasing the number of deployable Standing Corps category 1 officers from 678<sup>18</sup> at the end of 2022 to 970 in September 2023<sup>19</sup>. The Agency

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<sup>15</sup> E.g. Article 61 of the EBCG Regulation.

<sup>16</sup> Regulation No 31 (EEC), 11 (EAEC) laying down the Staff Regulations of Officials and the Conditions for employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ P 045, 14.6.1962, p. 1385).

<sup>17</sup> MB Decision 44/2023 of 22 November 2023 adopting the Frontex Human Resources Strategy 2024-2027.

<sup>18</sup> Quarterly Report on the European Border and Coast Guard Agency's Capabilities, Q4/2022.

<sup>19</sup> The overall target for category 1 statutory staff is set at 1 000 and 1 500 officers for 2022 and 2023 respectively in Annex I to the EBCG Regulation. However, that number includes statutory staff

therefore almost reached the required number of deployable staff in 2023<sup>20</sup>. The Agency also reported 450 seconded Standing Corps category 2 staff and 3 899 nominated Standing Corps category 3 staff. The 2023 target of 1 500 nominated Standing Corps category 4 staff has been reached<sup>21</sup>.

The reserve for rapid reaction (category 4) was set up to address unexpected needs before the Standing Corps reaches a critical mass. As of now, there has been no need to use this reserve. By 2025, other categories of the Standing Corps, such as statutory staff, long-term secondments, and short-term deployments from Member States, will reach a level that allows for resource reallocation if there are unexpected and disproportionate needs. The planned phasing-out of the rapid reaction reserve remains on track.

The size of national contributions is considered to be in line with national capabilities. Member States' individual contributions vary from 0.14% to 1.5% of national capabilities. The current distribution key has proven to be effective. Significant EU funding has been devoted to supporting Member States in building up their capacity both in terms of staff and technical assets. However, the development of the EBCG requires important efforts from Member States as well and some face challenges in building up their own capacity. Contributions to the Standing Corps as established by the Regulation appear to be sufficient on the whole to meet the objectives of the EBCG Regulation as the Agency has been able to address nearly all Member States' urgent requests for assistance.

### **Standing Corps professionalism and training**

The Agency has initiated training measures for Standing Corps staff to ensure that they comply with high professional standards and can be deployed effectively. This includes their awareness of and compliance with relevant fundamental rights obligations and standards, with international human rights and humanitarian law. However, the review shows that several aspects of the training concept for the Standing Corps need to be further developed, in order to ensure that the amount, content and quality of the training of statutory (category 1) staff enables them to provide effective support to Member States in specialised areas. This also includes updating the training curricula to ensure sufficient practical training to prepare the statutory staff for their work at the borders. The Agency must secure adequate training resources.

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deployed as members of the team in operational areas, staff responsible for the functioning of the European Travel Information and Authorisation System (ETIAS) and the 'up to 4% support staff' in line with Articles 54(7) and 54(8) of the EBCG Regulation.

<sup>20</sup> Management Board Decision 20/2022 of 16 March 2022 adopting the European Border and Coast Guard standing corps annual planning for 2023 and indicative multiannual planning of profiles.

<sup>21</sup> Data from the Agency's Report on capabilities for the information of the Management Board, 5/9/2023.

The training system is to be updated, taking into account the implementation of European integrated border management, as part of the development and implementation of the EBCG capability roadmap, which is a key instrument in the Regulation to ensure the integrated planning of EBCG capabilities. The Agency is developing the capability roadmap with input from Member States, with the aim of converging the national capability development plans and the Agency's multiannual planning of resources, in order to optimise long-term investments by the entire EBCG. It should guide Member States in how they develop their staff and assets, including close coordination in recruiting and training their staff, including the Standing Corps.

In addition to the issues identified about their training, statutory staff also face other difficulties that prevent them from fully using their skills. These matters must also be addressed to ensure that the Standing Corps works professionally and effectively. For example, procedures to access national databases, language-related problems, and dependence on the host Member State in several administrative and procedural issues limit the staff's capacity to work independently. These challenges cannot be tackled through quick and easy fixes but require the close and ongoing cooperation of the Agency and Member States.

Furthermore, in the implementation of the Regulation, several practical issues have arisen, which must be addressed by the Agency to ensure that the Standing Corps can provide its full support to Member States while achieving the highest possible levels of professionalism. These include a need to improve the planning, management, organisation (including of deployments and re-deployments), administrative arrangements, human resource management, terms of employment, internal communications, logistics, standard operational procedures and coordination with and support to the host Member State.

#### 4. Conclusions

Despite some delays and gaps listed above, the European Border and Coast Guard as conceived in the EBCG Regulation is working well, taking into account the current state of implementation. It has largely achieved its objectives in the way that was expected, with some key activities yet to be fully implemented. Stakeholders agree that the objectives of the EBCG Regulation could not have been achieved sufficiently by Member States acting alone. Therefore, the EBCG Regulation remains relevant in addressing the current and future situation at the EU's external borders. Irregular migration continues to be a major challenge and requires a common and coordinated response by all Member States for the foreseeable future.

The Regulation contributes to the effective development and implementation of all components of European integrated border management. Although the implementation

of the Regulation is still ongoing, it has resulted in setting up and deploying the first-ever EU uniformed service – the EBCG Standing Corps.

The Standing Corps set out in the EBCG Regulation is a beneficial and necessary part of the implementation of European integrated border management. It has been proven to contribute to ensuring effective border management at the EU's external borders and a secure Schengen area. The size and composition of the Standing Corps, as well as annual contributions to be provided by Member States, as laid down in the annexes to the EBCG Regulation, remain justified and proportionate.

Nevertheless, the implementation of the Standing Corps is still ongoing and has faced several challenges. In this regard, it is important to continue monitoring developments in terms of operational needs to ensure that the Standing Corps remains fit to respond to the ever-changing situation at the EU's external borders. Furthermore, it is crucial that the Agency and Member States implement the multiannual strategic policy cycle for European integrated border management and the related process of integrated planning for operations and contingency planning. The Standing Corps will also contribute to improving response capabilities at the external borders for detecting, preventing, and combating illegal immigration and cross-border crime. This helps save migrants' lives and ensures their protection through effective and flexible deployments and re-deployments of the Standing Corps based on current operational needs.

The Commission considers that the evaluation of the Regulation and the review of the Standing Corps confirm that overall, there is no immediate need for a revision of the EBCG Regulation or its annexes. The revised mandate conferred on the Agency in the EBCG Regulation that was adopted in 2019 is still being implemented, and the Commission considers that at the moment most of the shortcomings identified in the evaluation and review can still be addressed in the implementation period that remains.

To streamline the measures needed to address these findings, and to support the implementation of the EBCG Regulation and make it fully effective by 2027, **the Commission is proposing an action plan** to be implemented by the Agency, its Management Board, Member States and the Commission.

Of the various issues identified across the evaluated areas, the following actions are considered to be of particular importance:

The **full implementation of the Agency's new organisational structure**, particularly in relation to the Standing Corps, is seen as an important step in achieving the Agency's core mandate, which is to oversee the effective functioning of border control at the external borders and to provide assistance to Member States with implementation of the operational aspects of external border management. The development and implementation of a new chain-of-command structure with clear reporting lines and

communication channels is considered critical for improving the Standing Corps' operational effectiveness.

Furthermore, it is crucial to ensure a long-term strategic view, planning and predictability to key investments in **capabilities** at the Agency and in Member States. To do this, there is a clear need to develop and regularly update the capability roadmap and national capability development plans. The integrated planning process for the EBCG must also be further developed and implemented. This is vital to ensure swift and flexible deployments based on operational needs.

**Return activities** are becoming a more prominent part of the Agency's new mandate. As a result, it is vital that the Management Board ensures a proper strategic steering of return-related issues, with a possibility to also consider discussions at the High-Level Round Table meetings. Improved coordination and communication between the Commission, in particular the Return Coordinator, and the Agency and between the Agency and the responsible national authorities are essential for the Agency to be able to provide effective operational support to Member States, including on returns, in full respect of fundamental rights.

The objective remains to **build up the Standing Corps** to the planned 10 000 fully operational staff by 2027. Actions ensuring a satisfactory level of training that meets operational needs, particularly for Standing Corps category 1 and efficient recruitment processes are particularly important. In addition, it is also necessary to further consider how to resolve certain issues stemming from the EU Staff Regulations, or its implementing rules, for Standing Corps category 1 staff to make the Agency's uniformed statutory staff fully operational.

Finally, in the area of **situational awareness**, measures will be considered that provide an accurate, complete and up-to-date situational picture and risk analysis. This can be achieved by, for example better including vulnerability assessment data in risk analysis products and by the further development of EUROSUR. Such measures will be further reflected on with the aim for these analytical products to better support operational decision-making.

The Commission will follow closely the implementation of the action plan annexed to this report and may propose any adjustments, including of a legislative nature, as may be required in the future.



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ANNEX

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## Annex I

### Action plan to support the implementation of the EBCG Regulation

While the evaluation of the EBCG Regulation and the review of the Standing Corps have shown that the Regulation delivered a good result in terms of its relevance, coherence and EU added value, they have also revealed a number of shortcomings in its implementation that need to be continuously addressed.

The implementation of the Regulation is work underway; therefore, this action plan lists the most important implementation gaps identified during the evaluation that must be addressed in the process, as well as the way forward and the responsible actors. The action plan is without prejudice to the implementation of the tasks of the Agency under the EBCG Regulation and relevant Management Board decisions (e.g. ICT Strategy). Rather, the implementation of these actions, alongside the other tasks of the Agency, should enable the Regulation to reach its full effectiveness by 2027.

#### *Governance and organisational structure of the Agency*

Issue	Actions	Responsible actor
1. The organisational structure of the Agency is not yet fully aligned with its mandate, in particular as regards the management of the Standing Corps.	1.1 Full implementation of the new organisational structure, including the phasing out of Standing Corps staff from the headquarters of the Agency.	Frontex

#### *Operations*

Issue	Actions	Responsible actor
2. The Agency's operational planning cycle is cumbersome	2.1 Further develop the short, medium and long-term prioritisation of deployments at border sections and the related needs assessment so as to improve the planning of deployments.	Frontex

and slow, deployments do not always reflect the changing operational needs at a border section.	2.2 Develop and roll out the Standing Corps' operational concept to improve the effectiveness of deployments and to make the allocation of resources more flexible.	Frontex
	2.3 Base operational planning primarily on risk analysis and vulnerability assessment that are constantly updated and accompanied by appropriate performance indicators to support operational decision-making.	Frontex
	2.4 Based on an integrated planning process, develop and roll out operational and contingency plans that ensure compatibility and flexibility to host joint operations.	Member States Schengen Associated Countries (SAC)
3. The Standing Corps has complex and inefficient command-and-control structures, including multiple reporting lines that limit its operational effectiveness.	3.1 Develop and roll-out a new chain-of-command structure that creates clear reporting lines and enables decisions to be made and implemented swiftly in the Standing Corps.	Frontex
	3.2 Establish clear roles and communication channels between the Agency's headquarters and deployed staff.	Frontex
4. Certain practical and logistical issues (e.g. weapon transportation, use of blue lights, car rentals and accommodation) create significant difficulties for deployed Standing Corps staff and for the use of technical equipment (e.g. recognition of Frontex vehicles, registration, maintenance).	4.1 Identify the list of practical and logistical issues in the Member States/SAC that hinder the deployment of the Standing Corps and of equipment.	Frontex
	4.2 If necessary, amend national legislation to enable the full and effective implementation of the EBCG Regulation in this area.	Member States/SAC
	4.3 Establish capacity and develop processes to provide logistical and technical support to the Standing Corps and technical equipment deployed at the external borders, e.g. by setting up antenna offices.	Frontex
	5.1 Provide access to SIS to Standing Corps staff, so as to enable their first-line work.	Frontex

5. Deployed Standing Corps staff does not have access to European (e.g. SIS) and national databases in most host Member States, which significantly limits the effectiveness of deployments (e.g. inability to conduct border check).	5.2 Review and eliminate obstacles in national legislation, or of a technical or administrative nature, that prevent the Standing Corps from accessing national databases that are necessary to carry out their tasks, as defined in the EBCG Regulation and in the operational plans.	Member States/SAC
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### *Return*

Issue	Actions	Responsible actor
6. In light of the Agency's extended mandate on return, the Management Board does not provide sufficient strategic steer and follow-up on the work of the High-Level Round Table on Return. MB agenda items on return are currently focussed on reporting on the Agency's activities only.	6.1 Review of the members and alternate members of the Management Board.	Member States/SAC
	6.2 Ensure that strategic discussions on return are regularly scheduled for the Management Board meetings.	Management Board
	6.3 Adjust the timing and frequency of the meetings of the High-Level Round Table on Return, as well as of technical meetings, to enable the effective preparation of and follow-up to the strategic discussions at the meetings of the Management Board.	Frontex European Commission Member States/SAC
7. There is insufficient coordination between the European Commission and the Agency in the context of the organisation of operational support on return.	7.1 Regular upstream coordination on operational activities and on choices of engagement in and with third countries to ensure that the Agency's operational support contributes to the implementation of EU priorities, including of the roadmap on targeted return actions led by the Return Coordinator and of Article 25a of the Visa Code. Regular meetings to ensure that the Agency operates on the basis of the latest information regarding engagements with Member States and third countries.	Frontex European Commission

8. Competences in the area of return are often scattered across different national authorities in the Member States. Communication with the national authorities responsible for return via the National Focal Point of Contact (NFPOC) does not always work seamlessly.	8.1 Enable appropriate cooperation and flow of information between NFPOC and national authorities responsible for return.	Member States/SAC
	8.2 Strengthen national EIBM governance by bringing together all national authorities responsible for return in an appropriate national forum and appoint specific contact points for return so as to enable the representation of a single national position at EU-level meetings.	Member States/SAC
9. Divergent understanding of key return-related concepts (e.g. voluntary return, voluntary departure) lead to divergent views on the scope of Frontex's support.	9.1 Dedicated discussions in the High-Level Roundtable on Return on the scope of the Agency's services to support return with a view to diminishing divergences and facilitating the operational application of the Agency's mandate in the area of return.	Frontex European Commission Member States/SAC
10. The pool of forced-return monitors is insufficient to monitor all relevant return operations.	10.1 Increase the number and availability of the pool of forced-return monitors to enable the monitoring of all relevant operations.	Frontex Member States/SAC

### *Situational awareness*

Issue	Actions	Responsible actor
11. The situational picture at the EU external borders that EUROSUR provides is not entirely accurate, complete, and up-to date. This is partially due to the varying level of	11.1 Align the information and quality requirements and monitor compliance so as to ensure that national authorities provide complete and comparable information about their external border sections.	Frontex Member States/SAC

cooperation, reporting practices and of integration of new capabilities by national authorities.		
12. High costs and limited added value of upgrading the EUROSUR communication network to CONFIDENTIEL UE/EU CONFIDENTIAL classification level, as provided for in the EBCG Regulation.	12.1 Identify the actual needs, in terms of the type and scale of information to be exchanged, to upgrade the information exchange in EUROSUR, and other EU classified information exchange systems, up to the CONFIDENTIEL UE/EU CONFIDENTIAL classification level.	Frontex Member States/SAC
	12.2 Develop solutions and implement a roadmap that enables information exchange up to CONFIDENTIEL UE/EU CONFIDENTIAL classification level with more limited financial and logistical investment.	Frontex
13. Risk analysis does not cover return and information on third countries, despite being key components of EIBM.	13.1 Develop indicators and data needs that enable the Agency to carry out risk analysis on return and migratory flows from third countries.	Frontex Member States/SAC
	13.2 Regularly monitor the coherence of information on return and migratory flows from third countries available at Frontex with official European statistics. Work with Member States and the European Commission (Eurostat) to improve data coherence where differences exist.	Frontex Member States/SAC European Commission
14. Vulnerability assessment data are not fully used in risk analysis products, despite being key instruments to identify potential vulnerabilities at the EU's external borders, thereby reducing the accuracy of risk analysis.	14.1 Review and remove obstacles to using the vulnerability assessment data in risk analysis, including the review of the respective methodologies and confidentiality requirements.	Frontex Member States/SAC
15. The mechanism to enforce the Executive Director's recommendations to Member	15.1 Swifter decisions on the recommendations of the Executive Director to Member States so as to eliminate vulnerabilities more effectively at the EU's external borders.	Management Board

States, on the basis of vulnerability assessments, is not fully exploited, although those recommendations concern serious vulnerabilities at the external borders that pose a risk to EIBM.		
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### *European integrated border management*

Issue	Actions	Responsible actor
16. The successful implementation of EIBM largely depends on the effective and aligned implementation of the EIBM multiannual policy cycle in the national strategies for EIBM which are still in the process of being adapted.	16.1 Align the national strategies for EIBM with the requirements on its 15 components set out in the Communication on the EIBM multiannual strategic policy and the Technical and Operational Strategy for EIBM.	Member States/SAC

### *Capability development*

Issue	Actions	Responsible actor
17. Lack of long-term strategic view and predictability to key investments in capabilities, such as recruitment, training,	17.1 Develop the capability roadmap and provide annual updates to the Management Board on its implementation so as to further develop and implement the integrated planning process for the EBCG.	Frontex



technical equipment and research and development, at the Agency and in Member States.	17.2 Establish and update the national capability development plans, in line with the national strategy for EIBM, including the medium- to long-term evolution of the national human and technical capabilities for border management and return.	Member States/SAC
18. The implementation of the Agency's acquisition strategy lags behind schedule which negatively impacts the Agency's ability to absorb the financial resources available for technical equipment under the Multiannual Financial Framework and thereby the achievement of the objectives of the EBCG Regulation.	18.1 Establish and respect key milestones for the acquisition or lease of technical equipment.	Frontex
	18.2 Review the practical application of the rules on public procurement in the Agency to identify and, where possible, address the problems that result in a high number of unsuccessful procurements.	Frontex
	18.3 Provide a governance structure that enables the Management Board and Member States to closely monitor the Agency's progress on the implementation plan.	Frontex Management Board
19. The needs of Member States for the Agency's support with technical equipment, especially with large-scale equipment, greatly exceeds the Technical Equipment Pool available to the Agency; this has a significant negative impact on the Agency's ability to meet the operational needs at the EU's external borders.	19.1 Improve long-term planning and ensure Member States' commitment to contribute to the Technical Equipment Pool so as to enable swift deployments reflecting actual operational needs.	Frontex
	19.2 Contribute to the Technical Equipment Pool in line with the legal obligations set out in the EBCG Regulation.	Member States/SAC

## Cooperation

Issue	Actions	Responsible actor
20. In the last years, the Agency concluded or renewed several working arrangements with EU bodies and agencies. However, some key aspects of its cooperation (notably with Europol) are based on arrangements pre-dating the EBCG Regulation and therefore are not aligned with it.	20.1 Review and, where necessary, renegotiate working arrangements so as to align them with the requirements of the EBCG Regulation to ensure effective operational cooperation, including information exchange.	Frontex Management Board
	20.2 Conclude a renewed working arrangement between Europol and Frontex to facilitate inter alia the transfer of data for the purpose of fight against migrant smuggling.	Frontex Europol
21. Synergies with other EU agencies are not fully exploited in cooperation with third countries with respect to tackling irregular migration and related cross-border crime, in particular migrant smuggling.	21.1 Develop closer cooperation with other EU agencies within the boundaries of the agencies' legal mandates with a view to optimising the use of resources, information and know-how to step up cooperation with third countries to tackle irregular migration and related cross-border crime.	Frontex Europol Eurojust
22. The Agency has working arrangements with a number of international organisations, including some that pre-date the EBCG Regulation and are not listed therein.	22.1 Review the existing working arrangements with international organisations and align them with the EBCG Regulation.	Frontex Management Board
23. Status agreements enable Frontex deployment in third countries with a view to strengthening their external	23.1 Intensify efforts to negotiate and conclude status agreements with priority third countries, in line with the EU's overall relations with these countries, to enable the deployment of the Standing Corps and of technical equipment in accordance with operational needs.	European Commission

border protection. However, status agreements have not been concluded yet with important countries of origin or transit of migration towards the EU.		
24. The Agency has not been able to conclude any new working arrangements with third countries under the EBCG Regulation, as the European Data Protection Supervisor considered that the provisions on the protection of personal data were insufficient in the Commission's model working arrangement.	24.1 Update the model working arrangement by including provisions that ensure the protection of personal data in line with the applicable EU legal framework.	European Commission
	24.2 Intensify efforts to conclude working arrangements with third countries, including adequate provisions on the protection of personal data.	Frontex Management Board

### ***Fundamental rights***

<b>Issue</b>	<b>Actions</b>	<b>Responsible actor</b>
25. The Agency's Fundamental Rights Strategy has not been fully implemented yet.	25.1 Implement all components of the action plan of the Fundamental Rights Strategy across all activities of the Agency and EBCG as a whole, as applicable.	Frontex Member States / SAC
	25.2 Report regularly to the Management Board on the progress of implementation and its evaluation to the Management Board.	Frontex
26. While the Fundamental Rights Officer (FRO) can investigate incidents that occur during operations where the Agency	26.1 Review and, where necessary, strengthen the effectiveness, independence and timeliness of the investigations of possible fundamental rights violations committed by the staff of the national authorities of Member States, including by developing clear and transparent procedures.	Member States/SAC

<p>participates, fundamental rights violations committed by the staff of Member States can only be followed up on and eventually sanctioned by national authorities. There is a mixed experience in Member States as regards the effectiveness of the follow-up to the FRO's reports and cooperation with the FRO.</p>	<p>26.2 Ensure that all operational plans stipulate clear procedures and timelines for cooperating with the FRO's investigations both by the Agency and the authorities of the host Member State.</p>	<p>Frontex Member States/SAC</p>
<p>27. Fundamental rights monitors (FRMs) have a crucial role to play in assessing the fundamental rights compliance of operational activities. However, in some Member States they are prevented from accessing certain operational areas that restricts their ability to carry out their tasks enshrined in the EBCG Regulation.</p>	<p>27.1 Ensure that all operational plans guarantee the access of FRMs to operational areas, including patrolling areas and debriefing interviews, as required by the EBCG Regulation.</p>	<p>Frontex</p>
	<p>27.2 Enable the access of FRMs to all operational areas, as required by the EBCG Regulation.</p>	<p>Member States/SAC</p>
<p>28. The complaints mechanism and the Serious Incident Reporting (SIR) mechanism would benefit from greater ease of reporting, protection for those submitting reports, and enhanced awareness of the mechanism.</p>	<p>28.1 Review the complaints mechanism and the SIR mechanism, identify, and adopt improvements that facilitate access for potential complainants, including children and vulnerable persons, and removes remaining obstacles to reporting.</p>	<p>Frontex</p>

29. The mechanism in Article 46 is not explicit about the procedural steps that the Agency has to take to address serious or persistent violations of fundamental rights in the host Member State.	29.1 Ensure that all operational plans require the regular assessment of the fundamental rights risks associated with, and the fundamental rights compliance of, every Frontex operational activity, in line with the EBCG Regulation.	Frontex
	29.2 Develop and implement mitigating measures where they are deemed necessary on the basis of the assessment conducted by the FRO, to address all relevant fundamental rights concerns and prevent fundamental rights violations in the context of all Agency activities.	Frontex Member States/SAC

### *Personal data protection*

Issue	Actions	Responsible actor
30. After a long delay, the Agency will have implementing rules in place, that map and aim to address the personal data protection aspects of all their activities. However, the rigorous implementation of the MB decisions is key to ensure that the Agency's activities are in line with the EU legal framework.	30.1 Ensure the swift implementation of the MB decisions on personal data processing in all activities of the Agency and provide regular reports to the Management Board on the progress achieved. Ensure the continued close cooperation between Frontex's Data Protection Officer and the EDPS.	Frontex
	30.2 Monitor the state of play of the implementation of the MB decisions on personal data processing.	Management Board
31. The office of the Data Protection Officer (DPO) has been understaffed for a long time although the protection of personal data has to be ensured in all the Agency's activities, including on the ground.	31.1 Make sufficient HR resources available to the DPO's office so that it can effectively carry out its tasks deriving from the EBCG Regulation.	Frontex

### *Standing Corps*

<b>Issue</b>	<b>Actions</b>	<b>Responsible actor</b>
32. Host Member States do not always find the training of category 1 Standing Corps staff adequate to address their operational needs in the course of deployments.	32.1 Review the conditions of recruitment of category 1 Standing Corps staff and ensure the intermediate assessment of the progress of staff members in time before the end of the probationary period.	Frontex
	32.2 Identify the shortcomings in the training of category 1 staff and, where necessary, update the training curricula.	Frontex Member States/SAC
33. The availability of certain categories of Standing Corps profiles does not fully correlate with the actual deployment needs. While the situation has improved over time, specific profiles are in high demand and Frontex reports major gaps (e.g. dog handlers, advanced level document officers).	33.1 Intensify the training of staff with specialised profiles so as to enable the Standing Corps to meet the operational needs at the external borders and in return interventions.	Frontex Member States/SAC
	33.2 Intensify training to ensure that category 1 staff have multiples profile to increase the flexibility of deployments.	Frontex
34. There are persistent gaps between the number of categories 2 and 3 Standing Corps officers that certain Member States are required to second or nominate to the Agency under the EBCG Regulation. Those Member States who do not meet the legal quota prevent the Agency from effectively responding to	34.1 Improve long-term planning and ensure Member States' commitment to contribute to the Standing Corps to enable swift deployments reflecting actual operational needs.	Frontex
	34.2 Contribute to categories 2 and 3 of the Standing Corps in line with the obligations set out with the EBCG Regulation.	Member States/SAC



operational needs at the EU external borders.		
35. Category 1 Standing Corps staff is subject to the EU Staff Regulations, including on working time, shift work, overtime, stand-by etc. The consequent restrictions prevent them from being fully operational members of border guard teams at the external borders and limits the operational value of their deployment to Member States.	35.1 Specify the issues that need to be addressed to increase the effectiveness of the deployment of category 1 Standing Corps staff, and within the limits of the Staff Regulations and the Conditions of Employment of other servants of the European Union, explore the possibility to adopt the necessary MB decisions and Commission delegated acts to the operational needs at the external borders.	Frontex Management Board European Commission