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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the European Border and Coast Guard (recast)

{SEC(2026) 1030 final} - {SWD(2026) 1030 final} - {SWD(2026) 1031 final}

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The European Union (EU) must ensure **effective control of its external borders**. A significant progress has been made over last years. The EU has put in place the most advanced border management system in the world effectively tackling security risks and illegal migration. Illegal border crossings have fallen to their lowest level since 2021, down 55% over the past two years and by more than a third in 2026 alone. Returns of those without the right to stay in the EU have increased to more than 30%. The EU's collective capacity to manage its external borders has been progressively strengthened with the European Border and Coast Guard Agency (Frontex) acting as a key Union actor in supporting Member States to effectively manage the Union's external borders.

Despite this progress, the protection of EU borders must be further strengthened to respond to the current complex and evolving challenges. Although the number of **illegal border crossings** into the EU has steadily declined since 2023[1], migratory pressures are likely to persist at both land and sea borders as migrants seek to evade enhanced controls at border crossing points. New technologies and social media are increasingly being exploited to influence migratory flows, facilitate unauthorised crossings and shift routes, undermining the security of the EU's external borders. **Migrant smuggling** continues to have a major impact[2], as smuggling networks become ever more professional and sophisticated, adapting routes and methods according to demand, opportunities and obstacles. Geopolitical developments continue to shape the EU's external border environment, combined with an increasing range **of hybrid threats** from disinformation and online manipulation by criminal and other hostile actors to cyber-attacks targeting border management systems and critical infrastructure. In particular, the instrumentalisation of migrants and weaponisation of migration[3] is a continued source of pressure, testing our collective ability to protect the EU's external borders**. Cross-border crime** is evolving at an unprecedented pace, testing the resilience of the EU's external borders, as organised criminal groups and networks engage in a wide range of illegal activities, such as vehicle theft, drug trafficking[4], firearms trafficking, or document fraud. The EU's proximity to current and former conflict zones also increases its exposure to firearms trafficking, raising the risk that such weapons may be used in Europe.

Furthermore, the **events in Ceuta** in the summer of 2026 demonstrated how quickly sudden and mass arrivals can build up at the EU's external borders and lead to an exceptional situation. It has also highlighted the importance of the EU and Member States ability to anticipate, prevent and timely respond to emergencies and crises.

At the same time, despite sustained efforts by Member States and EU agencies, a substantial proportion of third-country nationals subject to a **return** decision does not effectively leave

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[1] Illegal border crossings into the EU were approximately 380 000 in 2023 and fell in 2025 to approximately 178 000 constituting less than half of the total recorded in 2023 and the lowest level since 2021. Preliminary data shows that unauthorised crossings into the EU fell by 37% in the first seven months of 2026, compared to the same period in 2025, with approximately 61 000 detections recorded at the EU's external borders.

[2] As reiterated in the European Asylum and Migration Management Strategy, over 90% of irregular migrants who reach the EU use services of smugglers for parts or entirety of their journey.

[3] See Communication of the Commission on countering hybrid threats from the weaponisation of migration and strengthening security at the EU's external borders, COM(2024) 570 final.

[4] According to Europol, half of the most threatening criminal networks operating in the EU are involved in drug trafficking.

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the EU territory.[5] Differences in national capacities, operational practices, and cooperation with third countries also underline the need for stronger coordination and more joint action at EU level, supported by modern digital tools. This would ensure that the EU builds on the momentum generated in return policy by the full implementation of the **Pact on Migration and Asylum** and the adoption of the **Return Regulation**[6].

Addressing these challenges requires a **modern and credible migration management framework** based on a strong border governance to prevent illegal migration and ensure effective returns of those with no right to stay.[7] Strengthening Frontex is **a flagship initiative of the Commission** for delivering on these objectives.

Already now, the Frontex is the largest EU Agency that embodies the **European dimension** of border management and return policy by pooling resources, expertise and operational capacity that no single Member State could sustain alone, thereby ensuring a consistent high standard of border control across the Union. As a result, Frontex is the key asset in strengthening the integrity of the Schengen area, reinforcing mutual trust among Member States, and giving practical expression to the principle that the security of one external border is a shared concern of the EU as a whole. Along with Europol and Eurojust, it is also a key component of the European response to security challenges.

To reach the current position, Frontex had to significantly evolve over the last years. Since 2016, together with the relevant national authorities, it forms the **European Border and Coast Guard** (EBCG), where the responsibility for the EU's external borders is shared with Member States, based on loyal cooperation and support.[8] The Agency delivers on its objectives and tasks through its **standing corps**[9], i.e. the EU's first uniformed border management and return service expected to reach 10 000 deployable officers by 2027, and the European Border Surveillance System (**EUROSUR)** that provides a common framework for situational awareness and operational cooperation.

Taking into account these achievements and potential, the **President's political guidelines** (2024-2029) set the objective of enhancing Frontex's operational capacity, including by increasing the staff available for Frontex operations to 30 000 and by equipping it with state-of-the-art surveillance and situational awareness technologies. **The 5-Point Plan**[10], adopted by the Commission following the Ceuta events, emphasised the need to strengthen situational awareness in order to anticipate and prevent emergencies at the EU's external borders, and to respond in a timely manner to crisis situations, with Frontex being a key actor delivering on this commitment.

The need to reinforce Frontex, in particular as regards the management of the EU's external borders and the implementation of the common system for returns, has been consistently highlighted by the Member States. Stakeholder **consultations**, including with Frontex, the

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5 Based on Eurostat data, the return rate of third-country nationals with a return decision in the European Union was approximately 30% in the first quarter of 2026.

6 In March 2025, the Commission proposed a Regulation establishing a common system for the return of third-country nationals staying illegally in the Union, replacing the Return Directive, which was adopted by the co-legislators in October 2026 as Regulation (EU) 2026/2280.

7 COM(2026) 45 final.

8 Regulation (EU) 2016/1624 of the European Parliament an of the Council of 14 September 2016 on the European Border and Coast guard and amending Regulation (EU) 2016/399 and repealing Regulation (EC) of the European Parliament and the Council (EC) No 863/2007, the Council Regulation (EC) 2007/2004, and Council Decision 2005/267.

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

10 5-point plan to prevent, anticipate and respond to sudden, mass illegal arrivals - Migration and Home Affairs

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evaluation of the Frontex Regulation of 2023[11] and the study accompanying the impact assessment carried out in 2025[12], highlighted the need to: improve the efficiency of Frontex's role in border management and return; ensure Frontex has sufficient operational capacity to deliver on its objectives; and expand training and planning capabilities.

The proposal responds to these challenges. It aims to ensure that Frontex has the tools, governance and operational capacity to support Member States at the external borders, and to improve the effectiveness of returns. To this end, the proposal sets out several modifications in **three main priority areas**.

Firstly, the proposal transforms Frontex into a **truly European agency** able to provide a more reliable and tailored support to border protection and return. By increasing the standing corps to 30 000, including through a new European border and return reserve, the Agency will have greater and more flexible capacity, based on a larger pool of officers trained to high common European standards, that will also lead to improved interoperability between EU and national resources enabling faster and more effective deployments, and maximised operational impact of each deployment while easing pressure on Member States' own systems. The Agency will also be equipped with the possibility to acquire, lease and co-own state-of-the-art technical assets that will result in better value-for-money for Member States, more predictable deployments, and reduced critical dependencies.

Secondly, the proposal transforms Frontex into a **central operational pillar of the Common European System for Returns** responsible for return-related support: from strategic planning, prioritisation, through coordination and implementation of return operations, to readmission and reintegration. The proposal will enhance coordination and strategic pooling of resources aligned with the operational needs identified by Member States, simplify procedures and achieve efficiency through economies of scale, strengthen expertise and capacity to support Member States, and improve governance and strategic planning of the return processes. In this context, together with this proposal, the Commission is taking additional steps to further improve the effectiveness of returns by putting forward a proposal for a **Regulation on the digitalisation of case managements in the area of return, readmission and reintegration**, establishing a common digital backbone, connecting the relevant authorities, processes and tools[13]. This proposal represents an important tool in the Union's toolbox to deliver on the Union's enhanced ambition to have swift and effective returns, as an integral component of a well-managed EU migration system. Frontex will play a key role in the new common digital architecture, which will allow to manage the return process in a more efficient, cost-effective manner, simplifying procedures and reducing administrative burden.

Thirdly, Frontex will become a **more agile and reliable partner** supporting Member States in preparedness and crisis response. This will include strengthened role in situational awareness and risk assessment through to more tailored operational support to Member States facing exceptional situations, and closer cooperation with third countries. This will ensure that Member States receive the support they need in situations they need it most.

Secure EU borders are a prerequisite for the functioning of the Schengen area, the safety of EU citizens, and trust among Member States. The proposals ultimately contributes to achieving these objectives.

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11 Evaluation study; – https://home-affairs.ec.europa.eu/whats-new/publications/study-support-ebcg-regulation-evaluation_en

12 Impact Assessment - SWD(2026) 1030

13 COM(2026) 1037

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- **Consistency with existing policy provisions in the policy area**

The proposal contributes to the EU policy framework on integrated border management, return and migration management, and the protection of the Schengen area. It is an important element of ensuring a high level of security while safeguarding the free movement of persons through the effective management of the EU's external borders.

The proposal updates the legal framework established by **Regulation (EU) 2019/1896 on the European Border and Coast Guard**, which is the primary legislative instrument. It preserves the core architecture of the existing framework based on shared responsibility, contributions to the standing corps, close cooperation between all Frontex actors, and the division of responsibilities between different EU institutions and bodies, while addressing the legal, operational and structural shortcomings.

Furthermore, the proposal builds on and further develops the comprehensive approach set out in the **Pact on Migration and Asylum**, where, in line with Regulation (EU) 2024/1351 of the European Parliament and of the Council[14], border management, asylum and return should function as integrated and mutually reinforcing elements of EU migration management. It aims to equip Frontex to assist Member States in swiftly processing third-country nationals arriving at external borders and returning those with no right to stay in the EU, including through EU-level strategic planning and coordination, as well as cooperation with third countries in the area of return.

The proposal will ensure that Frontex's mandate and operational capacity evolve in line with the increased ambition and requirements of the EU return framework and, notably, in the implementation of the Common European System for Returns established by the **Return Regulation**. It thereby reinforces the coherence between European Integrated Border Management, the broader EU migration architecture, and its return policy.

The proposal is also consistent with the whole-of-route approach to migration management and the broader objectives of the 2026 **European Asylum and Migration Management Strategy**, which emphasises strengthened cooperation with third countries along migration routes. In this context, a stronger operational role for Frontex in cooperating with third countries in the area of return would complement existing Union and Member State cooperation frameworks, contribute to addressing migratory pressure along migration routes and support greater continuity and coherence across the return process.

The proposal is also consistent with the **Schengen Borders Code**. In particular, it aligns the possibilities of cooperation with third countries with the agreements foreseen in the Code. It also builds on the experiences with the **Union's multiannual strategic policy for European integrated border management.**

The proposal builds on the deployment of **large-scale EU information systems for border management and security of the Schengen area**, including the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), the Visa Information System (VIS), thereby contributing to more effective border management, improved risk analysis and enhanced interoperability across the Union. The proposal will be accompanied by modifications to two Interoperability Regulations, as well as the SIS return and SIS borders Regulations, which are necessary to enable the ETIAS Central Unit in Frontex to assume a new role after the completion of its current assignment, and to establish a SIRENE Bureau within Frontex to enable the exchange of information on SIS alerts on return and for refusal of entry and stay.

[14] Regulation - EU - 2024/1351 - EN - EUR-Lex.

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- **Consistency with other Union policies**

The proposal is consistent with the Union's broader policies on internal security, external relations and enlargement.

It is consistent with the objectives of the new European **internal security** strategy, ProtectEU, which identifies secure external borders as an essential component of the EU's internal security architecture, and supports a more integrated European response to hybrid threats, organised crime and illegal migration. By strengthening Frontex through enhanced surveillance and situational awareness capabilities and by providing the legal framework for the further development of Frontex's standing corps, the proposal directly contributes to the objective of reinforcing EU external border management and therefore supports the objective of strengthening internal security. To that end, it also facilitates closer operational cooperation and information exchange between Frontex, Europol and national law enforcement authorities in the fight against migrant smuggling and other cross-border criminal activities. The proposal is also consistent with the European Commission's proposal for a new sanctions regime tackling forms of organised crime which threaten the EU's values and security, including migrant smuggling, human trafficking, drug trafficking and arms trafficking, which is currently pending negotiations.[15]

The proposal contributes to the broader response to **hybrid threats**. In particular, it aims to enrich the situational picture by extending the scope of data sharing in the framework of EUROSUR. Together with inter-agency cooperation at the EU level, this will lead to a significant improvement of the situational awareness and an increase of reaction capabilities within the EU, without creating overlaps with other information systems deployed by EU agencies. The proposal will be complemented by the planned Earth Observation Governmental Service (EOGS), being prepared by the Commission, which will expand the Earth observation capabilities available to the Union for security and defence.

The proposal also aims to further enhance European cooperation on **coastguard functions** with the European Fisheries Control Agency (EFCA) and the European Maritime Safety Agency (EMSA), as well as with other relevant EU actors, to improve the complementarity and synergies between those agencies and to provide more efficient and cost-effective multi-purpose services to national authorities, while fully respecting the division of responsibilities between the respective actors.

The proposal is consistent with EU policy on **cooperation with third countries**. In addition to contributing to the whole-of-route approach set out in the European Asylum and Migration Management Strategy, it strengthens the Union's ability to engage with partner countries along key migratory routes. It promotes closer strategic and operational cooperation through status agreements and capacity-building measures. It offers reinforced support in areas, such as vulnerability assessments, tailored training or risk assessment products to improve cooperation on border management, combat abuses of visas to the EU and prevent illegal border crossings. This will help support alignment with the EU acquis on migration, asylum and visa policy, and strengthen cooperation on return and readmission.

The proposed measures remain coherent with broader EU **external action** objectives. The proposal seeks to enable Frontex, and by extension the EU, to better identify and leverage synergies across the various strands of EU external action, wherever such synergies exist, maximising effectiveness and mitigating the risk of duplicated efforts, without reducing the

[15] JOIN (2026) 17 final, Brussels 9.7.2026 - 2026/0198 (NLE) SENSITIVE and HR (2026) 165 LIMITED; https://ec.europa.eu/commission/presscorner/detail/en/qanda_26_1565

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role of the EU Institutions and the Member States in defining and influencing Union policy in this area.

The proposal supports the implementation of the first **EU Visa Policy Strategy**, which recognises the visa system as the Union's first line of security screening. It reaffirms the dual objective of visa policy: to safeguard EU security and integrity while facilitating legitimate bona fide travel that is beneficial to the Union. In this context, the proposal strengthens Frontex's contribution to the implementation of the EU visa policy, including through training capacity, document security and document fraud expertise, and capacities to develop targeted risk analysis products. By enhancing Frontex's support to Member States on visa policy with a new Visa support office, the proposal reinforces the security dimension of EU visa policy in a manner consistent with the objectives of the Visa Policy Strategy.

Furthermore, the proposal also supports the EU's **digital transformation** agenda by facilitating the use of modern surveillance technologies, interoperable information systems and advanced situational awareness capabilities within European Integrated Border Management. This will be complemented by the proposal for a Regulation on the digitalisation case management in the area of return, readmission and reintegration. This proposal provides Frontex with the appropriate operational framework to develop further and support the effective implementation of the future digital architecture, enabling more efficient information exchange, coordination and management of return-related processes.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The proposal is based on Articles 77(2)(b) and (d), and by Article 79(2)(c) of the TFEU. Article 77(2)(b) empowers the Union to adopt legislation governing checks on individuals crossing external borders. Article 77(2)(d) provides for the adoption of measures necessary for the progressive development of an integrated management system for external borders. Article 79(2)(c) authorises the implementation of measures to address illegal migration, including removal and repatriation of individuals residing without valid authorisation.

• Subsidiarity (for non-exclusive competence)

The challenges addressed by this proposal are inherently transnational and cannot be effectively tackled by Member States acting alone. The management of the Union's external borders is a shared European responsibility, and shortcomings in one part of the external border may have consequences for the functioning, security and integrity of the Schengen area as a whole. Geopolitical developments, hybrid threats, increasingly sophisticated criminal and smuggling networks, and the growing need for digital and operational capabilities have further highlighted the need for a coordinated Union response in the area of border management and return. Fragmented national approaches limit the effectiveness of border management, return operations and crisis preparedness, and cannot adequately address challenges that extend beyond the territory or capacities of individual Member States. Action at Union level is, therefore, both necessary and more effective.

Effective management and control of the Union's external borders is in the interest of all Member States. The abolition of internal border controls within the Schengen area means that external border management directly affects the functioning, security, and integrity of the Union as a whole. Perceived deficiencies in the management of external borders, combined with migratory challenges and security risks, have led in the past to the reintroduction of internal border controls undermining trust between Member States. Abuses of visas to the

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Union also place strain on that trust.

Through the European Border and Coast Guard, Frontex supports Member States by providing a common operational framework, facilitating the pooling of expertise and technical assets, strengthening common risk analysis and situational awareness, and enabling the rapid deployment of personnel and equipment where needed. It also reinforces the coordination of return operations, promotes the consistent application of common standards, and enhances cooperation with third countries, thereby increasing the effectiveness of national authorities while fully respecting their operational responsibilities. By developing shared capabilities and coordination mechanisms at Union level, the proposal avoids duplication, generates economies of scale and ensures a coherent and resilient approach to the management of the Union's external borders. In a Schengen area without internal border controls, such collective action is essential to safeguard the effective functioning of the area of freedom, security and justice while ensuring the uniform implementation of the integrated European border management system.

- **Proportionality**

In line with the principle of proportionality, as set out in Article 5 of the Treaty on European Union, this proposal does not go beyond what is necessary to achieve its objectives. The proposal introduces targeted measures to strengthen the effectiveness of the European Border and Coast Guard framework by addressing systemic shortcomings in areas where coordinated Union action provides clear added value, including the deployment of the standing corps, border surveillance, return operations, and crisis response. It focuses on reinforcing operational cooperation, improving coordination and ensuring the uniform application of common standards, while preserving Member States' operational responsibility and primary competence for the management of their external borders. The proposal is limited to measures that cannot be effectively achieved by Member States acting alone and leaves flexibility for national authorities in the implementation of common standards, taking into account their specific operational, legal and geographical contexts.

- **Choice of the instrument**

This proposal amends and expands Regulation (EU) 2019/1896. Since the amendments to be made are substantial in number and nature, the legal act is a recast in order to ensure the necessary clarity.

The evolution of the Agency’s role requires a modernised legal framework to provide the legal certainty, predictability, and accountability necessary for it to carry out its reinforced mandate effectively. The revised legal framework needs to allow the Agency to perform its enhanced functions efficiently while operating within a clear, robust, and predictable legal environment, and maintaining the operational flexibility needed to respond to evolving threats.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

On 2 February 2024, the European Commission published its evaluation report on Regulation (EU) 2019/1896[16], including a review of the standing corps, on the basis of the data available up to the end of 2023. The evaluation did not cover the Agency’s integrated capability

[16] EUR-Lex - 52024DC0075 - EN - EUR-Lex

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planning, as that mechanism was formalised only at the end of the evaluation period. The evaluation concluded that the Regulation remained broadly fit for purpose in responding to the challenges affecting the Union's external borders. It nevertheless identified certain shortcomings and areas requiring further improvement. In particular, it highlighted: the lack of clarity on the exact role of Frontex in implementing certain tasks, such as those related to cross border crime; divergent operational procedures across Member States, which impede the uniform implementation of EIBM; the need for a long-term strategic approach and predictability in investments in human and technical capabilities; gaps in the quality of training provided to the standing corps and constraints arising from the Staff Regulations that prevent full integration of the Agency's own operational staff; limitations in providing an updated, accurate and comprehensive situational picture and risk analysis; and obstacles to the conclusion of working arrangements that hamper cooperation with third countries. Finally, the evaluation report suggested to improve the oversight and strategic steering, particularly on return-related issues. These gaps were subsequently reflected in an action plan that is regularly updated by the Commission and Frontex.

- **Stakeholder consultations**

The proposal was prepared through a broad consultation process involving national authorities, Frontex, other EU agencies, civil society, academia, international organisations, social partners, and the general public on the functioning of Regulation (EU) 2019/1896.

A Call for Evidence[17] collected initial views on key shortcomings and policy options, followed by a public consultation[18] on the effectiveness, efficiency, coherence and EU added value of the current framework.

This was complemented by a targeted survey[19] of practitioners and specialised organisations, as well as targeted interviews on operational constraints, governance arrangements and safeguards.

The Commission discussed the future of the Agency and the revision of its mandate with Member States in several Council configurations, including the Justice and Home Affairs Council, Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), and the Council Frontiers Working Party. Member States' experts were also consulted through the Schengen Borders Committee, the EBCG expert group and bilateral exchanges.

In June 2024, the Justice and Home Affairs Council underlined organisational, technical and governance-related shortcoming sand called for a structural reform of the Agency alongside more flexible and adequately resourced operational capacities. In March 2025, the European Council reaffirmed the Union's determination to strengthen security at its external borders and ensure their effective control in full compliance with Union and international law.

The Commission also exchanged views with the European Parliament, notably the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Schengen and Borders Scrutiny Working Group

Exchanges were also held between the Commission and the Agency highlighting the need to move from a fragmented and reactive model towards an integrated and resilient system, supported by stronger planning, investment, training, technological development, cooperation with Member States and third countries, and full respect for ethical standards and fundamental rights.

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17 European Border and Coast Guard/Frontex – standing corps review and evaluation of Regulation

18 European Border and Coast Guard – update of EU rules

19 ICF study to be published.

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The consultation results showed broad agreement that, despite the significant contribution of the European Border and Coast Guard framework, implementation shortcomings warrant targeted legislative adjustments to further strengthen the European integrated border management. Stakeholders also supported strengthening Frontex's role in the area of return, readmission and reintegration, and cooperation with third countries. Many Member States, national authorities and operational actors underlined the need to further modernise the regulatory framework to reflect technological developments, interoperable information systems, stronger risk analysis and preparedness, and clearer responsibilities between the Agency and national authorities. The feedback received was taken into account in the design of the proposal, including by reflecting stakeholders' calls for greater legal clarity, streamlined procedures, and technological adaptations.

- **Collection and use of expertise**

The Commission relied on external expertise to support both the evaluation and the impact assessment accompanying this proposal. In particular, an external study carried out between 2 April 2025 and 2 February 2026 provided a comprehensive evidence base drawing on input from Member States, EU bodies, offices and agencies, Frontex, standing corps officers, Frontex Consultative Forum members, law enforcement networks, and other relevant stakeholders.

- **Impact assessment**

Prior to the legislative proposal, an impact assessment had been carried out to examine policy options for addressing shortcomings in the current EBCG Regulation that reduce its effectiveness in border management and return, as well as deficiencies in training, planning and Frontex's quality control mechanisms.

The baseline scenario assumed that structural problems would persist. These problems stemmed from legal ambiguities, limitations in the existing mandate and established practices, notably in the areas of return, data sharing and equipment procurement. It also assumed that the strategic risks identified in the Strategic Risk Analysis Report[20] would materialise and place additional pressure on the Schengen area. Although non-legislative adjustments and fuller use of existing tools could bring some incremental improvements, they would not be sufficient to overcome these structural constraints or to ensure the flexibility and surge capacity required to respond to rapidly changing operational needs.

Against this background, three policy options were assessed.

Policy Option 1 focused on enhancing the effectiveness by addressing shortcomings identified in the 2024 evaluation of the EBCG Regulation and improving overall preparedness for crisis situations, while maintaining the current pace of development and implementation of the EIBM.

Policy Option 2 built on this approach by introducing additional measures to strengthen border management and return, including a new standing corps category, reinforced training, and steps towards a more harmonised EIBM-based structure supported by better planning, quality assurance and technical equipment development.

[20] Strategic_Risk_Analysis_2024_Report.pdf

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Policy Option 3 represented the most ambitious approach, providing for a broader expansion of the EBCG mandate and capabilities in order to fully deliver on EIBM objectives and maximise Frontex's role in border management and return.

- **Regulatory fitness and simplification**

The proposal simplifies the implementation of the European Border and Coast Guard framework, while ensuring that any additional obligations for Member States are proportionate and justified by operational needs.

The preferred options reinforce the Agency's role in overall planning and coordination. Member States may need to improve the quality of information shared under existing rules. The introduction of common methodologies, templates and the streamlining of processes will reduce repeated requests and improve the link between priorities, operational needs and resources. The proposal also removes duplicate EUROSUR tasks, strengthens central fusion services, promotes the reuse of risk analysis outputs in planning, and lowers the default communication network classification to the level generally used in practice, while allowing higher classification where needed. Overall, this should reduce duplication, avoid over-classification, and make better use of existing information.

The proposal also introduces simplifications for operational cooperation and support. In the external dimension, status agreements with third countries can also cover technical assistance, avoiding separate working arrangement where operational cooperation is already covered. It also allows more targeted and flexible agreements and extends cooperation with international organisations beyond the current list. In technical equipment and innovation, the Agency could organise joint procurement, act as a central purchasing body, and promote common technical standards, reducing redundant tenders, testing and procurement. Support for Member States' standing corps category 2 contributions is also simplified by linking financing directly to actual secondments, making it easier to verify and administer.

The expected increase of operations, the expansion of Agency's tasks and activities could increase the workload of the Management Board and executive director. The proposal therefore foresees modifications to the Agency's governance structure to increase the efficiency of the Management Board, in particular by reinforcing the Executive Board as competent preparatory entity, which could assume certain roles in operational decisions making in different areas, in particular return.

Overall, any additional burdens, particularly in planning coordination, acquisitions of technical equipment, information sharing, and training, would be offset by the positive impact on the security in the Schengen area, thanks to more efficient border management and returns.

As regards the increase of the standing corps size, the accompanying measures, in particular the modified training architecture, the simplified financial support, and use of multiannual rather than annual contribution schemes, should significantly alleviate the burdens related to recruitment and upkeep of the European border and return reserve.

The regulatory burden varies per thematic area but remains limited overall, as many of the proposed measures clarify existing rules and build on existing structures, in particular for return and training.

More generally, the recast seeks to make the Agency's mandate easier to implement by clarifying the applicable rules, aligning procedures with operational realities, and promoting reuse of existing tools instead of creating additional layers of obligations.

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- **Fundamental rights**

This proposal respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, notably the rights to respect for private and family life (Article 7), protection of personal data (Article 8), asylum (Article 18), protection in the event of removal, expulsion or extradition, including the principle of non-refoulement (Article 19), the rights of the child (Article 24), and the right to an effective remedy (Article 47).

In line with relevant Union and international law, the proposal ensures that operational activities are carried out with full respect for fundamental rights and with particular attention to vulnerable persons and the best interests of the child. Any interference with Charter rights must be necessary, proportionate and subject to appropriate safeguards. Data-related measures remain subject to the applicable Union data protection framework. The proposal also maintains oversight and accountability mechanisms.

Where cooperation with third countries is envisaged, it must take place within the framework of Union external action. Status agreements for operations involving executive powers must include safeguards.

Overall, the proposal seeks to ensure that operational effectiveness and fundamental rights protection are mutually reinforcing. It supports effective border management and return-related action while preserving clear legal limits, procedural guarantees, monitoring and remedies.

4. BUDGETARY IMPLICATIONS

The proposal envisages a strengthened role of Frontex in supporting Member States, including by gradually expanding its capabilities (human and technical resources), as well as enhancing its core activities in relation to the management of the external borders and returns. The implementation of the new proposed measures as well as ensuring the continuation of Frontex' existing activities has budgetary implications at EU level.

At the same time, experience with the implementation of the current Regulation has demonstrated that a single seven-year Multiannual Financial Framework period can suffice, albeit not without challenges, to implement the standing corps concept in its current form, namely 10 000 deployable officers across category 1 of Agency statutory staff, category 2 of national officers seconded by Member States for longer-term deployments, and category 3 of national officers made available by Member States for short-term deployments, as well as a dormant category 4 for rapid reactions. Based on experience over a 7-years period, two additional periods of the same duration, until 2041, would represent a reasonable implementation timeframe to reach the objective of expanding the standing corps to 30 000 officers. The proposed growth would not be achieved through the linear expansion of the existing categories. In line with the rationale for deeper integration and interoperability described above, a sustainable increase in category 1 staff would instead be accompanied by the introduction of an additional reserve of uniformly trained national officers, whose training and potential subsequent deployments in an EBCG context would be organised and overseen by the Agency.

For the next Multiannual Financial Framework (MFF) period (2028-2034), the Commission proposed to allocate EUR 11.888 billion to the European Border and Coast Guard Agency. The budget will include costs linked to EBCG standing corps, taking into account the envisaged growth of the standing corps category 1 officers and the establishment of a new European border and return reserve (by 2034), the setting up of a comprehensive training

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framework for all categories of standing corps, the implementation of the multiannual strategy for the acquisition, leasing and development of the Agency's equipment, strengthening Frontex' support to Member States covering return, readmission and reintegration, cooperation frameworks with partner third countries, EU entities and international organisations, the development of the digital tools to foster return in line with the proposal for a Regulation on the digitalisation of case management in the area of return, readmission and reintegration, Frontex' current operational activities (e.g. EUROSUR).

Some of the proposed measures aim to increase efficiency and cost-effectiveness, reducing financial and administrative burden for the Agency. This includes aligning, as a general rule, the place of employment to the place of deployment rationalising the system of financial allocations for standing corps to render it better tailored for long-term operational service, as well as increased efficiency of Frontex-managed returns, including through improved coordination on returns.

The proposal also envisages that incoming revenues can be considered in relation to Frontex costs. This includes the fee generated by the operation of ETIAS, expected to cover costs related to ETIAS operational expenditures, and could include additional revenues from fees generated from services run by the Agency, including for instance carrying out compliance checks of travel and identity documents.

Additionally, within the policy reference framework set out in Article 22(2) of the National and Regional Partnership Plans (NRPP) Regulation, the Commission will call on Member States to finance measures in their National and Regional Partnership Plans in support of the implementation of this Regulation.

The detailed financial implications of the proposal are set out in the legislative financial statement accompanying the proposal. The estimated financial and staffing implications for 2028 and beyond are provided for illustrative purposes only and do not pre-empt decisions on the next MFF. The funding sources and the extent of the EU's financial commitment beyond 2027 will depend on the outcome of the interinstitutional negotiations for the 2028-2034 MFF. Thereafter they must be determined through the annual budgetary procedure. All appropriations and staffing allocations from 2028 onwards are therefore indicative.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation of the proposal will follow reinforced governance structures applicable to decentralised EU agencies, with Frontex reporting regularly to the Management Board. The Executive Board will assist the Management Board in overseeing the preparation and implementation of the annual and multiannual programming, and in reinforcing supervision of administrative and budgetary management.

Performance, operational outcomes, and compliance with legal and data protection obligations will be monitored and evaluated using established reporting cycles and procedures. The proposal retains the Frontex's obligation to exchange information relevant to its tasks with the Commission and the Member States, which will enable effective monitoring of the overall performance of the Regulation.

The Commission will evaluate the functioning and effectiveness of the Regulation s and report on its performance.

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- **Detailed explanation of the specific provisions of the proposal**

Explanations are provided for substantial changes in operative part per Chapter. The consequential modifications or technical adjustments are listed at the end of this section.

Chapter I – European Border and Coast Guard

Article 1 (subject matter) emphasises the enhanced role of Frontex in European integrated border management to support free movement in the Schengen area, the common system for returns, cooperation with third countries, and a high level of internal security of the Union by countering cross-border crime, while reflecting legislative developments such as the entry into force of the Pact on Migration and Asylum and the adoption of the Return Regulation.

Article 2 introduces targeted technical amendments to clarify concepts where legal uncertainty hindered implementation. These include new **definitions** and clarifications concerning Agency's operational actions in border management and returns. It also reflects Frontex's role in countering hybrid threats more clearly as well as its increased tasks in return.

The stronger emphasis on return, the greater clarity on Frontex's role in countering hybrid threats in border management, and a new focus on the implementation of the Union visa policy are also reflected in **Article 3** on European Integrated Border Management (**EIBM**).

Article 5 (European Border and Coast Guard Agency) sets the ambition to increase the capacity of the standing corps after 2027, towards a target of 30 000, to strengthen Frontex's capacity to respond to challenges at the EU external borders, accommodating its new tasks and the expected increase in demand for support on border management and the implementation of the Pact, in particular the return border procedure.

Article 7 on shared responsibility reflects the equal importance of border management and return among the Agency's tasks. In addition to the existing provisions on border management, the article introduces the central role of Frontex in returns from the Union and clarifies the need for the Member States to coordinate their national return operations with the Agency.

Article 8 enhances the **multiannual strategic policy cycle for EIBM**, notably by requiring Member States to transmit their national strategies for EIBM to the Agency and the Commission. The Agency will assess their completeness and consistency with the Union's multiannual strategic policy and the Agency's technical and operational strategy.

Article 9 improves **integrated planning** for border management and return. Risk analysis, EUROSUR, vulnerability assessments and relevant Schengen evaluation findings will feed into operational, contingency and capability development planning, allowing risks and capability gaps to inform decisions on staffing, training, equipment and operational support.

A **new Article 10** establishes a **multiannual European integrated border management planning coordination scheme**, adopted by the Management Board, setting common timelines for the main planning outputs. It aligns the national strategies for EIBM, contingency and capability development plans, return planning information, the capability roadmap and relevant Agency outputs, without creating additional planning products.

Chapter II – Functioning of the European Border and Coast Guard

Article 11 on the **tasks of the Agency** is revised to better define and integrate the Agency's role on return in its tasks. New tasks cover the planning, coordination, and carrying out of return activities, the management of an EU reintegration programme, the implementation of the return border procedure, the digitalisation of return, readmission and reintegration, and assistance to third countries in the area of return.

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This Article also gives the Agency a clear mandate to monitor internet activities, including online platforms, with the explicit and well-defined purpose of enhancing the Union's preparedness through improved situational awareness and risk analysis. The resulting anonymised and aggregated information may be used to enrich the European situational picture.

The Article clarifies the Agency's task of conducting debriefing interviews, including the scope and purpose. The entry into force of the Pact on Migration and Asylum risked creating confusion and ambiguities between the role of screening procedures and possibility to perform debriefing interviews, which are also addressed in this Article and in the definition of 'debriefings'.

In addition, the Article specifies how the Agency may assist Member States in combatting cross-border crime at the external borders of the Union, including through operational support, possible use of executive powers, and improved situational awareness. It also reflects hybrid threats.

Furthermore, the Article tasks the Agency with supporting the Member States in implementing the Union's visa policy and in the prevention of abuses by third-country nationals of short-stay and long-term visas to the EU and abuses in relation to residence permits.

Finally, it leverages the Agency's expertise in the area of integrated border management, by promoting an expanded involvement of the Agency in the implementation of Union projects on border management in third countries. This ensures the effectiveness of these projects, on one hand, and promotes coordination, synergies and cost-efficiency, while avoiding duplications of EU-funded efforts.

Articles 15 to 17 enhance the security of information exchange, including within EUROSUR, by upgrading the **communication network** and establishing a **security accreditation structure**. The communication network will enable the secure, near-real-time exchange of sensitive non-classified and EU classified information across the EBCG. The Security Accreditation Authority will cover systems within the Agency, while the Security Accreditation Board will cover the European and external components of EUROSUR and related systems and applications.

This effort is complemented by various amendments to **Articles concerning EUROSUR**, namely Articles 21-31. **Articles 21 and 22**, specifically concerning **the purpose** and **the scope** of EUROSUR as the EBCG integrated framework for the exchange of information and for operational cooperation, are expanded to include incident reporting concerning threats of hybrid nature at the external borders.

Article 26 reinforces the **mechanism of monitoring of EUROSUR**, allowing the executive director to act in case of identified shortcomings in data reporting, when large-scale inflow of people is detected at the borders or when monitoring online platforms identifies migratory threats.

Articles 27 and 29 complete this streamlined approach by reiterating the new additional focus on hybrid threats and later explicitly calling for the introduction – into the European Situational Picture that is accessible to, and populated by, the EBCG as a whole – of data derived from activities, including monitoring of online platforms. Moreover, **Article 28** dedicated to the **national situational pictures** clarifies that events and incidents should be reported in EUROSUR within 24 hours. The proposed approach aims to deliver significant added value in terms of data quality and situational awareness. The EUROSUR framework itself is kept separate from personal data processing activities (except in clearly defined,

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exceptional circumstances, as is already the case), and the Agency is tasked with enriching and complementing the European Situational Picture with aggregated, anonymised, statistical data that may derive from processes, performed outside the EUROSUR framework, that may entail processing of personal data, such as analysis of debriefing interviews or the monitoring of online platforms. This approach will transform the European Situational Picture into an even more effective and broadly applicable situational awareness and preparedness tool.

Article 29 extends access to the **European Situational Picture** to the Commission and relevant JHA Agencies, as well as EFCA and EMSA, to facilitate greater interoperability and better cooperation among relevant EU bodies and Agencies.

Similarly, in **Article 31**, the Agency is explicitly mandated to provide information derived from its **EUROSUR fusion services**, such as aerial surveillance and satellite imagery, to the Commission, the EEAS and the aforementioned Agencies, upon their request, thus significantly improving the quality of the data and available information. The Agency may also use relevant surveillance tools on its own initiative to collect pre-frontier information for the European situational picture. However, in cases of potential crisis situation, certain measures, such as the timeliness of reporting and monitoring of EUROSUR as well as the use of EUROSUR fusion services, will be further reinforced.

In accordance with **new Article 32** on **advance warning mechanism**, the Agency will contribute to the monitoring of the security of external borders or migratory flows when Member States report deterioration of the situation at their external borders. In such cases, the reporting will be immediate, alerts will be issued in the European Situational Picture for all Member States to become aware, and the Agency will have the possibility to launch the EUROSUR fusion services over the external border section under pressure, in consultation with the Member State concerned. As a consequence, a joint operation or border intervention may be activated. These additional measures aim to reinforce the early warning dimension of EUROSUR and provide additional tools to deter any potential crisis.

Article 33 sets up an **Online monitoring and response centre,** to allow the Agency to contribute to situational awareness and better inform the decision makers at EU and national level on incidents originating in online activities, which could potentially affect the management of external borders and migration policy. This will include the possibility to notify online platforms of illegal content on their services, with Frontex acting as a trusted flagger in accordance with the Digital Services Act (DSA), as well as the possibility to ask national competent authorities to issue removal orders in line with the relevant DSA provisions. The new centre will also cooperate closely with other relevant EU Agencies and bodies to ensure coordination and complementarity of efforts.

Article 34 strengthens the Agency's **risk analysis** by providing for general, tailored and strategic risk analysis products, extending its coverage to return, hybrid threats and relevant developments in third countries, and linking it more closely to the EIBM policy cycle and integrated planning.

The Agency's **vulnerability assessment** is strengthened in **Article 37** to enhance its scope, clarity, and effectiveness. The vulnerability assessment will explicitly cover return, including the implementation of the return border procedure, Member States' capacity to manage large-scale arrivals and return operations within legal deadlines, and the monitoring of the quality of data fed into EUROSUR. The Article also introduces the possibility for the Agency to perform vulnerability assessments in third countries, upon a request by that third country, which would lead to recommendations helping third countries improve their integrated border management and/or return frameworks. Lastly, the Article better links the vulnerability assessment and the Schengen evaluation mechanisms.

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Articles 41-53 that govern the Agency's activities at the external border aim to optimise and clarify the existing framework. The border intervention is revised to allow for the executive director to activate the new European border and return reserve in exceptional situations. Operational plans must better reflect vulnerability assessments and Schengen evaluations, and, where relevant, support cooperation with national civil protection authorities, including in natural disasters. **Article 46** on proposed actions at external borders introduces the possibility for the management board to issue a recommendation, based on a proposal from the executive director setting out, where necessary, operational actions to be taken by the Member States concerned, together with the timeframe for their implementation. This provision strengthens the tools available to the Agency to ensure an effective protection of external borders in cooperation and with transparency towards other Member States.

The new **Article 48** lays down specific arrangements for the Agency's operational response in situations of crisis at the external borders, as defined in Regulation (EU) 2024/1359. It enables the Executive Director to recommend to the Member State concerned to request the Agency to initiate, reinforce or adapt operational support, including through joint operations, border interventions or other relevant actions under Article 41. The Member State is required to respond within a short deadline, reflecting the urgency inherent in crisis situations. To ensure a swift and effective reaction, the Article provides that the Agency should prioritise the deployment of officers from the European border and return reserve already present in the Member State concerned, as well as from the Agency's quick reaction force. It also allows the Agency to provide technical and operational support without requiring the immediate formal revision of an existing Operational Plan or the negotiation of a new one, thereby reducing procedural delays in emergencies. Given the urgent nature and complexity of such deployments, the Article foresees that monitoring of compliance with fundamental rights is to be carried out ex post, thus ensuring adequate focus on response and adjusting monitoring to operational needs in exceptional circumstances, while leaving the Member States a possibility to request the earlier involvement of the fundamental rights monitors. The Article ensures accountability and institutional oversight by requiring the Agency and the Member State concerned to report to the Management Board, within one month of the declaration of the crisis situation, on progress regarding the update of the existing or the preparation of a new Operational Plan.

Under **Article 52**, the potential decision by the executive director to **terminate or suspend a Frontex joint operation** in whole would carry significant impact for both the Agency and the concerned Member State. For example, for the Agency, such decision may create pressure to justify its absence from a situation affected by significant migratory pressure. The Member State concerned would be forced to deal with the migratory pressure without the technical and operational support provided by the Agency. This scenario differs markedly, in terms of scale and operational impact, from smaller-scale scenarios where Frontex may suspend an activity. Therefore, the regulation is revised to require the executive director to consult the Management Board in this case, contributing to better informed decision-making and responsibility-sharing among the EBCG.

Articles 54-65, concerning **the role of the Agency in return**, have been significantly overhauled to address existing gaps in coordination, planning and operational needs. The Agency is given a key role in the common system for returns, starting with the establishment of a Return Coordination Centre within Frontex with tasks including the collection and analysis of operational information on return, supporting the planning and coordination of reintegration assistance, regularly sharing information on planned return operations with the Member States to maximise cost-effectiveness and efficiency, and drawing up and maintaining the already-existing rolling operational plan for return. The proposed changes are

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intended to strengthen the Agency's ability to anticipate needs, coordinate available resources and provide comprehensive operational support, thereby contributing to a more effective and coherent implementation of the common system for returns.

Moreover, Member States will be required to provide Frontex with clearer and more indicative and quantifiable planning data on return, allowing the Agency to develop a more reliable picture of expected return need and better organise its resources to support returns from the Union. This data will also be shared with the Commission. More systematic and forward-looking planning will allow resources to be deployed where they are most needed and will improve the Union's ability to anticipate fluctuations in return needs. With regard to the provision of **technical and operational assistance on returns from the Union**, **Article 55** is significantly expanded and complements **Article 59** to effectively turn Frontex into the **Union actor in all aspects** and phases of **return** procedures, from European-level coordination to return counselling to reintegration assistance and all activities in between. This broader role is intended to provide greater continuity across the different stages of the return process, reducing fragmentation between activities and enabling the Agency to provide more coherent operational support to Member States.

In parallel, this enhanced role is matched with a significant role for the Agency in the digitalisation of the area of return, which is intended to address the current fragmentation of return case management and information exchange and provide the Union with a more integrated digital infrastructure supporting the return process. This starts with the task to manage and further develop the RECAMAS model (the Frontex-developed reference blueprint designed to support Member States build, upgrade and harmonise their IT systems for return) to develop and manage the Frontex RECAMAS (an off-the-shelf IT system based on the RECAMAS model), the integrated Union readmission case management system (iRCMS), and the Union reintegration case management system (RIAT), in line with the Commission proposal for a Regulation on digitalisation of return, readmission and reintegration. Frontex is also tasked with operating an integrated return management platform that is connected to the aforementioned systems, in order to cement the Agency's central role in the coordination of return activities from the Union. The need to prioritise returns in the context of the Return Border Procedure is also explicitly mentioned.

The Agency's role in the provision of reintegration assistance is also elevated in order to address the current fragmentation of reintegration support and make better strategic use of the resources and programmes available at Union and national level. Frontex will be responsible for identifying the Member States' reintegration-related needs, coordinating the provision of reintegration to returnees departing from the EU, not only among Member States but also with all partners involved in the delivery of reintegration, including in third countries, developing a Union-level reintegration programme, and facilitating the referral of returnees to relevant development programmes in third countries. Overall, this endeavours to not only significantly increase the effectiveness of existing programmes, eliminating loopholes or wasteful duplications, but also contribute to long-term reintegration.

Articles 57 and 58 contribute to the Agency's enhanced role in the digitalisation of return, by tasking the Agency with continuing to operate but also further develop the Integrated Return Management Platform (IRMA) and establishing its role in relation to the Schengen Information System. **Article 58** also establishes a **SIRENE office** within the Agency, strengthening the Agency's access to, and exchange of, relevant SIS alerts on return and for refusal of entry and stay, enhancing the Agency's situational awareness.

Articles 63 and 64 give Frontex a mandate to support **return activities departing from third countries**. This represents an entirely new set of tasks and responsibilities for the

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Agency, consisting of technical and operational assistance depending on the specific circumstances. Such assistance can be provided in two cases. Firstly, when assisting the third country with returns that are based on a return decision of a Member State, provided this is in the strategic interest of the Union. Secondly, when assisting the third country with implementing an individual obligation to leave under its national law, covering: countries that have been granted the status of candidate country for accession, countries bound by the European Convention on Human Rights, countries designated as *'safe third countries'* at Union level, and other countries provided that there is clear EU interest. In all cases, the Agency's operational assistance can be provided only based on a Union level international agreement specifying the scope of the Agency's assistance, the safeguards, the tasks and powers of the members of the return teams, and their privileges and immunities. **Article 64** outlines the minimum safeguards that such agreements should contain, such as the commitment by the third country to respect international human rights standards and the principle of *non-refoulement*. In addition, it may be necessary to include other or more detailed safeguards depending on the third country's level of alignment with EU rules and standards.

Article 65 completes this new framework by explicitly mandating cooperation with third countries on return to be in line with Union policy priorities. The Article requires that all resource-related implications of such operational cooperation – and their foreseen impact on the Agency's ability to support returns from the Union, which remains its main focus– be duly considered before the Commission recommends to the Council to authorise it to negotiate an agreement with a third country.

Articles 66-79 strengthen the Agency's capabilities in order to ensure that the planned increase in personnel is matched by interoperable, sustainable and readily deployable operational capacity. The new architecture of the standing corps is proposed, with a reinforced category 1 and a new European border and return reserve to support the European Border and Coast Guard in the effective implementation of European Integrated Border Management and the common system for return.

The concept of a **European border and return reserve**, an addition to the existing categories is provided for in **Article 70.** It aims to create a truly integrated European border management personnel that seamlessly links national and Frontex personnel. Over time, national authorities could draw, at no extra cost, personnel with enhanced EIBM training in border management and return, while strengthening cooperation with counterparts from other Member States. This workforce would primarily perform national border management and return tasks, but with the Agency's coordination, it could also be mobilised to rapidly respond to developments at the external border or in the area of return, helping to ensure a swift, qualified, and effective response to challenges related to border and migration management. Apart from category 4, which was already phased out as of 2025, the existing categories remain in place, with a reinforced and more flexible category 1.

The proposal also makes the standing corps more flexible in its operational tasks, increasing its effectiveness and improving the support Frontex can offer both in the field and at headquarters. It further clarifies the executive powers of category 1 officers so they can better support Member States and includes minor revisions to improve Agency's planning and continuity, such as extending the minimum category 3 deployment from one month to two. Technical amendments also introduce more flexible training and qualification requirements for officers not expected to perform border control tasks. This ensures that requirements match actual duties rather than applying a standardised approach. The objective is to help the Agency to recruit personnel with the necessary expertise to perform the wide range of tasks of the Agency. For specialist functions, such as return coordination, intelligence analysis, or

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monitoring, the recruitment of experts must not be limited by requirements such as passing standardised physical tests or demonstrating proficiency with a service weapon. This improved approach will broaden the pool for recruitment and facilitate the acquisition of expertise and talent.

Article 71 introduces into the Regulation the existing concepts of **chain of command and contingents**, which Frontex is currently operationalising. This structure enables the creation of geographical or thematic structures overseeing Frontex's activities in specific areas at the EU external borders and third countries, to ensure a more consistent implementation of the Agency's operational and logistical activities by bringing the operational coordination closer to the operational area, and facilitate cooperation between the Agency and the host Member State or third country. The already defined concept of antenna offices is further clarified in Article 73, to ensure that it is embedded into the contingent management structure, thus promoting the identification of synergies, ensuring cost-effectiveness, and avoiding duplication of structures or reporting lines.

A **new Article 72** is established to introduce the concept of **quick reaction force**, composed of deployable standing corps officers who are equipped and trained to be rapidly deployed at short notice and covering all operational areas at the EU external borders. Such quick reaction force will be deployed almost instantly, for instance within 24 hours, based on a decision of the executive director, for a time-limited deployment. It could be followed by a border intervention, and subsequently a joint operation pending the amendment of the operational plan. This will allow the Agency to respond immediately to urgent and unforeseen operational needs, while ensuring gradual transition to other already existing mechanisms for operational support. The Article further clarifies that, in such situations, the monitoring of compliance with fundamental rights is to be carried out ex post as continuous on-site monitoring may not be feasible due to operational urgency or access constraints. The existing mechanism whereby Member States receive funding to support their contributions to the standing corps is being reviewed in **Article 74**. While the overall objective of providing flexibility and alleviating the impact on Member States remains unchanged, the revised model aims at defining a more practical and simplified system, where the payment is based on effective contributions, rather than the standing corps development, and better reflects the new architecture of the standing corps.

The **Articles 75 and 76** on **training** have been substantially revised to reflect the Agency's significantly expanded responsibilities as a central training centre for the EBCG, notably in light of the new the European border and return reserve. **Article 75** requires the Agency to set up a **uniform training framework** for all standing corps officers and, where relevant and requested, support the training of national officers, at both its headquarters and in cooperation with Member States' partnership academies. This comprehensive training framework includes basic training for statutory staff, pre-deployment training for all participants of operational activities, specialised and profile-specific training, including on use of relevant IT systems in return, for forced return monitors and fundamental rights monitors. Frontex must work closely with other Agenises, in particular the European Union Agency for Law Enforcement Training (CEPOL), to maximise efficiency and conduct regular scenario-based, practical training exercises, including with possible participation of candidate countries. **Article 76** further clarifies the **training requirements for the European border and return reserve** by establishing a dedicated EIBM training curriculum, combining theoretical and practical components, to ensure that reserve staff are fully prepared for their service in the national authorities and potential deployments as category 2 or 3 officers, for border interventions or return-related tasks.

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Article 77 strengthens the Agency's role in acquiring and leasing **technical equipment**. It allows Frontex to carry out, coordinate, and participate in joint procurement with Member States or other Union entities, including for digital, analytical and, where appropriate, AI-enabled tools, and where appropriate, to act as a contracting authority or central purchasing body The Agency's multiannual strategy will guide the development of state-of-the-art, interoperable, and resilient capabilities and address critical dependencies. A detailed implementation plan will cover procurement planning, life-cycle costs, staffing and training implications and risk mitigation. Significant acquisitions or leases must also be based on a needs and cost-benefit analysis.

Article 78 revises the **technical equipment pool** and clarifies co-ownership between the Agency and one or more Member States. For jointly procured equipment, the participating parties must agree in advance on registration in the pool and availability for Agency operations. The revised rules also strengthen registration and availability requirements for Union funded equipment and expand the information recorded for each asset, improving the overview and predictability of deployable capabilities.

Article 80 strengthens the Agency's role in **research and innovation** for border management and return, aligning its activities with the multiannual strategic policy cycle for EIBM, the capability roadmap and operational needs. The Agency may participate in and receive funding under relevant Union programmes, support pilot projects and the testing and operational uptake of new technologies, and promote coordination within the European innovation ecosystem It must also take into account critical dependencies and European strategic autonomy. The accompanying recital clarifies that the development, procurement, testing or deployment of AI systems must comply with the AI Act and other applicable Union law, including human oversight and fundamental rights safeguards. Artificial intelligence should support, not replace, accountable human decision-making.

Article 81 on the European Travel Information and Authorisation System (**ETIAS**) **Central Unit** was revised to task Frontex with supporting the Member States, upon their request, with the manual verification of different identities in the context of the interoperability regulations, and providing training to the Member States and to third countries on the detection of fraudulent documents.

Articles 82-93 enhance the **Agency's external cooperation** with partners by increasing the effectiveness and flexibility of the current framework and by simplifying provisions deemed obsolete or inadequate. For example, **Article 82** removes the existing closed list of **international organisations** with which Frontex can cooperate, providing instead a list of priority partners with which the Agency may cooperate should there be an EU interest to do so. This will allow the Agency to flexibly adapt to changing needs and to cooperate with international organisations that may become increasingly important partners. **Article 87** introduces the possibility for **Frontex to support activities of Member States** under agreements with third countries. This means that, when a Member State agrees with a third country to cooperate for instance along a shared border in accordance with the Schengen Borders Code, the Agency will be explicitly allowed to deploy teams for technical and operational assistance on both sides of the border, provided that an international agreement defining this cooperation is in place. Oftentimes, these agreements take place in contexts where bilateral cooperation is necessary or provides operational value. Despite this, at present, where such bilateral agreements are in place, Frontex is excluded by a legislative oversight that this proposal rectifies. This extends the spectrum of circumstances in which the EU, through Frontex, can support the Member States and partner third countries on the safe and effective management of the external borders. **Article 88** enhances the Agency's flexibility to cooperate with third countries. In addition to the possibility of concluding broader **status**

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agreements, the provision introduces the option of more targeted status agreements with third countries, tailored to specific operational needs and geographical scopes, where a full-scale agreement is not necessary. This will help reduce the time and resources needed to negotiate such agreements and will make cooperation more focused and agile. Moreover, the Agency is also tasked with implementing Union projects in third countries in its areas of competence, with a view to avoid duplications of efforts and ensuring strategic alignment in the Union's outreach and support to third countries.

Article 90 clarifies the **Agency's cooperation with third countries for the purposes of EUROSUR,** reflecting third countries' interest in incorporating EUROSUR in their prospective cooperation with Frontex. Such cooperation would mean that, on the one hand, the EBCG would have access to first-hand information on the migratory situation in a given third country, and on the other, third countries would benefit from the services offered by Frontex to improve their border management. Moreover, such cooperation will ensure that the standards for information exchange in EUROSUR agreed at the EU level would be implemented by partner third countries. The greatest advantage of such cooperation is the even greater situational awareness across the globe, particularly concerning migratory flows towards the EU which will be more effectively monitored and analysed through a whole-of-route approach.

Article 91 reinforces the **Commission's strategic guidance** and oversight on the Agency's engagement with third countries, including by specifying the requirements for the model status agreement and working arrangement, and introducing a new framework for Frontex support to bilateral or multilateral agreements on shared border crossing points. **Article 92** updates the provisions governing **Frontex liaison officers**, explicitly providing for the possibility to deploy liaison officers to support the Agency's – and the Union's – objectives in the area of return.

Chapter III - Document Security, Identity Management, and Visa Support

Article 94 expands and clarifies the Agency's responsibilities on the False and Authentic Documents Online (**FADO**) system to address identified technical and operational obstacles and provide greater clarity. To enhance the Agency's role as a centre of expertise, Member States are more clearly mandated with providing false, specimen, and authentic travel documents so that the Agency can build a more complete library of such documents. Appointed Agency staff is allowed to carry these authentic, specimen, and false documents, in order to address operational and legal obstacles encountered in the implementation of the current regulation and the transport of such documents for purposes such as training in Member States. The Agency may perform compliance checks of travel and identity documents, either upon request of the Commission or on request of a third party for a fee. Overall, the Agency is expected to play a greater role in the detection of false documents by coordinating Member States' efforts, providing regular document security training, deploying and maintaining document verification technology, and supporting partner third countries with capacity building on document fraud detection to reinforce the Union's internal security.

A **new Article 95** establishes a **Frontex Visa Support Office** to support Member States' authorities in the implementing visa policy. This includes providing relevant training on visa policy and on the prevention of abuse, delivering risk analysis on trends, such as visa shopping, visa abuses, document fraud in relation to visas, and the prevention and detection of document fraud in relation to visa and residence permits. This new entity will offer support to Member States in areas where there is a real added value to share practices and experience at EU level such as trainings, risk analysis, fight against documentary fraud where informal cooperation already exist at EU level but should be reinforced and better structured such a

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support would strengthen the security dimension of EU visa policy, enhance prevention of abuse before people reach the external borders, support a more consistent implementation of visa rules by Member States. Building on the Agency's broader expertise in integrated border management, the new Visa Support Office will also improve information-sharing and communication with Member States and other stakeholders on visa-related matters.

Chapter IV - General provisions

This Chapter features several technical amendments to reflect new concepts introduced elsewhere, for example as regards return, or clarifications of existing tasks where their implementation was affected by perceived lack of clarity, such as with regard to the employment of executive powers by standing corps officers.

Section 1 defines general rules. **Article 98** confirms the closure of an investigation by the fundamental rights officer when findings determine the lack of involvement of any members of the Frontex teams, while ensuring that, in case national border or coastal guards are implicated in the incident, any relevant information on the incident in question will be transmitted to the competent independent national bodies. This provision provides clarity on the relevant procedures and ensures closer involvement of the relevant national authorities in the monitoring of fundamental rights compliance at the borders of the Member State concerned.

Section 2 provides simplification and greater effectiveness on processing of personal data, without overhauling the existing framework, in particular to avoid imposing challenging implementation processes upon the Agency. **Article 103** introduces standardised rules on the cooperation between the EDPS and national supervisory authorities, similar to those governing such cooperation of other Agencies. **Article 104** defines more clearly and flexibly the **purposes for which the Agency may process personal data** by aligning them with the lists of its tasks found in Article 11. The introduction of online monitoring among the Agency's tasks, with a defined purpose in situational awareness and risk analysis, also dictates the clarification in this Article that this activity is not intended to lead to the collection or storage of any personal data. **Article 105** similarly provides clarity with regards to the **categories of personal data processable by the Agency**. A significant amendment is made by modifying an article on **processing of personal data in EUROSUR**. **Article 106** clarifies that the processing of personal data is foreseen within EUROSUR in clearly defined cases where it is exceptionally necessary for its purposes, rectifying existing confusion that is connected to the '*aircraft and vessel identification numbers*', but also by adding two other exceptional situations: when protecting or saving lives of individuals and in case of imminent threat to the integrity of the external borders.

Two new provisions are also inserted. **Article 106** concerns **the restriction of data subject rights** for the purpose of large-scale IT systems and their interoperability. **Article 109** concerns the establishment of a **new "hit/no-hit" system** that will allow Europol to indirectly query a dedicated Frontex database to determine whether the Agency may be in possession of data relevant to the fulfilment of Europol's mandate. A positive hit will confirm the necessity of transmitting the relevant data, eliminating a persistent obstacle currently limiting data exchange between the two Agencies. This framework will also promote full compliance with data protection rules by ensuring that the necessity of a data transmission is clearly established before data collected for other purposes is transmitted as operational personal data to Europol.

Section 3 on the general framework and organisation of the Agency addresses certain employment conditions of the standing corps category 1 deployable staff that hinder the effectiveness of their performance during operations and have an impact on cost-efficiency. It

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revises the existing deployment model, based on missions, to establish, as a general rule, the place of deployment for statutory staff as their place of employment, rather than the seat of the Agency. This builds a financially more sustainable and administratively less burdensome approach. Furthermore, it aligns compensations for specific working conditions of the standing corps officers' (e.g. shift work, arduous working conditions) with the operational reality of their deployments and therefore establishes a clear system that better reflects and compensates hardship or more challenging working conditions and ensures equal conditions for deployed staff. Additionally, the proposed revisions align the initial contract of statutory staff to the length of their operational trainings, to more effectively take into account the outcome of the compulsory training.

Article 118 is amended to better reflect the existing **structure of the Agency**, and to require that the Agency's support functions, including independent offices, receive appropriate resources to perform their duties. The results of the evaluation of the current Regulation, as well as consultation with relevant stakeholders, have highlighted persistent deficits in the resources available to offices such as the Agency's Inspections and Controls Office or Data Protection Office, and this provision endeavours to communicate clearly the need to ensure their adequate staffing and budgeting.

Article 119 on the **functions of the Management Board** features several technical amendments to retain its steering and governance role across new or enhanced tasks of the Agency, concerning in particular the Agency's role in the area of return. It also clarifies a number of already-existing responsibilities of the Management Board concerning, for example, the appointment of the Agency's data protection officer and internal audit capability officer or its disciplinary authority over the Agency's management and independent offices.

This is complemented by **Article 121** that reinforces the **Executive Board**'s strategic role by enabling it to meet in different configurations to discuss matters related to budgets and accounts, EIBM, and return. To ensure that relevant experts are present in these configurations, the Regulation foresees the possibility for the designated member of the Executive Board to delegate the participation in a meeting in a particular configuration, with modalities to be determined in greater detail in a Management Board decision. This will strengthen the Agency's steering role in areas, such as return and EIBM, by ensuring the direct involvement of Member States' practitioners in in the relevant decision-making processes.

Article 129 clarifies that the monitoring of compliance with fundamental rights relates to the operational activities carried out by the staff of the Agency. It also introduces a new provision providing for the consultation of relevant national authorities in the context of investigations concerning compliance with fundamental rights. These changes bring greater clarity to the scope of monitoring activities and support a more consistent understanding of their application, while ensuring closer involvement and responsibility of national authorities in ongoing investigations.

Article 130 introduces a new mechanism to support the Agency's monitoring of compliance with fundamental rights based on a risk assessment prepared by the fundamental rights officer in coordination with the executive director. This approach enables monitoring activities to be organised in a more targeted and tailored manner, taking into account the identified risks, thereby supporting the efficient use of monitoring resources and strengthening the preventive framework that assists the Agency and Member States in ensuring compliance with fundamental rights.

Chapter V – Final provisions

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Article 143 reflects the necessary transitional provisions affected by the recast of this Regulation.

A revised **Annex I** is introduced to reflect the capacity of the standing corps beyond 2027. The table replaces the existing yearly target model with a bi-yearly target covering the next MFF period, in order to give the Agency more flexibility, particularly given the need to implement from scratch the new European border and return reserve concept. **Annex IV** therefore also includes the foreseen contributions by Member State to the new European border and return reserve within the next MFF period. **Annex V** on the use of force also features various technical revisions to address persistent lack of clarity and incongruity in existing provisions, without overhauling the existing framework that is otherwise largely deemed effective. A correlation table is added in **Annex VII**.

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↓ 2019/1896

2026/0342 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the European Border and Coast Guard (recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), and Article 79(2), point (c), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[21],

Having regard to the opinion of the Committee of the Regions[22],

Acting in accordance with the ordinary legislative procedure,

Whereas:

⇩ new

(1) A number of amendments are to be made to Regulation (EU) 2019/1896 of the European Parliament and of the Council[23]. In the interests of clarity, that Regulation should be recast.

(2) In order to ensure legal continuity, this Regulation should preserve the legal effects of measures adopted pursuant to the repealed Regulation. In particular, the European Border and Coast Agency should continue functioning until amended, replaced or repealed in accordance with this Regulation. The management board and executive director should continue, for the remaining period of their respective term of office, continue to exercise their duties and responsibilities.

(3) Pursuant to Article 67(1), (2) and (3) of the Treaty on the Functioning of the European Union (TFEU), the Union is to offer its citizens an area of freedom, security and justice in which the absence of internal border controls for persons is ensured, a common policy on immigration and external border control are established, and a high level of security is ensured through measures to prevent and combat cross border

21 OJ C .

22 OJ C .

23 Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

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crime, among others. Effective border management and an effective Union return policy are mutually reinforcing and indispensable for the establishment of the area of freedom, security and justice and proper functioning of the Schengen area. Those policies, flanked by other measures, in particular as regards asylum, while ensuring the effective management of migration in full compliance with international law and Union law, including fundamental rights, should contribute to ensuring the proper functioning of the Schengen area without internal border controls and maintaining a high level of internal security within the Union.

↓ 2019/1896 recital 1 (adapted)

~~The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to improving migration management. The aim is to manage the crossing of the external borders efficiently and address migratory challenges and potential future threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension and ensuring a high level of internal security within the Union. At the same time, it is necessary to act in full respect for fundamental rights and in a manner that safeguards the free movement of persons within the Union.~~

⇩ new

(4) The gradual establishment of an integrated border management is the objective of Union policy that should be pursued at national and Union level. To ensure the effective implementation of a European integrated border management ('EIBM'), and to support the implementation of the common system for returns, a European Border and Coast Guard should be established and further developed. The European Border and Coast Guard should be composed of the European Border and Coast Guard Agency ('Agency'), commonly referred to as Frontex, and the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and any other border control tasks, and the national authorities responsible for return. As such, the European Border and Coast Guard should rely upon the common use of information, capabilities and systems at national level and the response of the Agency at Union level.

(5) The European Border and Coast Guard should pursue the objectives set out by the TFEU by implementing the EIBM. EIBM should bring together, in a coherent framework, border control, situational awareness, risk analysis, inter-agency and third-country cooperation, return, quality-control mechanisms and solidarity measures. Its implementation should be guided by the multiannual strategic policy cycle and translated through integrated planning into operational preparedness, contingency planning and the coordinated development and deployment of human and technical capabilities. It should thereby contribute to effective management of the external borders, the proper functioning of the Schengen area without internal border controls and a high level of internal security, in full respect of Union and international law. Within that framework, the common system for returns is an essential component of EIBM and of the comprehensive approach set out in Regulation (EU) 2024/1351 of

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the European Parliament and of the Council[24] and Regulation (EU) 2026/2280 of the European Parliament and of the Council[25] . Border management, access to international protection and return should operate coherently and in a mutually reinforcing manner.

↓ 2019/1896 recital 2 (adapted)

~~The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was established by Council Regulation (EC) No 2007/2004. Since taking up its responsibilities on 1 May 2005, it has been successful in assisting Member States with implementing the operational aspects of external border management through joint operations and rapid border interventions, risk analysis, information exchange, relations with third countries and the return of returnees.~~

⇩ new

(6) Within the European Border and Coast Guard, the Agency has an important role as regards the management of external borders, which encompasses border checks and border surveillance, combating cross-border crime and addressing threats of hybrid nature. It is also a crucial actor in the implementation of the Union policy regarding cooperation with third countries in the management of the external borders and return and the central entity in the implementation of the common system for returns. The European Border and Coast Guard Agency (the 'Agency'), replaces the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, which was established by Council Regulation (EC) No 2007/2004[26] and took up responsibilities on 1 May 2005. Since then, the Agency successfully assisted Member States with implementing the operational aspects of external border management and returns and other return-related activities. Following this replacement, the tasks of the European Border and Coast Guard Agency have been expanded with full continuity in all its activities and procedures.

↓ 2019/1896 recital 3 (adapted)
⇨ new

(7) ~~The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union has been renamed the European~~

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[24] Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L 1351, 22.5.2024, p. 1, ELI: http://data.europa.eu/eli/reg/2024/1351/oj).

[25] Regulation (EU) 2026/2280 of the European Parliament and of the Council of 7 October 2026 establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC, OJ L, 2026/2280, 15.10.2026, ELI: http://data.europa.eu/eli/reg/2026/2280/oj.

[26] Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1, ELI http://data.europa.eu/eli/reg/2004/2007/oj).

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~~Border and Coast Guard Agency (the 'Agency'), commonly referred to as Frontex, and its tasks have been expanded with full continuity in all its activities and procedures~~ ⌦ To ensure ⌫ t~~T~~he key role~~s~~ of the Agency ⇨ in the management of external borders, cooperation with third countries and return, the Agency ⇦ should be ⌦ conferred with the following tasks: ⌫ to establish a technical and operational strategy as part of the implementation of the multiannual strategic policy cycle for ⌦ EIBM ⌫ ~~European integrated border management~~; to oversee the effective functioning of border control at the external borders; to carry out risk analysis and vulnerability assessments; to provide increased technical and operational assistance to Member States and third countries through joint operations and border interventions; to ensure the practical execution of measures in a situation requiring urgent action at the external borders; to provide technical and operational assistance in the support of search and rescue operations for persons in distress at sea ⇨ ; to strategically plan, coordinate, and carry out return operations; to manage and operate a Union reintegration programme, and provide assistance to Member State's in all phases of the return process, including with the implementation of the return border procedure; and to support the digitalisation of all phases of the return, readmission and reintegration processes; to support the competent national authorities, Europol, and Eurojust in combating cross-border crime and threats of hybrid nature affecting the management of external borders, to the extent allowed by the Agency's mandate and in the implementation of visa policy and prevention of abuses by third-country nationals of short-stay and long-term visas to the Union and in relation to residence permits ⇦ ~~and to organise, coordinate and conduct return operations and return interventions~~.

↓ 2019/1896 recital 4 (adapted)

~~Since the beginning of the migratory crisis in 2015, the Commission has taken up important initiatives and has proposed a series of measures with a view to strengthening the protection of the external borders and restoring the normal functioning of the Schengen area. A proposal for significantly enhancing the mandate of the European Agency for the Management of Operational Cooperation at the External Borders was presented in December 2015 and negotiated swiftly in 2016. The resulting regulation, Regulation (EU) 2016/1624 of the European Parliament and of the Council[27], entered into force on 6 October 2016.~~

⇩ new

(8) The effective implementation of EIBM should be based on a shared responsibility of the Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and any other border control tasks and the national authorities responsible for return. Under this model, the Member States retain the primary responsibility for the management of their external borders in their interest and in the interest of all Member

[27] ~~Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).~~

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States. The effective implementation of the common system for returns should be based on a shared responsibility between the European Border and Coast Guard Agency and the national authorities responsible for return, where the Agency should serve as the Union actor responsible for the strategic planning, prioritisation, coordination and implementation of return operations, for forced and voluntary returns, and other return-related activities, in line with the Union's migration policy priorities and based on the operational needs of the Member States. Credible and efficient return policies are an essential complement to asylum and border management, helping to reduce illegal immigration and discourage unauthorised movements, while remaining fully compliant with fundamental rights, the principle of *non-refoulement*, and other obligations under Union and international law.

↓ 2019/1896 recital 5

~~However, the Union framework in the areas of external border control, return, combating cross-border crime, and asylum still needs to be further improved. To that end, and to further underpin the current and future envisaged operational efforts, the European Border and Coast Guard should be reformed by giving the Agency a stronger mandate and, in particular, by providing it with the necessary capabilities in the form of a European Border and Coast Guard standing corps (the 'standing corps'). The standing corps should gradually but swiftly reach the strategic target of having a capacity of 10000 operational staff, as set out in Annex I, with executive powers, where applicable, to effectively support Member States on the ground in their efforts to protect the external borders, to fight cross-border crime and to significantly step up the effective and sustainable return of irregular migrants. Such a capacity of 10000 operational staff represents the maximum available capacity required to effectively address existing and future operational needs for border and return operations in the Union and third countries, including a rapid reaction capacity to face future crises.~~

⇩ new

(9) To underpin current and future envisaged operational efforts, the European Border and Coast Guard should be provided with the necessary capabilities in the form of a European Border and Coast Guard standing corps (the 'standing corps'). The standing corps which should reach a capacity of 10 000 operational staff by the end of 2027, should be further reinforced in order to effectively step up its support to Member States in the harmonised implementation of EIBM, including the management of the external borders and return, as well as to respond to the tasks resulting from the adoption and implementation of the Pact on Migration and Asylum and of Regulation (EU) 2026/2280 creating the common system for returns. The strengthening of these capabilities should be achieved through a revised architecture of the standing corps, where, on one hand, the category 1 should increase to ensure the readiness of the Agency to support new tasks at all times, based on diversified and reinforced profiles and, on the other, a new European border and return reserve should be introduced, where the highly trained professionals partially formed by the Agency and supported by Union funds, reinforce the national capacities as regards border management and implementation of the common system for returns. The European border and return reserve should be composed of national officers who would remain at the disposal of the Member States. While these officers should already be trained by their national

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authorities, they would be offered an EIBM training provided by the Agency. Their training and subsequent deployment would guarantee greater integration and interoperability between the Member States and the Agency, as the reserve personnel would help to deliver on EIBM-related tasks both in the service of their national authorities and when participating in activities of the Agency by seamlessly joining category 2 or 3, as well as in emergency situations under the activation rules applicable to border interventions. The establishment and growth of the European border and return reserve would over time enhance the effectiveness and efficiency of all European Border and Coast Guard deployments, therefore maximising the impact of every officers' contribution thanks to the application of common standards, familiarity with European Border and Coast Guard and Agency tools, equipment, and systems, and greater interoperability. Under the modified architecture of the standing corps, and due to the enhanced effectiveness delivered by the gradual introduction of the European border and return reserve, the contributions of the Member States to categories 2 and 3 should remain unchanged, while category 4, already phased out as of 2025, should not be reinstated.

(10) In accordance with the policy reference framework, Member States are encouraged to fund, in their National and Regional Partnership Plans, measures aimed at achieving continuous operational readiness and the capacity to contribute national staff performing border management and return activities to the European border and return reserve. Member States can also receive targeted assistance in the form of financial incentives for each national officer who has undergone a training curriculum provided by Frontex and put at the disposal of the European border and return reserve. In that context, Member States may claim an amount of EUR 21 000 per officer trained with the payment to be made when the corresponding milestone or target is fulfilled.

↓ 2019/1896 recital 6 (adapted)

~~The Commission should carry out a review of the overall number and composition of the standing corps, including the size of individual Member States' contributions thereto, as well as of its training, expertise and professionalism. By March 2024, the Commission should, where necessary, submit appropriate proposals to amend Annexes I, II, III and IV. Where the Commission does not present a proposal, it should explain the reason therefor.~~

⇩ new

(11) The European Border and Coast Guard should be provided with the technical capabilities necessary to respond to evolving operational needs and to implement effectively EIBM, including return-related means of transport and IT infrastructure.

↓ 2019/1896 recital 7
⇨ new

(12) The implementation of this Regulation~~, in particular the establishment of the standing corps, including after the Commission's review of the standing corps,~~ should be subject to the multiannual financial framework. ⇨ To ensure the effective implementation of EIBM and increase the efficiency of Union return policy through

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the effective implementation of the Return Regulation, the European Border and Coast Guard should be provided with the requisite financial and human resources and equipment. ⇦

↓ 2019/1896 recital 8 (adapted)

~~In its conclusions of 28 June 2018, the European Council called for further strengthening of the supportive role of the Agency, including in cooperation with third countries, through increased resources and an enhanced mandate, with a view to ensuring effective external border control and significantly stepping up the effective return of irregular migrants.~~

⇩ new

(13) As the Union actor in the common system for returns, the Agency should coordinate and support the application of Union measures relating to the management of the external borders and return by reinforcing, assessing and coordinating the actions of the Member States which implement those measures, while Member States remain responsible for issuing return decisions. In particular, the Agency should strategically plan and coordinate return operations from the Member States and other return-related activities through a coordination centre, organise and carry out return operations, for both voluntary and forced returns, as well as manage and operate a Union reintegration programme. The Agency should also provide technical and operational assistance to Member States relating to all stages of the return process, including counselling, booking or arranging flights, assistance with the identification of third-country nationals and issuance of travel documents in the context of requests for readmission, organising return escorts and ground support at transit airports. When acting in the area of return, the Agency should give priority to supporting returns in the context of the border procedure referred to in Regulation (EU) 2024/1349 of the European Parliament and of the Council[28], in order to support them effectively and within the deadlines set out in that Regulation.

↓ 2019/1896 recital 9

~~It is necessary to monitor the crossing of the external borders efficiently, to address migratory challenges and potential future threats at the external borders, to ensure a high level of internal security within the Union, to safeguard the functioning of the Schengen area and to respect the overarching principle of solidarity. Those actions and objectives should be accompanied by the proactive management of migration, including the necessary measures in third countries. To that end, it is necessary to consolidate the European Border and Coast Guard and to further expand the mandate of the Agency.~~

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[28] Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148 (OJ L, 2024/1349, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1349/oj).

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⇩ new

(14) Member States should coordinate their activities related to return with the Agency. For that purpose, Member States should share information and data with the Agency as provided for in this regulation in a timely manner to ensure the Agency's capacity to coordinate and support Member States' activities appropriately based on national estimated needs with sufficient resources. To enable the Agency to prepare those planning outputs and to anticipate operational needs in the field of return, Member States should communicate their operational plans related to return to the Agency on an annual basis. Where relevant, those plans should also indicate Member States' priorities as regards the nationalities of returnees and specify the profiles of the returnees concerned, such as rejected applicants for international protection, persons with criminal convictions or other relevant categories.

🡻 2019/1896 recital 10 (adapted)
⇨ new

(15) When implementing ⌦ EIBM ⌫ ~~European integrated border management~~, coherence with other policy objectives should be ensured. ⇨ In particular, EIBM does not alter the respective competences of the Commission, the European Union Customs Authority and the Member States in the customs area, in particular regarding controls, risk management and the exchange of information. Cooperation between the Agency and the European Union Customs Authority should strengthen the complementarity of border management and customs activities while preserving their respective competences and the EUROSUR framework. Practical arrangements for verifying requests and for the use and further disclosure of exchanged information should be specified in a working arrangement between the agencies, respecting applicable security requirements and requirements for originator's consent. ⇦

⇩ new

(16) The Agency should carry out its tasks in accordance with the principle of subsidiarity and without affecting the responsibilities of the Member States with regard to maintaining law and order and safeguarding internal security. The Agency should carry out its tasks without affecting the competence of the Member States as regards defence. Member States should be able to cooperate at operational level with other Member States or third countries at the external borders, including as regards military operations with a law enforcement purpose, to the extent that that cooperation is compatible with the actions of the Agency.

(17) Threats of a hybrid nature affecting the management of external borders comprise such phenomena as instrumentalisation of migrants and weaponisation of migration, disinformation, cyber incidents affecting border management systems or technical infrastructure, interference with infrastructure relevant to border management, and cross-border criminal activities forming part of a broader hybrid campaign, in line with the mandate of the Agency. In relation to such threats, the Agency should support the competent national authorities, within the limits of the tasks conferred on it by this Regulation, including through situational awareness, risk analysis and technical or

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operational assistance and, where appropriate, in cooperation with other competent authorities. This activity should not affect the competence of Member States as regards national security and defence.

(18) The instrumentalisation of migrants and weaponisation of migration by hostile state and non-state actors, on the one hand, and cross-border migrant smuggling, on the other, increasingly rely on online platforms and intermediary services to exploit and amplify vulnerabilities at the Union's external borders. Such actors may use those platforms and services to disseminate misleading information, advertise smuggling services, coordinate movements, recruit facilitators, provide logistical guidance, and rapidly adapt their methods in ways that undermine the orderly management of migration, threaten border security, and put the lives and safety of migrants at risk. The cross-border nature, speed and scale of such online activities present a challenge for the competent authorities and relevant Union bodies.

(19) In order to contribute to situational awareness, support the identification of emerging trends, and facilitate a coordinated response, the Agency should be able to monitor publicly accessible activities on intermediate service, including online platforms. Such monitoring should therefore be limited in purpose and scope and performed to help identifying online activities relevant for the management of external borders and migration towards the Union. It should enable the Agency to inform the Commission and the Council of increasing threats and to produce, complement and enrich its risk analysis products. These new tasks relating to activities on intermediary services should not involve phone searches or the collection of personal data. When carrying out such monitoring, the Agency should neither collect, store nor otherwise process, transmit or transfer personal data. Any risk analysis products containing information derived from monitoring activities on intermediary services should include only anonymised and aggregated data for statistical, risk analysis and situational awareness purposes. These activities should be carried out within the limits of the Agency's mandate.

(20) Therefore, to deliver on these tasks, within the limits of the legal basis governing its establishment, the Agency should develop a capacity to monitor the activities on online platforms. The new structure should support the analysis of patterns, methods and risks linked to the online dimension of the instrumentalisation of migrants and weaponisation of migration and of cross-border migrant smuggling, in full respect of Union and international law, including applicable rules on fundamental rights, data protection, and the competences of the Member States and other Union bodies, offices and agencies.

(21) Given its activities at the external borders, the Agency should contribute to preventing and detecting terrorism and cross-border crime, such as migrant smuggling, trafficking in human beings, document fraud, trafficking of drugs, stolen vehicles, trafficking illicit goods and firearms, identification of cross-border criminal networks where it is appropriate for it to act and where it has obtained relevant information through its activities in relation to the management of the external borders. Such activities should not affect the respective responsibilities of customs authorities and the European Union Customs Authority under Regulation (EU) 2026/2108. It should also share with the national authorities its own situational awareness and analytical outputs relevant for combating terrorism and cross-border crime, such as risk analysis, analysis of criminality in migratory flows and of open-source information pertinent to security. To ensure an effective continuum of Union-level support in the fight against cross-border crime and terrorism, the Agency should establish structured cooperation with Europol,

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which is the Union agency responsible for supporting and strengthening Member States' actions and their cooperation in preventing and combating serious crime and terrorism. Such cooperation should foster the timely exchange of relevant information and enhance operational synergies between the two agencies, thereby strengthening the overall effectiveness of Union action in the fight against cross-border crime, notably migrant smuggling and trafficking in human beings. The Agency should cooperate with Europol to ensure that their respective tasks and activities are complementary and to avoid duplication of efforts.

(22) The Agency, Europol, and Eurojust should cooperate in accordance with the principles of sincere cooperation and mutual trust, to ensure that they remain mutually appraised of one another's respective priorities and actions, including through the transmission of information, including personal data, where necessary and proportionate for the performance of their tasks. In that context, the establishment of a "hit/no-hit" system should provide a fast and efficient mechanism for Europol and Eurojust to determine whether the Agency holds operational personal data's relevant and necessary for the performance of their respective mandates, and on that basis, to assess the necessity of requesting the transmission of such data by the Agency in a targeted manner and in compliance with the applicable data protection legal framework. That mechanism should not in itself entail access to the underlying personal data, but should serve exclusively to verify the possible existence of such data and to enable duly justified requests where the conditions for transmission are fulfilled.

↓ 2019/1896 recital 24

(23) The extended tasks and competence of the Agency should be balanced with strengthened fundamental rights safeguards and increased accountability and liability, in particular in terms of the exercise of executive powers by the statutory staff.

↓ 2019/1896 recital 11 (adapted)
⇨ new

(24) ~~European integrated border management~~ ⌦ EIBM ⌫ ⇨ should be developed ⇦ , based on the four-tier access control model, ~~comprises~~ ⌦ comprising ⌫ measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external borders, risk analysis and measures within the Schengen area and return. ⇨ It should contribute, within the scope of EIBM, to addressing migratory challenges along the entire migratory route, including third countries of origin, transit and neighbouring third countries, measures at external borders, and returns. ⇦

⇩ new

(25) Cooperation with third countries is an important element of EIBM. It should serve to promote Union standards in border management and return, to exchange information and risk analysis, and to facilitate the implementation of returns with a view to increasing their efficiency. The Agency contributes, through its cooperation with third countries under this Regulation, to an effective cooperation between third countries

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and the EU Member States. The Agency should play a key role in supporting third countries in the area of border management and return, including through the deployment of the standing corps where such support is requested and required to protect external borders and the effective management of the Union's migration policy. Where relevant, the Agency should also provide assistance to third countries on matters related to implementation of Union visa policy. Such cooperation may concern training and sharing expertise on risks related to abuses of short-stay and long-stay visas to the Union and in relation to residence permits, including on document fraud.

(26) As a part of the four-tier access control model, the Agency should provide support to Member States in the implementation of the common visa policy and prevention of abuses of short-stay and long-stay visas to the Union and in relation to residence permits. To that end, the Agency should establish a Visa Support Office. The Visa Support Office should provide assistance to the competent central authorities of Member States and their consulates in third countries, and to Union delegations, with the support of immigration liaison officers and liaison officers of the Agency, where relevant. It should primarily prepare, maintain and make available to the competent national authorities up-to-date risk analysis products relevant to the implementation of the EU visa policy, and more broadly the identification of fraudulent documents and material misrepresentation. It should also prepare and share ad-hoc risk analysis reports focussing on specific third countries, identifying evolving trends in document fraud for the purpose of obtaining short-stay and long-stay visas, any *modus operandi* leading to abuses of short-stay and long-term visas to the Union and in relation to residence permits, and visa misuse and fraudulent practices, including potential situations where a third-country national seeks entry and residence in the territory of a Member State for purposes other than those for which he or she applies to be admitted, or in which a third-country national, after having been lawfully admitted and resided, remains on the territory of a Member State beyond the period of authorised stay without a legal right to do so. Where relevant, the support of the Visa Support Office could be extended to third-country authorities, in particular for candidate countries. The Visa Support Office should be sufficiently manned to provide close to real time remote services to the competent national authorities to detect false documents. The establishment of the Visa Support Office should not lead to the involvement of the Agency in processing or issuing of individual visa applications or decisions thereon, which remains the competence of the Member States.

(27) In order to facilitate a pivotal cooperation with third countries while addressing migratory challenges along the entire migratory route, in particular in third countries of origin, transit and third countries neighbouring the Schengen area, the Agency should deploy liaison officers from its own staff to ensure the most efficient possible utilisation of its expanded role and capabilities. Since the nature and scope of cooperation with third countries should take into account their geographical location, as well as the role of that third country in effectively addressing migratory routes towards the Union, it is necessary that distinct profiles of liaison officers be established. The experts deployed as liaison officers should meet the specific requirements of one or more of these profiles, which should cover inter alia border management, returns and visa support related tasks, depending on the main area of cooperation with the third country concerned.

(28) Cooperation with neighbouring third countries, and in particular candidate countries, which for the purpose of this Regulation include third countries with whom preliminarily negotiations have been initiated in view of future opening of the

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accession process, without prejudice to positions of Member States on their status, should be defined by close technical and operational cooperation and the provision of reliable support by the Union, including the Agency. This support should ensure to retain a focus on strengthening border management capabilities, supporting the alignment with the Union's *acquis* on migration, return, and visa policy, and enhancing cooperation on readmission and return-related objectives.

↓ 2019/1896 recital 12

~~European integrated border management should be implemented as a shared responsibility of the Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and any other border control tasks, as well as the national authorities responsible for return. While Member States retain the primary responsibility for the management of their external borders in their interest and in the interest of all Member States and are responsible for issuing return decisions, the Agency should support the application of Union measures relating to the management of the external borders and return by reinforcing, assessing and coordinating the actions of the Member States which implement those measures. The activities of the Agency should complement the efforts of the Member States.~~

↓ 2019/1896 recital 13 (adapted)

~~To ensure the effective implementation of European integrated border management and increase the efficiency of Union return policy, a European Border and Coast Guard should be established. It should be provided with the requisite financial and human resources and equipment. The European Border and Coast Guard should be composed of the Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, as well as the national authorities responsible for return. As such it will rely upon the common use of information, capabilities and systems at national level and the response of the Agency at Union level.~~

↓ 2019/1896 recital 14

~~European integrated border management does not alter the respective competences of the Commission and the Member States in the customs area, in particular regarding controls, risk management and the exchange of information.~~

↓ 2019/1896 recital 15 (adapted)
⇨ new

(29) The development of ~~policy and law on external border control and return, including the development of~~ a multiannual strategic policy for ⌦ EIBM ⌫ ~~European integrated border management~~, ⇨ in line with the policy and law on external border control and return, ⇦ remains a responsibility of the Union institutions. Close coordination between the Agency and those institutions should be guaranteed.

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↓ 2019/1896 recital 16 (adapted)

(30) The effective implementation of ~~European integrated border management~~ ⌦ EIBM ⌫ by the European Border and Coast Guard should be ensured by means of a multiannual strategic policy cycle. The multiannual cycle should set out an integrated, unified and continuous process for providing strategic guidelines to all the relevant actors at Union level and at national level in the area of border management and return so that those actors are able to implement ~~European integrated border management~~ ⌦ EIBM ⌫ in a coherent manner. It should also address all relevant interactions of the European Border and Coast Guard with the Commission and other Union institutions, bodies, offices and agencies, and cooperation with other relevant partners, including third countries and third parties as appropriate.

⇩ new

(31) In order to ensure a coherent implementation of EIBM, national strategies for EIBM should be aligned with the multiannual strategic policy for EIBM and with the technical and operational strategy established by the Agency. Member States should therefore submit those national strategies to the Agency and to the Commission. The submission to the Agency is necessary to allow it to assess the completeness and consistency of those strategies and to support dialogue with the Member States concerned. The submission to the Commission is necessary to enable it to monitor the coherent implementation of Union policy priorities, including in view of the programming and use of relevant Union funding instruments. That assessment should not duplicate the Schengen evaluation and monitoring mechanism or the vulnerability assessment.

(32) In order to ensure coherence, predictability and timely alignment between the main planning strands of EIBM, the management board should adopt a multiannual EIBM coordination scheme. That scheme should set common timelines for the preparation, transmission, update and review of the main planning outputs provided for in this Regulation, including national strategies for EIBM, contingency plans, national capability development plans and the capability roadmap, as well as the relevant strategic and operational outputs of the Agency. It should support a coherent planning cycle at Union and national level and should take into account the strategic risk analysis, relevant findings from vulnerability assessments and the Schengen evaluation and monitoring mechanism, information available through EUROSUR and other relevant strategic, operational and analytical information, without altering the respective responsibilities of the Member States and the Agency under this Regulation. It should not replace existing planning or programming documents or create additional substantive planning obligations. By aligning the border management and return planning strands, the scheme should facilitate coherent priority-setting and the allocation of operational and budgetary resources in the Agency's annual and multiannual programming.

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↓ 2019/1896 recital 17 (adapted)
⇨ new

(33) ~~European integrated border management~~ ⌦ EIBM ⌫ requires integrated planning between the Member States and the Agency for border ⇨ management ⇦ and return ~~operations~~ in order to prepare responses to challenges at the external borders, for ⇨ supporting ⇦ contingency planning and for coordinating the long-term development of capabilities both in terms of recruitment and training and in terms of the acquisition and development of equipment. ⇨ In order to ensure that the integrated planning process for border management and return is coherent, forward looking and based on up-to-date operational and strategic information, the Agency should support that process through its relevant annual and multiannual planning outputs, including the single programming document. Those outputs should draw on risk analysis, vulnerability assessments, information available in the framework of EUROSUR, operational lessons learned, relevant technology and capability trends, and other relevant strategic, operational and analytical information. They should contribute to the preparation and update of operational planning, contingency planning and capability development planning, without altering the respective responsibilities of the Member States and the Agency under this Regulation. The integrated planning process should also support the efficient allocation of resources and the development of capabilities, including by informing the programming and use of relevant Union funding instruments. ⇦

↓ 2019/1896 recital 18

(34) The Agency should develop technical standards for information exchange as provided for in this Regulation. In addition, for the effective implementation of Regulation (EU) 2016/399 of the European Parliament and of the Council[29], common minimum standards for external border surveillance should be developed. To that end, the Agency should be able to contribute to the development of common minimum standards in line with the respective competences of the Member States and the Commission. Those common minimum standards should be developed taking into account the type of borders, the impact levels attributed by the Agency to each external border section and other factors such as geographical particularities. When developing those common minimum standards, possible limitations deriving from national law should be taken into account.

↓ 2019/1896 recital 19

(35) The technical standards for information systems and software applications should be aligned with the standards used by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for other IT systems in the area of freedom, security and justice.

[29] Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/399/oj).

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⇩ new

(36) In order to support the implementation of the interoperability framework established by Regulations (EU) 2019/817[30] and (EU) 2019/818[31] of the European Parliament and of the Council, and to improve the efficient functioning of the multiple-identity detector established by those Regulations, the Agency should, at the request of the Member States, support them with the manual verification of different identities in accordance with Article 29a of those Regulations. Such support should be provided through the ETIAS Central Unit.

🡻 2019/1896 recital 22

~~The Agency should carry out its tasks in accordance with the principle of subsidiarity and without prejudice to the responsibilities of the Member States with regard to maintaining law and order and safeguarding internal security~~

🡻 2019/1896 recital 23

~~The Agency should carry out its tasks without prejudice to the competence of the Member States as regards defence.~~

🡻 2019/1896 recital 24

~~The extended tasks and competence of the Agency should be balanced with strengthened fundamental rights safeguards and increased accountability and liability, in particular in terms of the exercise of executive powers by the statutory staff.~~

🡻 2019/1896 recital 25
⇨ new

(37) The Agency relies on the cooperation of Member States to be able to perform its tasks effectively. In that respect, it is important for the Agency and the Member States to act in good faith and to exchange accurate information in a timely manner. No Member State should be obliged to supply information the disclosure of which ~~it considers contrary to~~ ⇨ it may harm ⇦ the essential interests of its security.

[30] Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27, ELI: http://data.europa.eu/eli/reg/2019/817/oj).

[31] Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (*OJ L 135, 22.5.2019*, p. 85, ELI: http://data.europa.eu/eli/reg/2019/818/oj).

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↓ 2019/1896 recital 26
⇨ new

(38) Member States should also, in their own interest and in the interest of the other Member States, contribute relevant data necessary for the activities carried out by the Agency, including for the purposes of situational awareness, risk analysis, vulnerability assessments and integrated planning. Equally, they should ensure that the data are accurate and up-to-date and are obtained and entered lawfully. Where those data include personal data, Union law on data protection should apply in full. ⇨ Moreover, the quality of the information exchanged between the Member States and the Agency, which should be ensured through standardisation, the automation of the information exchange across networks and systems, and the timeliness of the exchange of such information are prerequisites for the proper functioning of EIBM. ⇦

⇩ new

(39) EUROSUR is necessary to provide the European Border and Coast Guard a framework for the exchange of information and operational cooperation between Member States' national authorities and the Agency. EUROSUR provides national authorities and the Agency with the infrastructure and tools needed to enhance their situational awareness and to increase reaction capability at the external borders, but also within the Schengen area and in the pre-frontier area, for the purpose of detecting, preventing and combating illegal immigration, and cross-border crime and threats of hybrid nature affecting the management of external borders, thereby contributing to saving the lives of migrants and ensuring their protection. However, the provision of situational awareness within the Schengen area should not lead to the Agency performing or supporting operational activities at the internal borders of the Member States. The Agency should provide the necessary assistance for the development and operation of EUROSUR, including the interoperability of systems, in particular by establishing, maintaining and coordinating EUROSUR.

(40) Personal data may only be processed in the framework of EUROSUR exceptionally, such as in cases where the Agency is obliged to process personal data in emergency situations, in particular to ensure the protection and saving lives. In this context, video images of persons captured during such emergency situations could be processed, including facial images, ship and aircraft identification numbers, geographical location of ships and aircrafts, or data allowing to identify vulnerable groups, such as age, gender, physical and mental state.

↓ 2019/1896 recital 28

~~EUROSUR is necessary for the European Border and Coast Guard to be able to provide a framework for the exchange of information and the operational cooperation between Member States' national authorities and with the Agency. EUROSUR provides national authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and to increase reaction capability at the external borders for the purpose of detecting, preventing and combating illegal immigration and cross-border crime, thereby contributing to saving the lives of migrants and ensuring their protection~~

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↓ 2019/1896 recital 29 (adapted)
⇨ new

(41) ⇨ Member States should establish national coordination centres to exchange information and cooperate within the framework of EUROSUR with other Member States, third countries and with the Agency with respect to border surveillance and the carrying out of border checks. It is essential for the proper functioning of EUROSUR that all national authorities with a responsibility for external border surveillance under national law cooperate via national coordination centres. ⇦ Member States should establish national coordination centres to ~~improve~~ ~~the~~ exchange ~~of~~ information and ~~cooperation~~ ⌦ cooperate ⌫ ⇨ within the framework of EUROSUR ⇦ ~~between~~ ⌦ with other ⌫ Member States ⇨ , third countries ⇦ and with the Agency with respect to border surveillance and the carrying out of border checks. It is essential for the proper functioning of EUROSUR that all national authorities with a responsibility for external border surveillance under national law cooperate via national coordination centres. ⌦ The role of the national coordination centre is without affecting the competence established at national level with regard to planning and implementing border control. ⌫ ⇨ Member States can also make their national coordination centres responsible for coordinating the exchange of information and for cooperation with regard to other components of EIBM. The division of tasks between a national coordination centres and a National Frontex Point of Contact should be determined in the EUROSUR Handbook, in close cooperation with Member States and the Agency. ⇦

↓ 2019/1896 recital 30 (adapted)

~~The role of the national coordination centre to coordinate and exchange information among all authorities with a responsibility for external border control at national level is without prejudice to the competence established at national level with regard to planning and implementing border control.~~

↓ 2019/1896 recital 35 (adapted)
⇨ new

(42) Air border surveillance should be an element of border management since both commercial and private flights and remotely piloted aircraft systems are used for illegal activities related to immigration, ~~and~~cross-border crime ⇨ and various types of threats of hybrid nature, such as by targeting border infrastructure ⇦ . Air border surveillance aims to detect and monitor such suspicious flights crossing or intending to cross the external borders and to perform related risk analysis with a view to triggering reaction capabilities by the competent authorities of the Union and the Member States. For that purpose, inter-agency cooperation at Union level should be promoted between the Agency, ⇨ the entity being appointed ⇦ the Network Manager of the European Air Traffic Management Network (EATMN) and the European Union Aviation Safety Agency (EASA) ⇨ , but also at the national level involving civil and military authorities ⇦ . Where relevant, Member States should be able to receive information

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on suspicious external flights and react accordingly. The Agency should monitor and support research and innovation activities in that area.

↓ 2019/1896 recital 36 (adapted)
⇨ new

(43) The reporting of ~~events~~ ⇨ incidents ⇦ related to unauthorised secondary movements ⇨ , unauthorised border crossing, cross-border crime and threats of hybrid nature affecting the management of external borders and other events ⇦ in EUROSUR ~~will~~⌦ should ⌫ contribute to the monitoring by the Agency of migratory flows towards and within the Union for the purpose of risk analysis and situational awareness. ⇨ It should also contribute to improvement of the prevention of illegal immigration and cross-border crime at Union level. The access of the Commission and other Union Agencies operating in the area of freedom, security and justice, as well as EMSA and EFCA to the European situational picture should bring added value to the Union's preparedness for the existing and upcoming threats. ⇦ The implementing act laying down the details of the information layers of the situational pictures and the rules for the establishment of specific situational pictures should further define the type of reporting to best meet this objective. ⇨ An impact level attributed to each reported event or incident by a national coordination centre contributes to the assessment of the impact level assigned to a given border section by the Agency. The security at the external borders has a major impact on the vulnerability of a given border section as well as on the overall situation at Union level. Therefore, any incidents related to threats to physical security of the border guards or coast guards performing border management tasks or the security of the border infrastructure at the border crossing point or between them, should be reported in EUROSUR. ⇦

⇩ new

(44) Events and incidents may require urgent action to be taken. It must therefore be possible to report them in a timely manner in order to allow a timely response to such events. In principle, a report on an event or incident should be sent as soon as it is detected, and no later than 24 hours after the detection. However, in case of a significant deterioration of the situational at a given border section, namely when reported events are likely to have an impact on the external border, the Member State concerned should provide the Agency with adequate information in real time which should be followed by an adequate alert in the European situational picture for other Member States to be aware of the changes in the migratory situation at the given border section. The same procedure should apply to incidents having an impact on the situation at the external borders. In case of a deterioration of a situation at a given external border section, the Agency should launch EUROSUR fusion services following consultation with the Member State concerned and ensure regular monitoring of the situation. This Member State is informed immediately once any atypical behaviour or trend is observed during this process.

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↓ 2019/1896 recital 37 (adapted)
⇨ new

(45) The EUROSUR fusion services ⇨ are a coordinated suite of advanced monitoring and Earth observation tools managed and ⇦ supplied by the Agency. They build on ~~should be based on the common application of surveillance tools and~~ inter-agency cooperation at Union level, including the provision of Copernicus security services. ⇨ Existing and future EU space systems may support the operations of the Agency and the Member States through secure positioning, navigation and timing (Galileo, LEO PNT) and secure connectivity (GOVSATCOM, IRIS2), including where terrestrial systems are unavailable, subject to the applicable conditions for access to those services. ⇦ EUROSUR fusion services should provide the Member States and the Agency with value-added information services related to EIBM ~~European integrated border management~~ which, when analysed together, complement the situational picture of a specific area .~~EUROSUR fusion services should be expanded to support border checks, air border surveillance and the monitoring of migration flows.~~ In order to improve the situational awareness and contribute to effective cooperation on information exchange at Union level, EUROSUR fusion services are made available to the Commission, the EEAS, other Union agencies operating in the area of freedom, security and justice, EMSA and EFCA, in accordance with the agreed working arrangements. The Agency should prioritise the provision of EFS in case of requests from multiple entities. One of the elements to be considered is the impact level on the relevant border section. Information acquired from the EFS should be included in the European situational picture. By pooling demand and acquiring those services centrally, the Agency can make them available more cost-efficiently than if equivalent services were procured separately by each Member State or requesting entity. During rapidly evolving situations at the external borders, the Commission should be able to draw on relevant information and analysis available in the European situational picture and on outputs from EUROSUR fusion services made available under this Regulation to support Union-level migration preparedness, early-warning and crisis-response arrangements, including the Migration Preparedness and Crisis Blueprint and, where activated, the Integrated Political Crisis Response arrangements, in accordance with the applicable access, security and classification rules.

↓ 2019/1896 recital 38
⇨ new

(46) The practice of travelling in small and unseaworthy vessels has dramatically increased the number of migrants **drowning** at the southern maritime external borders. EUROSUR ⇨ and the provision of EUROSUR fusion services for the surveillance of maritime border and pre-frontier areas ⇦ should considerably improve the operational and technical ability of the Agency and the Member States to detect such **small vessels** and to improve the ⇨ situational awareness and ⇦ reaction capability of the Member States, thereby contributing to reducing the loss of lives of migrants, including in the framework of search and rescue operations. ⇨ Without affecting the division of responsibilities for declaring and coordinating search and rescue activities, which is

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defined in international law, the Agency should prioritise the provision of EUROSUR fusion services in contexts where it is believed that such services can contribute to saving lives. In such cases, the Agency and the requesting Member State(s) should also cooperate proactively and in good faith to ensure that the provision of the service is complemented with adequate maritime, aerial, and human operational capabilities to contribute to saving lives at sea. ⇦

↓ 2019/1896 recital 27
⇨ new

(47) The communication network established under this Regulation should be based on and replace the EUROSUR communication network developed in the framework of Regulation (EU) No 1052/2013 of the European Parliament and of the Council[32]. The communication network established under this Regulation should be used for all secured information exchanges within the European Border and Coast Guard. ⇨ It should also support, as appropriate, the communication and information sharing by other information systems managed by the Agency for the purposes of this Regulation. ⇦ The level of accreditation of ⇨ information sharing within ⇦ the communication network should ⇨ reflect the operational needs of the Member States and of the Agency and allow for the exchange of information in a multi-classification environment, from sensitive non-classified information up ⇦ ~~be increased to the classification level of~~ CONFIDENTIEL UE/EU CONFIDENTIAL in order to improve information assurance between the Member States and with the Agency.

⇩ new

As a general rule, the classification for the communication network should be RESTREINT UE/EU RESTRICTED in order to ensure smooth and effective information exchange between Member States and the Agency. However, where justified by operational needs and the sensitivity of the information concerned, specified components, services or exchanges using the communication network should be able to handle EU classified information up to CONFIDENTIEL UE/EU CONFIDENTIAL or the equivalent national classification level. This decision should be taken by the management board on the initiative of a Member State or the executive director, and following a thorough discussion within the management board and consultation with the Security Accreditation Board. In such a situation, the adequate security accreditation decisions taken by the Security Accreditation Board should follow.

⇩ new

(48) In order to ensure a coherent and secure operation of the communication network and of the relevant communication and information systems managed by the Agency under this Regulation, the authority responsible for their security accreditation should be established. Building on the existing EUROSUR security accreditation architecture in

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32 Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur) (OJ L 295, 6.11.2013, p. 11).

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accordance with Section 2 of Commission Implementing Regulation (EU) 2021/581, the Security Accreditation Board should act as the security accreditation body for the European and the external components of EUROSUR, and for information exchange within the European Border and Coast Guard, without affecting the responsibilities of the national security accreditation authorities of the Member States for their national components.

(49) The Security Accreditation Board is an independent technical body exercising its functions autonomously from the functions of the Agency's management board. In order for it to carry out all of its activities quickly and effectively, the Security Accreditation Board should be able to set up appropriate subordinate bodies acting on its instructions. In order to ensure that it is able to accomplish its tasks, it should also be provided that Member States supply the Board with any necessary documentation, grant access to classified information in the framework of the information system, including EUROSUR, and supporting systems (including the Communication Network) and to any areas falling within their jurisdiction to duly authorised persons, and that they should be responsible at local level for the accreditation of the security of areas that are located within their territory.

(50) Security accreditation decisions concerning communication and information systems managed and used solely by the Agency, other than those falling within Article 17(2), should be taken by the Security Accreditation Authority in accordance with the security rules of the Agency.

(51) Given the specific nature and the complexity of some of the information systems or frameworks, like EUROSUR, it is essential for the security accreditation activities to be carried out in a context of collective responsibility for the security of the Union and of the Member States, by making efforts to reach a consensus and by involving all parties with an interest in security, and for permanent risk monitoring. It is also imperative that technical security accreditation activities be entrusted to professionals who are duly qualified in the field of accrediting complex systems and who have an adequate level of security clearance.

↓ 2019/1896 recital 31

~~This Regulation should not hinder Member States from also making their national coordination centres responsible for coordinating the exchange of information and for cooperation with regard to other components of European integrated border management.~~

↓ 2019/1896 recital 32

~~The quality of the information exchanged between the Member States and the Agency and the timeliness of the exchange of such information are prerequisites for the proper functioning of European integrated border management. Building on the success of EUROSUR, that quality should be ensured through standardisation, the automation of the information exchange across networks and systems, information assurance and control of the quality of the data and information transmitted.~~

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↓ 2019/1896 recital 33

~~The Agency should provide the necessary assistance for the development and operation of EUROSUR, including the interoperability of systems, in particular by establishing, maintaining and coordinating EUROSUR.~~

↓ 2019/1896 recital 39

~~It is recognised in this Regulation that migratory routes are also taken by persons in need of international protection.~~

↓ 2019/1896 recital 40 (adapted)
⇨ new

(52) The Agency should prepare general and tailored **risk analyses** based ⇨ in particular, on the information and data shared by the Member States, other agencies, third countries and international organisations obtained in the course of the operational activities of the Agency and monitoring of media and internet activities, including online platforms and open source information, within the limits of the Agency mandate and in the context of the management of the external borders of the Union. The risk analyses outputs should be developed based ⇦ on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The Agency should ~~based also on information provided by Member States~~ provide adequate information covering all aspects relevant to ⌦ EIBM ⌫ ~~European integrated border management~~, especially border control, return, ⇨ and in particular returns stemming from the return border procedure ⇦ the phenomenon of unauthorised secondary movements of third-country nationals within the Union in terms of trends, volume and routes, prevention of cross-border crime including facilitation of unauthorised border crossings, trafficking in human beings, terrorism and threats of a hybrid nature ⇨ affecting the management of external borders. The risk analyses should also focus on the ⇦ situation in relevant third countries, ⇨ in particular identifying evolving trends in the implementation of visa policy including document fraud, visa abuse, and visa misuse and fraudulent practices) ⇦ so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of the external borders. ⇨ That risk analysis should support situational awareness and the identification of strategic and operational risks, including in the framework of EUROSUR. ⇦

↓ 2019/1896 recital 41 (adapted)

~~Given its activities at the external borders, the Agency should contribute to preventing and detecting cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism, where it is appropriate for it to act and where it has obtained relevant information through its activities. It should coordinate its activities with Europol, which is the agency responsible for supporting and strengthening Member States' actions and their cooperation in preventing and combating serious crime affecting two or more Member States. The cross-~~

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~~border dimension is characterised by crimes that are directly linked to unauthorised crossings of the external borders, including trafficking in human beings or smuggling of migrants. In accordance with Council Directive 2002/90/EC[33], Member States are able to decide not to impose sanctions where the aim of the behaviour is to provide humanitarian assistance to migrants.~~

↓ 2019/1896 recital 42

(53) In a spirit of shared responsibility, the role of the Agency should be to monitor regularly the management of the external borders, including the respect for fundamental rights in the border management and return activities of the Agency. The Agency should ensure proper and effective monitoring not only through situational awareness and risk analysis, but also through the presence of experts from its own staff in Member States. The Agency should therefore be able to deploy liaison officers to Member States for a period of time during which the liaison officer reports to the executive director. The reports of the liaison officers should form part of the vulnerability assessment.

↓ 2019/1896 recital 43
⇨ new

(54) The Agency should carry out a vulnerability assessment based on objective criteria to assess the capacity and readiness of the Member States to face challenges at their external borders and to contribute to the standing corps and technical equipment pool. The vulnerability assessment should include an assessment of the equipment, infrastructure, staff, budget and financial resources of Member States as well as their contingency plans to address possible crises at the external borders ⇨ and return as part of the common system for returns ⇦. ⇨ It should also include EUROSUR data quality which should contribute to significant progress in the provision of accurate and complete data by member States for the development of up-to-date, comprehensive and complete situational picture and thus reliable situational awareness. Member States should ensure that classification level of the information shared in the vulnerability assessment enables the effective use of vulnerability assessment in the multiannual EIBM coordination scheme and integrated planning outputs and building synergies with Schengen evaluation mechanism. ⇦ Member States should take measures to address any deficiencies identified in that assessment. The executive director should identify the measures to be taken and recommend them to the Member State concerned. The executive director should also set a time limit within which those measures should be taken and closely monitor their timely implementation. Where the necessary measures are not taken within the set time limit, the matter should be referred to the management board for a further decision. ⇨ The management board should proceed on that matter as soon as possible, within the deadline prescribed in its internal rules. ⇦

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[33] ~~Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17).~~

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↓ 2019/1896 recital 44

~~If the Agency is not provided with the accurate and timely information necessary for carrying out a vulnerability assessment, it should be able to take that fact into account when performing the vulnerability assessment, unless duly justified reasons are provided for withholding the data.~~

⇩ new

(55) The vulnerability assessment should be also available to third countries which request and agree to that, in particular the neighbouring third countries on the way of accession., Any findings should be communicated to the designated national authority in a third country for appropriate follow-up. Support of the Agency to neighbouring third countries in the area of vulnerability assessment may contribute to more secure external borders of the Union and better alignment of border management standards in partner third countries. Such support may foster greater cooperation between the Agency and partner third countries also in the area of risk analysis. The assistance to third countries should complement the Agency's support for Member States in the application of Union measures relating to the implementation of EIBM.

↓ 2019/1896 recital 45 (adapted)
⇨ new

(56) The vulnerability assessment and the Schengen evaluation mechanism established by Council Regulation (EU) 2022/922[34] ~~1053/2013~~[35] are two complementary mechanisms for guaranteeing Union quality control on the proper functioning of the Schengen area and ensuring constant preparedness at both Union and national levels to respond to any challenges at the external borders. While the Schengen evaluation ⇨ and monitoring ⇦ mechanism is the primary method for evaluating the implementation of and compliance with Union law in the Member States, ⇨ the vulnerability assessment also plays an important role in ensuring compliance of capabilities in the Member States and the whole European Border and Coast Guard community in that regard. The synergies between the two mechanisms should continue to be enhanced so as to contribute to a clear ⇦ ~~the synergies between the vulnerability assessment and the Schengen evaluation mechanism should be maximised with a view to establishing an improved~~ situational picture of the functioning of the Schengen area, avoiding, to the extent possible, duplication of efforts on the Member States' side, and ~~ensuring the~~⌦ ensure ⌫ better ~~coordinated~~ use of the relevant Union financial instruments supporting the management of the external borders ⇨ and return ⇦ . For that purpose, the regular exchange of information between the Agency and the Commission on the

[34] 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 1053/2013 (OJ L 160, 15.6.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/922/oj).

[35] ~~Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).~~

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⇨ implementation and ⇦ results of both mechanisms should ~~be established~~ ⇨ continue to be regularly maintained and further efforts should be made to ensure closer coordination in the issuance, monitoring and closure of recommendations ⇦. ⇨ The Agency should also develop its internal pool of experts to provide observers to Schengen evaluation and monitoring activities from its staff under the profiles indicated by the European Commission. All these elements should be addressed in the existing cooperation arrangements between the Commission and the Agency. ⇦

↓ 2019/1896 recital 46
⇨ new

(57) Given that the Member States establish border sections, to which the Agency attributes impact levels, and that the reaction capabilities of the Member States and of the Agency should be linked to those impact levels, a fourth impact level — the critical impact level — should be established to be attributed to a border section on a temporary basis where the Schengen area is at risk and where the Agency should intervene. ⇨ However, not every 'critical' single indicative impact level of the reported event in EUROSUR would amount to a 'critical' impact level attributed in the end by the Agency to a given border section. The latter impact level is a sum of single events that build a global, European, picture. ⇦

↓ 2019/1896 recital 47

(58) Where a high or critical impact level is attributed to a maritime border section due to an increase of illegal immigration, the Member States concerned should take that increase into account for the planning and conducting of search and rescue operations since such a situation could generate an increase in requests for assistance for persons in distress at sea.

↓ 2019/1896 recital 20

(59) The implementation of this Regulation does not affect the division of competence between the Union and the Member States or the obligations of Member States under the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue, the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Convention relating to the Status of Stateless Persons and other relevant international instruments.

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↓ 2019/1896 recital 21
⇨ new

(60) The implementation of this Regulation does not affect Regulation (EU) No 656/2014 of the European Parliament and of the Council[36]. Sea operations should be carried out in a way that, in all instances, ensures the safety of the persons intercepted or rescued, the safety of the units that take part in the sea operation in question and the safety of third parties. ⇨ For joint sea operations taking place in third countries under status agreements, Regulation (EU) No 656/2014 is to be applied *mutatis mutandis*. ⇦

↓ 2019/1896 recital 48 (adapted)
⇨ new

(61) The Agency should organise appropriate technical and operational assistance to Member States in order to reinforce their capacity to implement their obligations with regard to external border control and to face challenges at the external borders resulting from an increased number of arrivals of irregular migrants or cross-border crime. Such assistance should be without ⌦ affecting ⌫ ~~prejudice to~~ the relevant national authorities' competence to initiate criminal investigations. In that respect, the Agency should, either on its own initiative and with the agreement of the Member State concerned or at the request of that Member State, organise and coordinate joint operations for one or more Member States, deploy border management teams, migration management support teams and return teams (collectively referred to as 'teams') from the standing corps and provide the necessary technical equipment. ⇨ Border management teams, migration management teams and return teams can be composed of one or more standing corps officers as the need may be. ⇦

↓ 2019/1896 recital 49 (adapted)
⇨ new

(62) Where there is a specific and disproportionate challenge at the external borders, the Agency should, either on its own initiative and with the agreement of the Member State concerned or at the request of that Member State, organise and coordinate ~~rapid~~ border interventions and deploy both teams from the standing corps ⇨ , including the European border and return reserve, ⇦ and technical equipment, including from the rapid reaction equipment pool. The rapid reaction equipment pool should contain a limited number of items of equipment needed for possible ~~rapid~~ border interventions. ~~Rapid~~ ~~b~~Border interventions should provide reinforcement for a limited period of time in situations where an immediate response is required and where such an intervention would provide an effective response. To ensure that such intervention is effective, Member States should make ⌦ available ⌫ staff that they second to the Agency, provide to the Agency for short-term deployment and ~~deploy for the purposes of the~~

[36] Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 189, 27.6.2014, p. 93, ELI: http://data.europa.eu/eli/reg/2014/656/oj).

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~~reserve for rapid reaction~~ ⇨ registered in the European border and return ⇦ reserve ~~available~~ to form relevant teams and provide the necessary technical equipment. Where the crew deployed with the technical equipment of a Member State originates in that Member State, it should count as part of that Member State's contribution to the standing corps. The Agency and the Member State concerned should agree upon an operational plan.

↓ 2019/1896 recital 50 (adapted)
⇨ new

(63) Where a Member State faces specific and disproportionate migratory challenges at particular areas of its external borders characterised by large, inward, mixed migratory flows, the Member States should be able to rely on increased technical and operational reinforcements. Those reinforcements should be provided ~~in hotspot areas~~ by migration management support teams. Those teams should be composed of operational staff to be deployed from the standing corps and experts from the European ⌦ Union Agency for ⌫ Asylum ~~Support Office~~ (⌦ EUAA ⌫ ~~EASO~~), Europol and, where relevant, the European Union Agency for Fundamental Rights, other Union bodies, offices and agencies, and Member States. The Commission should ensure the necessary coordination of the assessment of needs submitted by Member States. The Agency should assist the Commission in the coordination among the different agencies on the ground. The Commission should, in cooperation with the host Member State and relevant Union agencies, establish the terms of cooperation ⇨ for the area of operation of the management migration support team ⇦ ~~at hotspot areas~~. The Commission should ensure the cooperation of the relevant agencies within their respective mandates and be responsible for coordinating the activities of the migration management support teams.

↓ 2019/1896 recital 51
⇨ new

(64) ⇨ It is recognised in this Regulation that migratory routes are also taken by persons in need of international protection. ⇦ Member States should ensure that any authorities which are likely to receive applications for international protection, such as the police, border guards, immigration authorities and personnel of detention facilities, have the relevant information. They should also ensure that such authorities' personnel receive the necessary level of training which is appropriate to their tasks and responsibilities and instructions to inform applicants as to where and how applications for international protection may be lodged and instructions as to how to refer persons in a vulnerable situation to the appropriate referral mechanisms.

↓ 2019/1896 recital 52 (adapted)

~~In its conclusions of 28 June 2018, the European Council reconfirmed the importance of relying on a comprehensive approach to migration and considered that migration is a challenge not only for one Member State but also for Europe as a whole. In that~~

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~~respect, it highlighted the importance for the Union of providing full support to ensure an orderly management of migration flows.~~

↓ 2019/1896 recital 53 (adapted)

(65) The Agency and ~~EASO~~ ⌦ EUAA ⌫ should cooperate closely in order to address effectively migratory challenges characterised by large inward mixed migratory flows, in particular at the external borders. In particular, the Agency and ~~EASO~~ ⌦ EUAA ⌫ should coordinate their activities and support Member States to facilitate procedures regarding international protection and the return procedure with regard to third-country nationals whose applications for international protection are rejected. The Agency and ~~EASO~~ ⌦ EUAA ⌫ should also cooperate in other common operational activities such as shared risk analysis, the collection of statistical data, training, and support to Member States in connection with contingency planning.

↓ 2019/1896 recital 54 (adapted)
⇨ new

(66) National authorities carrying out coast guard functions are responsible for a wide range of tasks, which may include maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency, the European Fisheries Control Agency (EFCA) and the European Maritime Safety Agency (EMSA) should therefore strengthen their cooperation both with each other and with the national authorities carrying out coast guard functions to increase maritime situational awareness and to support coherent and cost-efficient action. Synergies between the various actors in the maritime environment ⇨ , including through the organisation of multipurpose operations, capacity building and information sharing ⇦ should be in line with ~~European integrated border management~~ ⌦ EIBM ⌫ and maritime security strategies ⇨ and with the respective mandates of the agencies. For that purpose, EUROSUR fusion services should be made available to EMSA and EFCA to complement the existing cooperation on information exchange and information deriving from the Common Information Sharing Environment (CISE) should be included in the European situational picture ⇦.

↓ 2019/1896 recital 55

~~In hotspot areas, the Member States should cooperate with the relevant Union agencies, which should act within their respective mandates and powers, under the coordination of the Commission. The Commission, in cooperation with the relevant Union agencies, should ensure that activities in hotspot areas comply with relevant Union law and fundamental rights.~~

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↓ 2019/1896 recital 56
⇨ new

(67) Where justified by the results of the vulnerability assessment ⇨ monitoring of EUROSUR ⇦ or risk analysis or where a critical impact level has been temporarily attributed to one or more border sections, the executive director of the Agency should recommend to the Member State concerned to initiate and carry out joint operations or ~~rapid~~ border interventions. ⇨ In the spirit of shared responsibility, the Member State concerned should assess that recommendation. Where the Member State does not intend to follow the recommendation, its reasoned negative response should be referred for further assessment to the management board which may make recommendations setting out, where necessary, the operational response and the time limit for its implementation. ⇦

↓ 2019/1896 recital 57
⇨ new

(68) Where external border control is rendered ineffective to such an extent that it risks jeopardising the functioning of the Schengen area, either because a Member State does not take the necessary measures in line with a vulnerability assessment or because a Member State facing specific and disproportionate challenges at the external borders has not requested sufficient support from the Agency or is not implementing such support, a unified, rapid and effective response should be delivered at Union level. For the purpose of mitigating these risks, and to ensure better coordination at Union level, the Commission should propose to the Council a decision that identifies the measures to be implemented by the Agency and requires the Member State concerned to cooperate with the Agency in the implementation of those measures. The implementing power to adopt such a decision should be conferred on the Council because of the potentially politically sensitive nature of the measures to be decided, which are likely to touch on national executive and enforcement powers. The Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Council decision. The Agency should draw up an operational plan with the Member State concerned. The Member State concerned should facilitate the implementation of the Council decision and the operational plan by fulfilling, inter alia, its obligations as provided for in this Regulation. If a Member State does not comply with that Council decision within 30 days and does not cooperate with the Agency in the implementation of the measures contained in that decision, the Commission should be able to trigger the specific procedure provided for in Article 29 of Regulation (EU) 2016/399 to address exceptional circumstances ⇨ putting the overall functioning of the area without internal border control at risk ⇦.

⇩ new

(69) Where the conditions necessary to carry out operations safely and in full compliance with the applicable legal obligations are not met, such operations should be suspended or terminated. Such important decision should be taken by the executive director after consultation with the management board. Following the termination of the previous

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operation, the host Member State may submit a new request for support. After assessing the situation, including the circumstances that led to the termination of the previous operation and the merits of the new request, the executive director may, after consultation with the management board, approve the request.

↓ 2019/1896 recital 58
⇨ new

(70) The standing corps should be composed of ~~four~~ ⇨ three ⇦ categories of operational staff, namely statutory staff, staff seconded to the Agency by the Member States for a long term, staff provided by Member States for short-term deployments ⇨ , and national officers forming part of the European border and return reserve ⇦ ~~staff forming part of the reserve for rapid reaction for rapid border interventions~~. Operational staff should consist of border guards, return escorts, return specialists, and other relevant staff. The standing corps should be deployed in the framework of teams. The actual number of operational staff deployed from the standing corps should depend on operational needs. ⇨ The Agency should endeavour to recruit and retain qualified staff from the broadest possible geographical background. In the spirit of shared responsibility, the Agency should require the staff it employs, in particular the statutory staff of the standing corps, including statutory staff deployed in operational activities, to possess the equivalent level of training, special expertise and professionalism as staff seconded or employed by the Member States. Therefore, the Agency should review and evaluate whether its statutory staff conduct themselves properly in operational activities in the field of border control or return. ⇦

↓ 2019/1896 recital 59
⇨ new

(71) ⇨ In order to facilitate the cross-border deployment of the standing corps and the Agency's operational assets, the Union and the Member States should progressively work towards greater administrative interoperability and practical recognition arrangements, where appropriate, in areas such as firearm-related authorisations, statutory technical inspections of vehicles and other operational compliance requirements, without affecting the applicable national law of the host Member State. ⇦ Operational staff deployed as members of the teams should have all the necessary powers to carry out border control and return tasks, including the tasks requiring executive powers, set out in relevant national law or in this Regulation. Where statutory staff exercise executive powers, the Agency should be liable for any damage caused. ⇨ To ensure the effective performance of their tasks, members of the teams deployed in a Member State should be granted equivalent access rights to relevant Union databases, such as the Schengen Information System (SIS), the Visa Information System (VIS), and the Entry/Exit System (EES), under the same conditions as the border guards of the host Member State. In particular, when acting as designated border authorities in accordance with Article 9 of Regulation (EU) 2017/2226 of the European Parliament and of the Council[37], they should be authorised

[37] Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for

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to consult, enter, amend, and erase data in the EES, in full compliance with the EES legal framework. ⇦

↓ 2019/1896 recital 60

~~Member States should contribute to the standing corps in accordance with Annex II for long-term secondments and Annex III for short-term deployments. The individual contributions of Member States should be established on the basis of the distribution key agreed during the negotiations in 2016 on Regulation (EU) 2016/1624 for the purposes of the rapid reaction pool and set out in Annex I to that Regulation. That distribution key should be proportionally adapted to the size of the standing corps. Those contributions should also be established in a proportionate way for the Schengen associated countries.~~

⇩ new

(72) Category 1 operational staff can be deployed in the field or perform operational activities at the headquarters. The place of employment of the statutory staff of the Agency performing administrative functions should generally be the Member State where the Agency's seat is located. For statutory staff deployed as members of the teams, the location of the deployment should as a general rule be considered as the place of employment for the purposes of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68[38]. Taking into account the specificities of deployments to third countries, statutory staff deployed to third countries as well as to Schengen associated countries should maintain the place of employment in the Member State where the Agency's seat is located. Category 1 operational staff are required to perform duties under particular arduous working conditions and following specific shift work arrangements that should be adequately compensated. Those specific working conditions and arrangements should therefore be duly taken into account in the relevant legislation. The Agency may adopt further general implementing provisions to the Staff Regulations tailored to its operational and organisational needs, considering the highly specialised and particular nature of the mandate of the Agency and duties of its staff members, in line with the procedure set out in Article 110(2) of the Staff Regulations.

↓ 2019/1896 recital 61

(73) When selecting the numbers and profiles of staff to be indicated in the decision of the management board, the executive director should apply the principles of equal treatment and proportionality, in particular with regard to the national capabilities of Member States.

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access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20, ELI: http://data.europa.eu/eli/reg/2017/2226/oj).

[38] OJ L 56, 4.3.1968, p. 1, ELI: http://data.europa.eu/eli/reg/1968/259(1)/oj.

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↓ 2019/1896 recital 62

(74) The exact timing for short-term deployments from the standing corps and for making available technical equipment co-financed under the specific actions of the Internal Security Fund or any other dedicated Union funding should be agreed between each Member State and the Agency through annual bilateral negotiations, taking into account capacity and proportionality. When requesting national contributions to the standing corps, the executive director should apply as a general rule the principles of proportionality and equal treatment of Member States with the aim of preventing situations that would substantially affect the discharge of national tasks in one Member State by requesting the deployment of the annual contributions of that Member State in one particular period of four months. Such arrangements should include the possibility for Member States to fulfil their obligations regarding deployment periods by means of non-consecutive periods. With regard to short-term deployments from the standing corps, Member States should also be able to fulfil their obligations for short-term deployment in a cumulative manner, by deploying more staff for shorter periods or by deploying the individual staff members for more than four months in accordance with the planning agreed through annual bilateral negotiations.

↓ 2019/1896 recital 63

~~Without prejudice to the timely conclusion of the operational plan regarding sea operations, the Agency should provide participating Member States, at the earliest possible stage, with specific information on the relevant jurisdiction and applicable law, in particular on the prerogatives of the commanders of ships and aircraft, the conditions of the use of force and the imposition of restrictive or custodial measures.~~

⇩ new

(75) In addition to the contribution to the standing corps in accordance with Annex II for long-term secondment and Annex III for short-term deployments, which should remain stable over time, Member States should contribute national officers to the European border and return reserve. The Member States should ensure the vast representation of different talents in the European border and return reserve including border guards, return specialist, return escort or other relevant staff, in order to ensure resilience and respond to evolving challenges. The individual contributions of Member States should be established on the basis of the distribution key agreed during the negotiations in 2016 on Regulation (EU) 2016/1624 for the purposes of the rapid reaction pool, as updated in the Regulation (EU) 2019/1896. That distribution key should be proportionally adapted to the size of the standing corps and reflected in Annex IV. Those contributions should also be established in a proportionate way for the Schengen associated countries. in accordance with Annex IV. While the members of the European border and return reserve should primarily perform duties necessary to implement the EIBM at national level, they could be convocated by the executive director in case of an emerging and disproportionate need in the area of border management or return, or a situation at the external borders requiring urgent action,

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where other categories of the standing corps which are at the disposal of the Agency turn to be insufficient or a specific professional expertise is indispensable to address certain operational needs. The contribution of Member States in this regard should be considered as part of their solidarity towards other Member States and the Agency, assuming their shared responsibility in implementing EIBM with the aim of ensuring the highest standards and most resilient border management and effective returns throughout the Union.

↓ 2019/1896 recital 64
⇨ new

(76) The ~~long-term development of human resources to secure the~~ contributions of the Member States to the standing corps should be supported by a financial support system. For that purpose, it is appropriate to authorise the Agency to use the award of grants to the Member States without a call for proposals under financing not linked to costs subject to the fulfilment of the conditions set out in Regulation (EU, Euratom) ~~2018/1046~~[39] 2024/2509 of the European Parliament and of the Council[40]. The financial support should ~~enable~~ ⇨ provide ⇦ Member States ~~to hire and train additional staff to provide them~~ with the necessary flexibility to comply with the mandatory contributions to the standing corps. ~~The financial support system should take into account the time required for recruitment and training, and it should therefore be based on the N + 2 rule.~~ The dedicated financing system should strike the right balance between the risks of irregularities and fraud and costs of control. This Regulation sets the essential conditions for triggering the financial support, namely the ~~recruitment and training of the adequate number of border guards or other specialists corresponding to the number of officers seconded to the Agency for a long term or the~~ effective ⇨ secondment or ⇦ deployment of officers during the Agency's operational activities. Given the lack of relevant and comparable data on actual costs across Member States, the development of a cost-based financing scheme would be overly complex and would not address the need for a simple, fast, efficient and effective financing scheme. For the purpose of fixing the amount of such financing to different Member States, it is appropriate to use as a reference amount the annual salary of contractual agents in function group III, grade 8, step 1 of the institutions of the Union, adjusted by a corrective coefficient per Member State in line with the principle of sound financial management and in the spirit of equal treatment. When implementing such financial support, the Agency and Member States should ensure that the principles of co-financing and no double funding are complied with.

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39 ~~Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).~~

40 Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, ELI: http://data.europa.eu/eli/reg/2024/2509/oj).

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↓ 2019/1896 recital 65
⇨ new

(77) In order to alleviate the possible impact on the national services related to the recruitment of statutory staff for the standing corps, support should be provided to the relevant services of Member States to cover training investments for new personnel replacing such ~~departing~~ personnel ⇨ departing the national authorities forming the European Border and Coast Guard ⇦ .

↓ 2019/1896 recital 69
⇨ new

(78) The Agency's workforce should consist of staff performing the tasks devoted to the Agency, either ~~in the Agency's headquarters~~ ⇨ as the Agency's administrative staff ⇦ or as part of the standing corps. Statutory staff within the standing corps should primarily be deployed as members of the teams. ⇨ When needed, they can be assigned to perform operational activities in the headquarters or antenna offices, including for instance operational training, duty and surveillance, real time assessment, document expertise. ⇦ It should be possible to recruit only a limited and clearly defined number of statutory staff to ~~perform supportive functions~~ ⇨ enable ⇦ ~~for~~ the ~~establishment~~ ⇨ functioning ⇦ of the standing corps, in particular at headquarters

↓ 2019/1896 recital 66
⇨ new

(79) ⇨ To ensure the consistent implementation of its operational and logistical activities, including the deployment of the standing corps and technical equipment and to facilitate cooperation between the Agency and the host Member State or host third country, the Agency should develop its chain of command to avoid that decision making becomes overcentralised and therefore too distant from operational needs. It should serve as the hierarchical line of authority based on delegated operational management within the Agency and implemented through its contingents which might be further subdivided into sections and groups at tactical level. The chain of command should be responsible to manage the deployed standing corps and other relevant staff participating in the operational activities of the Agency including by exercising certain delegated powers of the executive director in the relevant areas. ⇦ In view of the deployment of the standing corps on the territories of third countries, the Agency should develop the capabilities for its own command and control structures as well as a procedure to ensure that the members of the teams can be held civilly and criminally liable.

⇩ new

(80) To assist Member States to swiftly address any crises and emergencies at the external borders of the Union, a quick reaction force capability should be established. The Agency could also establish, where operationally desirable under its contingents, a

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quick reaction force, able to rapidly respond to urgent operational needs arising at contingent or Union level. Such a quick reaction force could be deployed upon the request of the host Member State to support crisis situations both at the relevant border section or to free up national resources at other border sections.

(81) In order to establish specific arrangements for the Agency's operational response in situations of crisis and force majeure at the external borders, as defined in Regulation (EU) 2024/1359, it is appropriate to empower the Executive Director to recommend to the Member State concerned to request the Agency to initiate, reinforce or adapt operational support. In order to ensure a swift and effective response, the Agency should give priority to the deployment of officers from the European Border and Return Reserve already present in the Member State concerned, as well as from the Agency's quick reaction force. In view of the urgent nature and complexity of such deployments, the monitoring of compliance with fundamental rights should be carried out ex post, so as to ensure an adequate focus on the operational response and to adapt such monitoring to operational needs in exceptional circumstances, while preserving the possibility for the Member State concerned to request the earlier involvement of fundamental rights monitors.

↓ 2019/1896 recital 75
⇨ new

(82) ~~Taking into account the enhanced mandate of the Agency, the setting up of the standing corps and its strengthened presence on the ground at the external borders and its increased engagement in the field of return, it should be possible for the Agency to establish antenna offices situated at locations in the proximity of its significant operational activities for the duration of those activities, to act as an interface between the Agency and the host Member State, to deal with coordination and logistical and support tasks and to facilitate cooperation between the Agency and the host Member State.~~Taking into account the enhanced mandate of the Agency, the setting up of ~~the standing corps and~~ ⇨ the Agency's operational chain of command, ⇦ its strengthened presence on the ground at the external borders and its increased engagement in the field of return, it should be possible for the Agency to establish ⇨ , as a part of its contingent management structure, ⇦ antenna offices situated ~~at locations in the proximity of its significant operational activities for the duration of those activities, to act as an interface between the Agency and the host Member State, to deal with coordination and logistical and support tasks and to facilitate cooperation between the Agency and the host Member State~~ ⇨ on the territory of the Member States or third countries. The aim of the antenna offices should be to ensure the forward presence of the contingent command personnel and to facilitate and improve the coordination of operational activities within that specific area ⇦ .

↓ 2019/1896 recital 76 (adapted)

(83) In light of the fact that inter-agency cooperation forms part of ⌦ EIBM ⌫ ~~European integrated border management~~, the Agency should closely cooperate with all relevant Union bodies, offices and agencies, in particular with Europol and ~~EASO~~ ⌦ EUAA ⌫ . Such cooperation should take place at the level of headquarters, ⌦ and ⌫ in operational areas ~~and, where relevant, at the level of antenna offices~~.

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🡻 2019/1896 recital 67 (adapted)

~~In order to allow for effective deployments from the standing corps beginning on 1 January 2021, certain decisions and implementing measures should be taken and put in place as soon as possible. Therefore, the Agency, together with the Member States and the Commission, should engage in the preparation of such implementing measures and decisions for adoption by the management board. Such a preparatory process should encompass the relevant recruitment by the Agency and the Member States as referred to in this Regulation.~~

🡻 2019/1896 recital 68 (adapted)
⇨ new

~~In order to ensure the continuity of the support for operational activities organised by the Agency, however, all deployments, including under the rapid reaction pool, to be made by 31 December 2020 should be planned and implemented in accordance with Regulation (EU) 2016/1624 and in accordance with the annual bilateral negotiations carried out in 2019. To that end, the relevant provisions of that Regulation should only be repealed with effect from 1 January 2021.~~

🡻 2019/1896 recital 70

(84) To overcome the persistent gaps in the voluntary pooling of technical equipment from Member States, in particular as regards large-scale assets, the Agency should have its own necessary equipment to be deployed in joint operations or ~~rapid~~ border interventions or any other operational activities. ⇨ The development of the Agency's own technical capabilities and of the technical equipment pool should respond to the operational requirements identified through risk analysis, vulnerability assessments and operational planning, including, where relevant, maritime and aerial surveillance capabilities and advanced processing and analytical tools, while remaining proportionate to the Agency's mandate and resources. ⇦ ~~Those~~ A~~a~~ssets ⇨ owned by the Agency ⇦ should be authorised by the Member States as being on government service. ~~While the Agency has been legally able to acquire or lease its own technical equipment since 2011, that possibility was significantly hindered by the lack of budgetary resources.~~

⇩ new

(85) In order to support operational effectiveness, interoperability and cost-efficiency, the Agency should be able, for specific categories of technical equipment, to conduct joint procurement procedures with Member States or to act as a central purchasing body, in accordance with the financial rules applicable to the Agency. Appropriate safeguards should be provided as regards financial contributions, service fees, liability arrangements, conditions of use and the avoidance of double financing from Union funds. Appropriate arrangements should also be in place for the registration, deployment, maintenance, servicing and logistical support of the Agency's own technical equipment throughout its lifecycle.

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(86) In order to improve the availability, coordination and effective use of maritime capabilities for the implementation of this Regulation, the Agency should be able to support, where appropriate, the coordination of maritime assets made available by Member States, without affecting the ownership of those assets and to the responsibilities of the Member States concerned

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↓ 2019/1896 recital 71 (adapted)
⇨ new

(87) Consequently, in order to match the level of ambition underlying the establishment of the standing corps, ~~the Commission earmarked a significant envelope under the 2021-2027 multiannual financial framework to allow the Agency to acquire, maintain and operate the necessary air, sea and land assets corresponding to its operational needs~~ ⇨ the Commission will, within the policy reference framework set out in Article 22(2) of the NRPP Regulation, encourage Member States to finance measures in the National and Regional Partnership Plans that will complement Frontex own equipment with equipment financed by Member States under their National and Regional Partnership Plans and that can be put at the disposal of the Agency ⇦ . While the acquisition of the necessary assets could be a lengthy process, especially for large assets, the Agency's own equipment should ultimately become the backbone of the operational deployments with additional contributions by Member States to be called upon in exceptional circumstances. The Agency's equipment should be largely operated by the Agency's technical crews that are part of the standing corps. In order to ensure the effective use of the proposed financial resources, the acquisition of the necessary assets should be based on a multiannual strategy decided as early as possible by the management board. It is necessary to ensure the sustainability of the Agency by means of future multiannual financial frameworks and to maintain comprehensive ⌦ EIBM ⌫ ~~European integrated border management~~.

⇩ new

(88) In order to ensure that the European Border and Coast Guard has access to state-of-the-art, interoperable and resilient technical capabilities, the Agency should be able to acquire or lease technical equipment and, where appropriate, participate in, coordinate or carry out joint procurement procedures together with Member States or other Union institutions, bodies, offices or agencies. Where appropriate, the Agency should also be able to act as a central purchasing body, in accordance with the financial rules applicable to the Agency. Such acquisition, leasing and procurement should be guided by the capability roadmap, the Agency's multiannual strategy for technical capabilities and the relevant Union financial and procurement rules. It should also take into account life-cycle costs, interoperability, operational risks, research and innovation developments and the need to reduce critical dependencies, including dependencies on suppliers established in third countries, where relevant.

(89) In order to ensure that EIBM benefits from state-of-the-art, secure and interoperable capabilities, the Agency should monitor, support and contribute to research and innovation activities relevant for border management and return. The Agency should assist the Member States and the Commission in identifying research and innovation priorities and in supporting the preparation and implementation of relevant Union

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programmes. It should also be able to receive funding under, and carry out activities funded by, relevant Union programmes in the areas covered by this Regulation and, where the Commission delegates the relevant powers, implement parts of those programmes. In doing so, the Agency should contribute to the coordination of the European innovation ecosystem for border management, support the uptake and testing or evaluation of relevant technologies and systems, and take into account the need to reduce critical dependencies and support European strategic autonomy. Where the Agency develops, procures, tests or deploys artificial intelligence systems in the implementation of this Regulation, it should do so in accordance with Regulation (EU) 2024/1689 and other applicable Union law, taking account of the intended purpose and risk classification of the system. The Agency should ensure appropriate risk management, data governance, transparency, accuracy, robustness, cybersecurity, human oversight and fundamental-rights safeguards. Artificial intelligence should support, and not replace, accountable human decision-making, in particular where decisions may affect individuals.

↓ 2019/1896 recital 72 (adapted)

~~In the implementation of this Regulation, the Agency and the Member States should make the best possible use of existing capabilities in terms of human resources as well as technical equipment, both at Union and national level.~~

↓ 2019/1896 recital 73 (adapted)

(90) ⌦ In the implementation of this Regulation, the Agency and the Member States should make the best possible use of existing capabilities in terms of human resources as well as technical equipment, both at Union and national level. ⌫ The long-term development of new capabilities within the European Border and Coast Guard should be coordinated between the Member States and the Agency in line with the multiannual strategic policy cycle for ⌦ EIBM ⌫ ~~European integrated border management~~, taking into account the long duration of certain processes. That includes the recruitment and training of new border guards, which, during their career, could serve both in Member States and as part of the standing corps, the acquisition, maintenance and disposal of equipment, for which opportunities for interoperability and economies of scale should be sought, and the development of new equipment and related technologies, including through research.

↓ 2019/1896 recital 74
⇨ new

(91) The capability roadmap should converge the capability development plans of Member States and the multiannual planning of the Agency's resources to optimise long-term investment to best protect the external borders. ⇨ In order to ensure that national capability development plans respond to identified operational needs and deficiencies, those plans should take into account the results of quality control mechanisms, including the vulnerability assessment carried out by the Agency and the Schengen evaluation and monitoring mechanism. This should help ensure that capability

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development, investment planning, recruitment and training are better linked to identified gaps, risks and strategic priorities, without affecting the respective procedures and responsibilities under those mechanisms. In order to ensure that national capability development plans remain relevant and reflect actual capability needs, Member States should update those plans regularly and following substantial changes. Such changes may include significant changes in the risk analysis, relevant findings of the vulnerability assessment or of the Schengen evaluation and monitoring mechanism, changes in national financial programming affecting border management or return capabilities, or changes in the national legal framework, organisational structure or allocation of competences relating to border management and return. ⇦

↓ 2019/1896 recital 77 (adapted)
⇨ new

(92) ⇨ The training activities of the Agency should increase the efficiency and effectiveness of the standing corps deployments, ensure greater convergence and high standards in the implementation of the Union law on border management and return, promote best practices, facilitate cooperation and interoperability of the standing corps officers in multinational settings and ensure clarity with regard to the standing corps officers' roles and responsibilities. ⇦ The Agency and the Member States, in particular their training ⇨ and educational entities and ⇦ academies, should cooperate closely with respect to the training of the standing corps, while ensuring that training programmes are ⇨ based on the strategic training needs, ⇦ harmonised and foster the common values enshrined in the Treaties. ⇨ In order to effectively organise and implement trainings, ⇦ Tthe Agency should be able, ~~after obtaining the approval of the management board~~ to set up ~~an Agency~~ training ~~centre~~ ⌦ centres, ⌫ ⇨ including on the basis of agreements with selected specialised institutions for training and education as well as the Agency's partnership academies in Member States ⇦ to facilitate further the inclusion of a common European culture in the training provided. ⇨ The management board should oversee the strategic development of the Agency's training capabilities. ⇦

↓ 2019/1896 recital 78
⇨ new

(93) The Agency should further develop ⇨ and regularly update ⇦ common core curricula and adequate training tools for border management and return, including specific training on the protection of vulnerable persons, including children. ~~It should also offer additional training courses and seminars related to integrated border management tasks, including for officers of the competent national bodies.~~ ⇨ To ensure a consistent delivery of training, the Agency should also use "train the trainers" methodology. ⇦ The Agency should provide ⇨ border and coast guards, return specialists, return escorts and other relevant staff who are members of the standing corps, as well as forced-return monitors and fundamental rights monitors, ⇦ ~~the members of the standing corps~~ with ⇨ the necessary, high-quality training, including tailored ⇦ specialised training relevant to their tasks and powers. That should include training on relevant Union and international law and on fundamental rights. ⇨ To foster synergies and promote a coherent Union approach to specialised training, the

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Agency should cooperate closely with the European Union Agency for Law Enforcement Training (CEPOL). In cooperation with Member States and third countries, the Agency should be able to organise training activities and offer additional specialised courses and seminars related to integrated border management tasks for officers of their competent national authorities, including ⇦ ~~The Agency should be authorised to organise training activities in cooperation with Member States and third countries~~ on their territories. ⇨ The training provided to the competent national authorities should also include relevant courses for the staff in third countries in charge of visa applications. ⇦

⇩ new

(94) The Agency, in cooperation with the management board, should establish, develop and regularly update EIBM training curricula for members of the staff of relevant national authorities and administrations, responsible for border management and return matters, who form part of the European border and return reserve. It should provide training to staff of the European border and return reserve in order to guarantee that its members possess the necessary skills and competences to operate in a cohesive manner in any operational area while also contributing to strengthen national European Border and Coast Guard capacities.

🡻 2019/1896 recital 79 (adapted)

~~The return of third-country nationals who do not fulfil or who no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council[41], is an essential component of the comprehensive efforts to tackle illegal immigration and represents an important issue of substantial public interest.~~

⇩ new

(95) Regulation (EU) 2026/2280 establishes a common system for returns, providing the Union with a common framework to ensure that third-country national with no right to stay are effectively returned, and foresees a central coordination and operational role for the Agency. The effective implementation of the common system for returns is an essential component of a credible and comprehensive Union migration policy. The implementation of the Pact on Migration and Asylum, together with the new common rules establishes by Regulation (EU) 2026/2280 calls for stronger coordination and cooperation at Union level to ensure the effective implementation of returns across the Union. The Agency should therefore play a central role in the strategic planning, coordination and operational delivery of return-related activities, enabling Member States to pool resources and capabilities, increasing the scale and efficiency of returns and ensuring that the Union is equipped to implement effectively the common system established by Regulation (EU) 2026/2280.

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[41] ~~Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).~~

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(96) To enable the Agency to effectively fulfil its responsibilities within the common system for returns, it should establish a dedicated operational structure responsible for ensuring continuous situational awareness, anticipating operational needs and supporting the planning, organisation and deployment of return and reintegration activities. A Return Coordination Centre should therefore be established within the Agency. The Agency should also establish a SIRENE office to support the operation of the Return Coordination Centre by exchanging and ensuring the availability of supplementary information related to SIS alerts on return and for refusal of entry and stay in accordance with Regulations (EU) 2018/1860[42] and (EU) 2018/1861[43] of the European Parliament and of the Council.

(97) To ensure coordinated and efficient implementation of return activities at Union level, the Agency should be responsible for planning return operations through a rolling operational plan based on the needs assessment and information provided to the Member States to the Return Coordination Centre.

↓ 2019/1896 recital 80 (adapted)
⇨ new

(98) ⇨ Effective return requires adequate operational planning and operational capacity that can be rapidly mobilised. ⇦ The Agency should ⇨ strengthen its role to become the Union entity responsible for the planning, coordination and implementation of returns ⇦ ~~step up its assistance to Member States for returning third-country nationals~~, subject to Union return policy and in compliance with ~~Directive 2008/115/EC of the European Parliament and of the Council~~[44] ⌦ Regulation (EU) 2026/2280 ⌫. In particular, the Agency should ⇨ strategically plan, ⇦ coordinate and organise ⇨ and carry out ⇦ return operations from one or more Member States and organise and conduct return interventions to reinforce the return systems of Member States that require increased technical and operational assistance to ~~comply with their obligation to return third-country nationals in accordance with that Directive~~ ⇨ implement the return border procedure and Regulation (EU) 2026/2280 ⇦ .

⇩ new

(99) In addition to its role in the planning, coordination and implementation of return operations and other return-related activities, the Agency should, in full respect for fundamental rights and without affecting the Member States' responsibility for issuing return decisions, provide comprehensive technical and operational assistance to

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[42] Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1860/oj).

[43] Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14, ELI: http://data.europa.eu/eli/reg/2018/1861/oj).

[44] ~~Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: http://data.europa.eu/eli/dir/2008/115/oj).~~

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Member States in the return process. Such assistance should include support for the pre-return, return, and post-return activities, as well as support to Member States in the collection of information, the identification of third-country nationals, the acquisition of travel documents, return and reintegration counselling, the provision of technical equipment, as well as the operational resources, interpreting services and specialised expertise.

(100) Where this Regulation refers to tasks carried out by the Agency on the basis of a return decision, or to technical and operational assistance provided on the basis of a return decision, such return decision should be understood as a return decision issued by a Member State in accordance with, and respecting the requirements of, Regulation (EU) 2026/2280, including returns ordered under Article 2(4), points (a) and (b), thereof.

(101) The Agency should maintain a pool of qualified forced-return monitors to respond to the requests of the Member States to monitor return operations on their behalf. The pool should be composed of personnel of the competent bodies of the Member States who carry out forced-return monitoring activities, fundamental rights monitors, and qualified experts from relevant entities These forced return monitors should be specifically trained to ensure that the needs of persons in situations of vulnerability are adequately met during return operations.

(102) Reintegration is an important component of the common system for returns. The Agency should therefore strengthen its role in supporting the planning and implementation of post-arrival and reintegration assistance, including through the management of a Union Reintegration Programme, with a view to ensuring coherence and coordination of reintegration assistance provided by the Member States and alignment with Union priorities in the field of return, readmission and reintegration. As a key actor in the common system for returns, the Agency should contribute to ensuring that reintegration assistance provided by the Agency and the Member States forms part of a coherent and coordinated approach. The Agency and the Member States should ensure that reintegration assistance is planned, coordinated and implemented in accordance with the framework, principles and criteria set out in Article 44(5) and (6) of Regulation (EU) 2026/2280, taking into account, where relevant, the specific needs of persons in situations of vulnerability, thereby ensuring coherence, maximising synergies and avoiding duplication of efforts. A continuum between the reintegration assistance provided by the Agency and further longer-term reintegration, including with the involvement of the communities of the returnee, should be sought, ensuring complementarity between the reintegration activities of the Agency and relevant initiatives undertaken in the framework of the Union's external action, building on existing support and fostering synergies between the activities of the Agency, the Member States and other relevant actors. The Agency, in consultation with the Commission, should identify priority third countries for the provision of reintegration assistance. In order to ensure coherence with the Union's external action, it should take into account the relevant external policy objectives.

(103) The Agency's coordinating role in the field of reintegration should concern reintegration activities linked to returns from the Union. This should be without prejudice to, where it is best placed, the Agency carrying out or supporting reintegration activities in third countries, where it is in the interest of the Union. Such activities should complement, and be conducted in synergy with, relevant initiatives undertaken in the framework of the Union's external action, including those supporting reintegration in partner countries, thereby fostering synergies, ensuring

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continuity of assistance and supporting a coherent approach to sustainable reintegration while avoiding duplication of effort.

(104) The effective functioning of the common system for returns requires the Agency to have the necessary information and operational capabilities to fulfil its strengthened role. Currently, there is no comprehensive Union-level operational picture of secondary movements of third-country nationals subject to return decisions or of attempts by persons subject to entry bans to enter the Union. While the Schengen Information System is the main Union-wide IT system relevant to monitoring such movements and eu-LISA can produce statistics on SIS alerts on return, the exchange of supplementary information takes place largely on a bilateral basis without being stored in the SIS central system. As a result, detailed statistics on hits on SIS alerts cannot be produced by eu-LISA or the Member States, limiting the Union's capacity to identify cross-border trends and assess developments in these areas. Information on hits on alerts on return and on alerts for refusal of entry and stay entered in SIS, together with the possibility to consult the relevant alerts associated with those hits, is necessary to provide the Return Coordination Centre with reliable and timely operational data regarding the movements of third-country nationals subject to return decisions and entry bans. This information should enable the Return Coordination Centre to identify operational trends, including secondary movements of persons subject to return decisions, assess vulnerabilities and risks on return, anticipate emerging needs and support the prioritisation, coordination and deployment of operational resources. Accordingly, the Agency should establish a SIRENE Office within the Return Coordination Centre allowing it to process supplementary information related to SIS alerts.

↓ 2019/1896 recital 81

~~The Agency should, in full respect for fundamental rights and without prejudice to the Member States' responsibility for issuing return decisions, provide technical and operational assistance to Member States in the return process, including in the identification of third-country nationals and in other pre-return activities of the Member States the acquisition of travel documents for return, in cooperation with the authorities of the relevant third countries.~~

↓ 2019/1896 recital 82

(105) The Agency should allow, subject to the agreement of the Member State concerned, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe to conduct visits to where it carries out return operations, within the framework of the monitoring mechanism established by the members of the Council of Europe under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

↓ 2019/1896 recital 83

~~The assistance to Member States in carrying out return procedures should include the provision of practical information on third countries of return relevant for the implementation of this Regulation, such as the provision of contact details or other logistical information~~

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~~necessary for the smooth and dignified conduct of return operations. The assistance should also include the operation and maintenance of a platform for the exchange of data and information necessary for the Agency to provide technical and operational assistance in accordance with this Regulation. That platform should have a communication infrastructure enabling the automated transmission of statistical data by the Member States' return management systems.~~

⇩ new

(106) The Agency should operate and further develop the integrated return management platform (IRMA), as a dedicated platform supporting the exchange of information necessary for the provision of technical and operational assistance in the field of return, readmission and reintegration.

🡻 2019/1896 recital 84

(107) The possible existence of an arrangement between a Member State and a third country does not absolve the Agency or the Member States from their obligations or liability under Union or international law, in particular as regards compliance with the principle of *non-refoulement* and the prohibition of torture and inhuman or degrading treatment.

🡻 2019/1896 recital 85

~~Member States should be able to cooperate at operational level with other Member States or third countries at the external borders, including as regards military operations with a law enforcement purpose, to the extent that that cooperation is compatible with the actions of the Agency.~~

🡻 2019/1896 recital 86 (adapted)
⇨ new

(108) The Agency should improve the exchange of information and cooperation with other Union bodies, offices and agencies, such as Europol, ⇨ eu-LISA, ⇦ ~~EASO~~ ⌦ EUAA ⌫ , EMSA, ⇨ EFCA, the European Union Customs Authority, ⇦ the European Union Satellite Centre, EASA ⇨ and EEAS, including relevant CSDP missions and operations, as well as relevant international organisations ⇦ ~~and the Network Manager of the EATMN~~ in order to make the best use of information, capabilities and systems which are already available at ~~European~~ Union level ⇨ , including synergies of activities between the Agency and those entities ⇦ ~~, such as Copernicus, the Union Earth observation and monitoring programme~~.

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↓ 2019/1896 recital 87 (adapted)
⇨ new

(109) ⇨ In support of the Union's external action policy, migration policy and as an important element of EIBM, the Agency should cooperate with the partner third countries through technical and operational assistance. ⇦ ~~Cooperation with third countries is an important element of European integrated border management.~~ ⌦ The cooperation ⌫ should serve to promote European border management and return standards, to exchange information and risk analysis, and to facilitate the implementation of returns with a view to increasing their efficiency and to supporting third countries in the area of border management and ⇨ return ⇦ ~~migration~~, including through the deployment of the standing corps where such support is required to protect external borders and the effective management of the Union's migration policy. ⌦ Cooperation with third countries should take place in the framework of the external action of the Union and in line with the principles and objectives laid down in Article 21 of the Treaty on European Union (TEU). The Commission should ensure consistency between European integrated border management EIBM and other Union policies in the field of the Union's external action and, in particular, the Common Security and Defence Policy. The Commission should be assisted by the High Representative of the Union for Foreign Affairs and Security Policy. Such cooperation should take place with regard to, in particular, the activities of the Agency taking place on the territory of third countries or involving the officials of third countries in areas such as risk analysis, planning and conduct of operations, training, information exchange and cooperation. ⌫

⇩ new

(110) The Agency should be enabled to support third-country authorities with occasional and *ad hoc* technical assistance activities. Where more structural and long-term technical cooperation is envisaged, working arrangements could be agreed with the relevant third country authorities to set out the framework for cooperation. Technical assistance may also be provided under status agreements that include technical assistance support in their scope. Technical assistance to third countries typically could include training, capacity building and support for voluntary return or reintegration that does not involve the exercise of executive powers.

(111) To ensure coherence in the Union's external action, the Agency should coordinate its activities in third countries with the Commission and the European External Action Service, including through timely consultation before launching, substantially modifying or discontinuing activities, taking account of relevant Union-funded programmes.

(112) For the deployment of the standing corps on the territory of a third country with executive powers, a status agreement should be negotiated between the Union and the third country. The scope of status agreements may be targeted to the partner third country's needs and interests. Targeted status agreements may have a geographical scope limitation or may limit themselves to a certain type of assistance, for example activities at international airports or only return assistance tasks. Status agreements may cover both border management assistance and return-related assistance, as the

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need may be. Status agreements may also include provisions enabling the Agency to provide technical assistance in the form of e.g. capacity building and training to lower the administrative burden and allow for both technical and operational assistance to be provided under a single cooperation tool, if appropriate and desired.

(113) The type of tasks to be performed by operational staff or other relevant staff determines whether a status agreement is necessary. Deployment of operational or other relevant Agency staff on the territory of a host third country requires the provision of adequate privileges and immunities in the host country and should be based on an international agreement of the Union with this country, such as a status agreement. A status agreement is also necessary in cases where operational assistance requiring executive powers is to be provided. The determination of whether a certain task consists of operational assistance requiring executive powers or technical assistance should be based on a case-by-case analysis performed taking into account whether it is necessary to perform tasks which entail the exercise of public authority or direct enforcement of public power which would, in a national context, be conferred by law to be exercised or enforced by a competent national authority as part of powers of a public body.

(114) In addition to the key role of the Agency in planning, organising and carrying out returns from the Union to third countries and while such return-related support to Member States should remain the Agency's priority, it should be able to provide support to return-related activities taking place in, or starting from, third countries, as part of a whole-of-route approach to migration management. Such support should contribute to preventing illegal arrivals and unauthorised movements towards the Union and to ensuring the effective implementation of the Union's return policy. The Agency should therefore be able to provide technical or operational support to third countries in areas such as capacity building, training, or returns of persons staying illegally on their territory, where this is in line with the Union's policy and priorities, as expressed, for instance, in the European Asylum and Migration Management Strategy adopted pursuant to Article 8 of Regulation (EU) 2024/1351. The implications in terms of resources and costs, as well as the legal and technical feasibility of implementing what has been agreed with the third country, should be considered before cooperation is initiated.

(115) Support to third countries in the area of return may include both technical and operational assistance. Technical assistance does not involve the exercise of executive powers. Whether such return-related assistance requires the exercise of executive powers should be determined on a case-by-case basis, taking into account the specific tasks and context of the support, the extent to which the assistance is provided under the direct authority of the public authorities of the third country, as well as the need for privileges and immunities for the Agency staff operating in the third country. The Agency could provide operational assistance to third countries involving the exercise of executive powers, provided that the Union has concluded an international agreement with the third country. Such an agreement could form an integral part of the Union's status agreement in the area of border management or be concluded separately for the area of return, provided that all elements of the model status agreement and relevant safeguards are included in that agreement. A new model status agreement should include the relevant provisions relating to return. International agreements of the Union foreseeing operational assistance to third countries in the area of return should be interpreted as status agreements for the purposes of this Regulation.

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(116) Based on an international agreement, the Agency should be able to support returns from a third country, based on a return decision from a Member State, where a strategic interest of the Union is identified. The Agency should also be able to support returns from third countries on the basis of an individual obligation to leave established under their national return legislation, providing that specific safeguards are met and where there is a strategic interest of the Union that should be identified by the Commission in accordance with the Union's policy and priorities.

(117) Specific safeguards should be laid down in the international agreements with third countries on return, such as, for instance, the commitment by the third country to guarantee that the principle of *non-refoulement* is respected in a specific case, that the person is under an individual obligation to leave that country in accordance with national law, following a due process, and that such obligation is fulfilled at the time of return. In general, robust safeguards should be required, directly corresponding to the level of alignment with Union rules and standards. Furthermore, if force and means of constraint may be used during an operation, clear rules should be in place detailing their use in line with the principles of proportionality and necessity. Specific safeguards should also be included for persons in situations of vulnerability in return.

(118) The Agency may support Member States in their activities developed under the agreements referred to in the Schengen Borders Code, in particular as regards agreements at shared border crossing points with third countries. Such support may take the form of technical assistance as well as operational deployments with executive powers in support of Member States's border management staff deployed at the shared border crossing points. The assistance of the Agency may support entry/exit checks to enter or leave the EU, including the Entry/Exit System (EES).

↓ 2019/1896 recital 88

(119) Where the Commission recommends that the Council authorise it to negotiate a status agreement with a third country, the Commission should assess the fundamental rights situation relevant to the areas covered by the status agreement in that third country and inform the European Parliament thereof.

⇩ new

(120) For the purposes of the Agency's technical and operational support to third countries, the Commission should draw up a Model working arrangement and a Model status agreement. The Model working arrangement may serve as a guide to the Agency in their discussions with third country authorities. The Model status agreement should be used by the Commission as a basis for negotiating status agreements with third countries. The Model status agreement provisions should reflect the Agency's tasks, role and obligations under this Regulation and Union law, and should include appropriate provisions, including on privileges and immunities of staff deployed.

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🡻 2019/1896 recital 89

~~Cooperation with third countries should take place in the framework of the external action of the Union and in line with the principles and objectives laid down in Article 21 of the Treaty on European Union (TEU). The Commission should ensure consistency between European integrated border management and other Union policies in the field of the Union's external action and, in particular, the Common Security and Defence Policy. The Commission should be assisted by the High Representative of the Union for Foreign Affairs and Security Policy. Such cooperation should take place with regard to, in particular, the activities of the Agency taking place on the territory of third countries or involving the officials of third countries in areas such as risk analysis, planning and conduct of operations, training, information exchange and cooperation.~~

⇩ new

(121) The Agency's expertise in the area of EIBM should be used whenever possible in the external dimension of the Agency's activities, in particular through the implementation of projects supported by Union funding in third countries relevant for the management of external borders and return.

🡻 2019/1896 recital 90
⇨ new

(122) In order to ensure that the information contained in EUROSUR is as complete and up to date as possible, in particular with regard to the situation in third countries, the Agency should cooperate with the authorities of third countries either in the framework of bilateral and multilateral agreements between the Member States and third countries, including regional networks, through working arrangements concluded between the Agency and the relevant authorities of third countries ⇨ or in the framework of status agreements concluded between the Union and third countries ⇦. For those purposes, the European External Action Service and Union delegations and offices should provide all information that could be relevant for EUROSUR. ⇨ In order to ensure security and appropriate handling of information in EUROSUR, Member States should consult the Agency on the situation in a given third country and consult the Commission on the draft provisions of the bilateral or multilateral agreements. ⇦

🡻 2019/1896 recital 91 (adapted)

(123) This Regulation includes provisions on cooperation with ⌦ the authorities of ⌫ third countries because well-structured and permanent exchange of information and cooperation with such countries, including but not limited to neighbouring third countries, are key factors for achieving the objectives of ⌦ EIBM ⌫ ~~European integrated border management~~. It is essential that ~~any exchange of information and~~ any cooperation between Member States and third countries take place in full compliance with fundamental rights. It is essential that ~~any exchange of information and~~ any

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cooperation between ⌦ the Agency, ⌫ Member States and third countries ~~take~~ ⌦ takes ⌫ place in full compliance with fundamental rights.

↓ 2019/1896 recital 92

~~The assistance to third countries should complement the Agency's support for Member States in the application of Union measures relating to the implementation of European integrated border management.~~

↓ 2019/1896 recital 93

~~It should be possible for the bilateral and multilateral agreements concluded by Member States with third countries in the areas covered by European integrated border management to contain security sensitive information. Where notified to the Commission, such information should be handled by the Commission in accordance with the applicable security rules.~~

↓ 2019/1896 recital 94

(124) To establish a comprehensive situational picture and risk analysis covering the pre-frontier area, the Agency and the national coordination centres should collect information and coordinate with immigration liaison officers deployed in third countries by Member States, the Commission, the Agency or other Union bodies, offices and agencies.

↓ 2019/1896 recital 95 (adapted)

~~The False and Authentic Documents Online ('FADO') system was established by Council Joint Action 98/700/JHA[45] within the General Secretariat of the Council enabling Member States' authorities to have at their disposal information on any new forgery methods that are detected and on the new genuine documents that are in circulation.~~

↓ 2019/1896 recital 96 (adapted)

~~In its conclusions of 27 March 2017, the Council stated that the management of the FADO system is outdated and that a change of its legal basis is required in order to continue meeting the requirements of justice and home affairs policies. The Council also noted that synergies could be exploited in that regard using the Agency's expertise in the area of document fraud and the work the Agency has already been carrying out in the field. It is therefore intended that the Agency take over the administration and the operational and technical management of the FADO system from the General Secretariat of the Council as soon as the European Parliament and the Council have adopted the relevant legal act on the FADO system replacing Joint Action 98/700/JHA.~~

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[45] ~~Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO) (OJ L 333, 9.12.1998, p. 4).~~

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↓ 2019/1896 recital 97 (adapted)

~~Prior to the adoption of the relevant legal act on the FADO system, it is desirable to ensure that the FADO system is fully operational until the transfer is effectively carried out and the existing data are transferred to the new system. The ownership of the existing data would then be transferred to the Agency.~~

↓ 2019/1896 recital 98

(125) Any processing of personal data by the Agency within the framework of this Regulation should be conducted in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council[46].

↓ 2019/1896 recital 99

(126) Any processing of personal data by Member States within the framework of this Regulation should be conducted in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council[47] or Directive (EU) 2016/680 of the European Parliament and of the Council[48], as applicable.

⇩ new

(127) Where the Agency acts as a data controller in accordance with Union law it should be able to restrict, where necessary and proportionate, the rights of data subjects of access to, rectification, completion, erasure of personal data and restriction of processing. In order to specify the circumstances in which, and the conditions under which, the Agency may decide to restrict the rights, the Commission should adopt a delegated act. In the performance of its tasks, the Agency may process operational personal data only as set out in this Regulation and is to do so in compliance with Chapter IX of Regulation (EU) 2018/1725. For the purposes of cooperating with Europol, Eurojust and competent national law enforcement authorities, the Agency may exchange operational personal data with the requesting Union Agency or competent national law enforcement authority for the performance of their respective mandates. Personal data

46 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

47 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

48 Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89, ELI: http://data.europa.eu/eli/dir/2016/680/oj).

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may only be processed in the framework of EUROSUR exceptionally, such as in cases where the Agency needs to process personal data in emergency situations, in particular to ensure the protection and saving lives of individuals and for the purposes of providing situational awareness in situations posing imminent threat to the integrity of the external borders In that context, personal data could be processed such as video images of persons captured during such emergency situations, including facial images, identification numbers of means of transport, geographical location of incidents, or data allowing to identify vulnerable groups, including age, gender, physical and mental state.

↓ 2019/1896 recital 100

(128) In the context of return, third-country nationals frequently do not hold any identification documents and do not cooperate as regards the establishment of their identity by withholding information or providing incorrect personal data. Given the particular policy need for expedient return procedures, it is necessary for the Agency to be able to restrict certain rights of data subjects so as to prevent the abuse of such rights from impeding the proper implementation of return procedures and the successful enforcement of return decisions by the Member States or from preventing the Agency from performing its tasks efficiently. In particular, the exercise of the right to the restriction of processing could significantly delay and obstruct the carrying out of the return operations. Furthermore, in some cases, the right of access by the third-country national could jeopardise a return operation by increasing the risk of absconding should the third-country national learn that the Agency is processing his or her data in the context of a planned return operation. The right to rectification could increase the risk that the third-country national in question will mislead the authorities by providing incorrect data. In order to enable the Agency to restrict certain rights of data subjects, it should be able to adopt internal rules on such restrictions.

↓ 2019/1896 recital 101
⇨ new

(129) In order to properly implement its tasks in the area of return, ⇨ to support the implementation of Regulation (EU) 2026/2280, ⇦ including by assisting Member States in the proper implementation of return procedures and the successful enforcement of return decisions, as well as to facilitate return operations, the Agency might need to transfer the personal data of returnees to third countries. ⇨ Such transfers should support the effective implementation of return procedures and cooperation with the authorities of third countries for the purposes of return and readmission. ⇦ The third countries of return are not often subject to adequacy decisions adopted by the Commission under Article 45 of Regulation (EU) 2016/679 or under Article 36 of Directive (EU) 2016/680, and have often not concluded or do not intend to conclude a readmission agreement with the Union or otherwise provide for appropriate safeguards within the meaning of Article 48 of Regulation (EU) 2018/1725 or within the meaning of the national provisions transposing Article 37 of Directive (EU) 2016/680. However, despite the extensive efforts of the Union in cooperating with the main countries of origin of illegally staying third-country nationals subject to an obligation to return, it is not always possible to ensure that such

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third countries systematically comply with the obligation established by international law to readmit their own nationals. Readmission agreements concluded or being negotiated by the Union or the Member States which provide for appropriate safeguards for personal data cover a limited number of such third countries. Where such agreements do not yet exist, personal data should be transferred by the Agency for the purposes of facilitating the return operations of the Union, provided that the conditions laid down in ~~point (d) of~~ Article 50(1), point (d), of Regulation (EU) 2018/1725 are met.

↓ 2019/1896 recital 102

~~Any transfer of personal data by Member States to third countries should be carried out in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680, as applicable. In the absence of readmission agreements, and as an exception to the requirement that adequacy decisions have been adopted or appropriate safeguards have been provided for, it should be possible for Member States to transfer personal data to the authorities of third countries for the purposes of implementing Union return policy. It should be possible to use the derogation for specific situations provided for in Article 49 of Regulation (EU) 2016/679 and Article 38 of Directive (EU) 2016/680, as applicable, subject to the conditions set out in those articles.~~

⇩ new

(130) The Agency should be allowed to transfer the data referred to in Articles 37 to 39 of Regulation (EU) 2026/2280, for the purposes referred to in this Regulation and in compliance with Chapter V of Regulation (EU) 2018/1725. It is recalled that such transfers may take place even systematically if necessary based on the derogation referred to in Article 50(1), point (d), of Regulation (EU) 2018/1725, where no adequacy decision or appropriate safeguards are available in particular where the Agency can reasonably demonstrate that such appropriate safeguards are unlikely to be entered into in the foreseeable future considering the political situation in, or positions taken by, the third country concerned.

↓ 2019/1896 recital 103

(131) This Regulation respects the fundamental rights and observes the principles recognised by Articles 2 and 6 TEU and by the Charter of Fundamental Rights of the European Union ('the Charter'), in particular respect for human dignity, the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, the right to liberty and security, the right to the protection of personal data, the right of access to documents, the right to asylum and to protection against removal and expulsion, *non-refoulement*, non-discrimination and the rights of the child.

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↓ 2019/1896 recital 104 (adapted)

(132) This Regulation should establish a complaints mechanism for the Agency in cooperation with the fundamental rights officer, to safeguard the respect for fundamental rights in all the activities of the Agency. This should be an administrative mechanism whereby the fundamental rights officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The fundamental rights officer should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the executive director, forward complaints concerning members of the teams to the home Member State, and register the follow-up by the Agency or that Member State. The mechanism should be effective, ensuring that complaints are properly followed up. The complaints mechanism should be without ⌦ affecting ⌫ ~~prejudice to~~ access to administrative and judicial remedies and not constitute a requirement for seeking such remedies. Criminal investigations should be conducted by the Member States. In order to increase transparency and accountability, the Agency should report on the complaints mechanism in its annual report. The report should cover in particular the number of complaints it has received, the types of fundamental rights violations involved, the operations concerned and, where possible, the follow-up measures taken by the Agency and Member States. The fundamental rights officer should have access to all information concerning respect for fundamental rights in relation to all the activities of the Agency. The fundamental rights officer should be provided with the resources and staff necessary to enable him or her to effectively perform all his or her tasks in accordance with this Regulation. The staff provided to the fundamental rights officer should have the skills and seniority that correspond to the expansion of activities and powers of the Agency.

⇩ new

(133) The protection of fundamental rights is the responsibility of the European Border and Coast Guard. The fundamental rights officer plays an important role in promoting the respect of the fundamental rights by the Agency. To ensure that the monitoring and reporting of the respect of fundamental rights reflects the distribution of responsibilities in the common system, it is also appropriate to ensure the liaison between the Agency's fundamental rights officer and the competent national authorities. This should allow the fundamental rights officer to focus its work on the activities performed by the staff of the Agency, while liaising with the relevant national authorities by transmitting information about any incidents that may concern them.

(134) The fundamental rights officer is supported in his or her role by the fundamental rights monitors. To ensure that the monitors prioritise border sections deemed most relevant from a fundamental rights perspective, increase the agility in the deployment of fundamental rights monitors, and to ensure that the fundamental rights officer targets the resources available to him or her in an effective manner, it is appropriate to assign the fundamental rights monitors to operations based on a risk assessment.

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↓ 2019/1896 recital 105

(135) The Agency should be independent as regards technical and operational matters and have legal, administrative and financial autonomy. To that end, it is necessary and appropriate that it should be a Union body having legal personality and exercising the implementing powers that are conferred upon it by this Regulation.

↓ 2019/1896 recital 106
⇨ new

(136) The Commission and the Member States should be represented within a management board to exercise oversight over the Agency. ⇨ When appointing the management board members or their alternates, Member States should ensure the balance between the border and coast guard component on one hand and return component on the other. Member States should ensure that the management board member and alternate are able to appropriately represent the border management and return related aspects within the Agency's mandate. ⇦ The management board should, where possible, consist of the operational heads of the national services responsible for border management ⇨ and return ⇦ or their representatives ⇨ , with relevant expertise and powers to take operational decisions and provide strategic guidance ⇦ . The parties represented in the management board should make efforts to limit turnover of their representatives in order to ensure continuity of the management board's work. The management board should be entrusted with the necessary powers to establish the Agency's budget, verify its execution, adopt appropriate financial rules, establish transparent working procedures for decision-making by the Agency and appoint the executive director and three deputy executive directors, each of whom should be assigned responsibilities in a certain field of competence of the Agency, such as managing the standing corps, overseeing the Agency's tasks regarding returns or managing the Agency's involvement in large-scale IT systems. The Agency should be governed and operated taking into account the principles of the common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

⇩ new

(137) It is important to streamline the existing governance structure and discussion fora within the Agency to ensure increased efficiency without excessive administrative burden. In particular, the role of the High-Level Round Table on Returns should be reinforced to ensure proper consideration of return matters in the management board, along with the existing working groups to the management board. These should be reconstituted as specific configurations of the executive board. The executive board in its various configurations should be responsible for supporting the preparation and follow-up of strategic, administrative and budgetary decisions, evaluation of activities and EIBM. Such arrangements should facilitate effective decision-making while preserving the respective responsibilities of the management board and the executive director. Discussion in the different configurations should help to guide the strategic orientation of the management board.

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↓ 2019/1896 recital 107

(138) Given the involvement of the European Parliament in the matters governed by this Regulation, the chairperson of the management board should be able to invite an expert of the European Parliament to attend the meetings of the management board.

↓ 2019/1896 recital 108
⇨ new

(139) Each year, the management board should prepare a single programming document. When preparing that document, the management board should take into account the recommendations of the Interinstitutional Working Group on decentralised agencies' resources ⇨ , the opinion of the Commission as well as the comments made by the European Parliament and the Council ⇦.

↓ 2019/1896 recital 109

(140) In order to guarantee the autonomy of the Agency, it should be granted a stand-alone budget with a revenue which comes mostly from a contribution from the Union. The Agency's budget should be prepared in accordance with the principle of performance-based budgeting, taking into account the Agency's objectives and the expected results of its tasks. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors. In exceptional situations where the available budget is deemed insufficient and the budgetary procedure does not allow an adequate response to fast-developing situations, the Agency should have the possibility of receiving grants from Union funds to fulfil its tasks.

↓ 2019/1896 recital 110

(141) The executive director, in his or her capacity as an authorising officer, should assess the financial risks related to the Agency's activities on a regular basis and take the necessary mitigating measures in accordance with the financial framework applicable to the Agency and inform the management board accordingly.

↓ 2019/1896 recital 111

~~The Agency is expected to face challenging circumstances in the coming years as regards fulfilling exceptional needs for recruiting and retaining qualified staff from the broadest possible geographical basis.~~

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↓ 2019/1896 recital 112

~~In the spirit of shared responsibility, the Agency should require the staff it employs, in particular the statutory staff of the standing corps, including statutory staff deployed in operational activities, to possess the same level of training, special expertise and professionalism as staff seconded or employed by the Member States. Therefore, the Agency should review and evaluate whether its statutory staff conduct themselves properly in operational activities in the field of border control and return.~~

↓ 2019/1896 recital 113

(142) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[49] should apply without restriction to the Agency, which should accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF)[50].

↓ 2019/1896 recital 114

(143) In accordance with Council Regulation (EU) 2017/1939[51], the European Public Prosecutor's Office should be able to investigate and prosecute fraud and other criminal offences affecting the Union's financial interests as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council[52].

↓ 2019/1896 recital 115

(144) Regulation (EC) No 1049/2001 of the European Parliament and of the Council[53] should apply to the Agency. The Agency should be as transparent as possible about its activities, without jeopardising the attainment of the objective of its operations. It should make public the information about all of its activities. It should likewise ensure that the public and any interested party are rapidly given information with regard to its work.

49 Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/883/oj).

50 OJ L 136, 31.5.1999, p. 15. ELI: http://data.europa.eu/eli/reg/2013/883/oj.

51 Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1 ELI: http://data.europa.eu/eli/reg/2017/1939/oj).

52 Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29 ELI: http://data.europa.eu/eli/dir/2017/1371/oj).

53 Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43 ELI: http://data.europa.eu/eli/reg/2001/1049/oj).

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↓ 2019/1896 recital 116

(145) The Agency should also report on its activities to the European Parliament, to the Council and to the Commission to the fullest extent.

↓ 2019/1896 recital 117 (adapted)

~~The Commission should carry out an evaluation of this Regulation. That evaluation should assess, inter alia, the attractiveness of the Agency as an employer for the recruitment of statutory staff with a view to ensuring the quality of the candidates and geographical balance.~~

↓ 2019/1896 recital 118

~~The external borders referred to in this Regulation are those to which the provisions of Title II of Regulation (EU) 2016/399 apply, which includes the external borders of Schengen Member States in accordance with Protocol No 19 on the Schengen acquis integrated into the framework of the European Union, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU).~~

↓ 2019/1896 recital 119

(146) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[54].

↓ 2019/1896 recital 120

(147) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders to ensure the proper functioning of the Schengen area, cannot be sufficiently achieved by the Member States acting in an uncoordinated manner but can rather, by reason of the absence of controls at internal borders, the significant migratory challenges at the external borders, the need to monitor efficiently the crossing of those borders, and the need to contribute to a high level of internal security within the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

[54] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13 ELI: http://data.europa.eu/eli/reg/2011/182/oj).

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⇩ new

(148) This Regulation should apply on the territory of the Member States of the European Union and the Schengen associated countries. It should apply to the outermost regions within the meaning of Article 355(1) and Article 349 of TFEU. It should not apply to the overseas countries and territories listed in Annex II to the TFEU.

🡻 2019/1896 recital 121

(149) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen *acquis* [55], which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC[56]. The Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union[57] provides for rules on the participation by those countries in the work of the Agency, including provisions on financial contributions and staff.

🡻 2019/1896 recital 122

(150) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*[58] which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC[59].

[55] OJ L 176, 10.7.1999, p. 36.

[56] Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31) ELI: http://data.europa.eu/eli/dec/1999/437/oj).

[57] OJ L 188, 20.7.2007, p. 19.

[58] OJ L 53, 27.2.2008, p. 52.

[59] Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1 ELI: http://data.europa.eu/eli/dec/2008/146/oj).

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↓ 2019/1896 recital 123

(151) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*[60] which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[61].

↓ 2019/1896 recital 124

(152) The Arrangement between the European Community, of the one part, and the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union[62] provides for rules on the participation by those countries in the work of the Agency, including provisions on financial contributions and staff.

↓ 2019/1896 recital 125

(153) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it, or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

↓ 2019/1896 recital 126 (adapted)

~~This Regulation constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC[63]; the~~

60 OJ L 160, 18.6.2011, p. 21.

61 Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19 ELI: http://data.europa.eu/eli/prot/2011/349/oj).

62 OJ L 243, 16.9.2010, p. 4.

63 ~~Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).~~

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~~United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.~~

↓ 2019/1896 recital 127

(154) This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC[64]; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

↓ 2019/1896 recital 128 (adapted)

(155) The Agency should facilitate the organisation of specific activities in which the Member States may avail themselves of the expertise and facilities which Ireland ~~and the United Kingdom~~ may be willing to offer, on terms to be decided on a case-by-case basis by the management board. To that end, representatives of Ireland may be invited to attend meetings of the management board which allow them to participate fully in the preparation of such specific activities. ~~Representatives of the United Kingdom may be invited to attend the meetings of the management board until the day on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) TEU.~~

↓ 2019/1896 recital 130 (adapted)

~~A controversy exists between the Kingdom of Spain and the United Kingdom on the demarcation of the borders of Gibraltar.~~

↓ 2019/1896 recital 131 (adapted)

~~The suspension of the applicability of this Regulation to the borders of Gibraltar does not imply any change in the respective positions of the States concerned.~~

↓ 2019/1896 recital 132 (adapted)

(156) The European Data Protection Supervisor was consulted in accordance with Article ~~28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council on 7 November 2018~~ 42(2) of Regulation (EU) 2018/1725 and delivered an opinion on ~~30 November 2018~~ ⌦ […] ⌫[65],

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64 Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20, ELI: http://data.europa.eu/eli/dec/2002/192/oj).

65 OJ L […].

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↓ 2019/1896 recital 133 (adapted)

~~This Regulation aims to amend and expand the provisions of Regulations (EU) 2016/1624 and (EU) No 1052/2013. Since the amendments to be made are substantial in number and nature, those legal acts should, for the sake of clarity, be repealed,~~

↓ 2019/1896 (adapted)

HAVE ADOPTED THIS REGULATION:

CHAPTER I

EUROPEAN BORDER AND COAST GUARD

Article 1

Subject matter ~~principles~~

1. This Regulation establishes a European Border and Coast Guard to ensure the harmonised implementation of the European integrated border management ⌦ ('EIBM') ⌫ at the external borders with a view to managing those borders efficiently in full compliance with fundamental rights in order to enable the free movement in the area without internal border controls ~~and to increasing the efficiency of the Union return policy~~.

⇩ new

It also:

(a) lays down rules governing the EIBM at the external borders;

(b) lays down the rules governing the role of the European Border and Coast Guard Agency in the field of the common system for returns in accordance with Article 1(1) and Chapter IX of Regulation (EU) 2026/2280;

(c) provides for the necessary framework to develop cooperation with third countries in the management of the external borders and return.

↓ 2019/1896 (adapted)
⇨ new

2. ~~T~~This Regulation addresses migratory challenges and potential future challenges and threats at the external borders ⇨ taking into account the comprehensive approach as set out in Articles 3, 4 and 5 of Regulation (EU) 2024/1351 ⇦. ~~It ensures a high level of internal security within the Union in full respect of fundamental rights, while safeguarding the free movement of persons within the Union. It contributes to detection,~~

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~~prevention and combating of cross-border crime at the external borders.~~ ⌦ This Regulation lays down rules on the detection, prevention and countering of cross-border crime in the context of the management at of the external borders. ⌫

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'external borders' means external borders as defined in ~~point 2 of~~ Article 2, point 2, of Regulation (EU) 2016/399;

(2) 'border crossing point' means border crossing point as defined in ~~point 8 of~~ Article 2, point 8, of Regulation (EU) 2016/399;

(3) 'border control' means border control as defined in ~~point 10 of~~ Article 2, point 10, of Regulation (EU) 2016/399;

(4) 'border checks' means border checks as defined in ~~point 11 of~~ Article 2, point 11, of Regulation (EU) 2016/399;

(5) 'border surveillance' means border surveillance as defined in ~~point 12 of~~ , point 12, of Regulation (EU) 2016/399;

(6) 'air border surveillance' means the surveillance of any flight of a manned or unmanned aircraft and its passengers or cargo ⇨ for the purpose of the management of the external borders, ⇦ ⌦ which arrives ⌫ to or ⌦ departs ⌫ from the territory of the Member States which is not an internal flight as defined in ~~point 3 of~~ Article 2, point 3, of Regulation (EU) 2016/399 ⌦ or that is crossing the external borders ⌫ ;

(7) 'situational awareness' means the ability to monitor, detect, identify, track and understand illegal cross-border activities in order to find reasoned grounds for reaction measures on the basis of combining new information with existing knowledge, and to be better able to reduce the loss of lives of migrants at, along or in the proximity of the external borders;

(8) 'reaction capability' means the ability to perform actions aimed at countering illegal cross-border activities at, along or in the proximity of the external borders, including the means and timelines to react adequately;

(9) 'EUROSUR' means the framework for information exchange and cooperation between the Member States and the European Border and Coast Guard Agency;

(10) 'situational picture' means an aggregation of geo-referenced near-real-time data and information received from different authorities, sensors, platforms and other sources which is transmitted across secured communication and information channels and can be processed and selectively displayed and shared with other relevant authorities in order to achieve situational awareness and support the reaction capability at, along or in the proximity of the external borders and the pre-frontier area;

(11) 'external border section' means the whole or a part of the external border of a Member State, as defined by national law or as determined by the national coordination centre or any other responsible national authority;

(12) 'cross-border crime' means any serious crime with a cross-border dimension that is committed or attempted at, along or in the proximity of the external borders;

(13) 'pre-frontier area' means the geographical area beyond the external borders which is relevant for managing the external borders through risk analysis and situational awareness;

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(14) ‘incident’ means a situation relating to illegal immigration, cross-border crime ⇨ and threats of hybrid nature affecting the management of external borders ⇦ or a risk to the lives of migrants at, along or in the proximity of, the external borders;

⇩ new

(15) ‘event’ means a situation, which is likely to have an impact on the external borders either as regards security of the external borders, migration, cross- border crime, threats of hybrid nature affecting the management of external border or the protection and saving of the lives of migrants, including border incidents, or that may affect the functioning of EUROSUR, including any of its technical components.

(16) ‘capability roadmap’ means the strategic planning document of the European Border and Coast Guard determining the stages and timelines for developing and acquiring the necessary human, technical, and operational capabilities at Union and national level to implement EIBM.

🡻 2019/1896

(17~~15~~)‘statutory staff’ means staff employed by the European Border and Coast Guard Agency in accordance with the Staff Regulations of Officials of the European Union (the ‘Staff Regulations’) and the Conditions of Employment of Other Servants of the Union (the ‘Conditions of Employment’) laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68[66];

⇩ new

(18) ‘statutory staff deployed as members of the teams’ means standing corps category 1 officers who have undergone the appropriate training in accordance with Article 67(3) and are effectively deployed in operational areas;

(19) ‘staff of the Agency’ means statutory staff and seconded national experts;

🡻 2019/1896 (adapted)
⇨ new

(20~~16~~)‘operational staff’ means border guards, return escorts, return specialists and other relevant staff constituting the European Border and Coast Guard standing corps in accordance with ~~the four categories set out in~~ Article ~~54(1)~~66(1), acting ⇨ , where applicable, ⇦ as members of the teams having executive powers~~, where applicable~~ ⇨ , carrying out operational activities at the Agency’s headquarters, in antenna offices or in the context of operational training, ⇦ and the statutory staff responsible for the functioning of the European Travel Information and Authorisation System (ETIAS) Central Unit ~~that are not deployable as members of the teams~~;

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66 OJ L 56, 4.3.1968, p. 1.

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(21~~17~~)‘member of the teams’ means a member of the European Border and Coast Guard standing corps deployed through border management teams, migration management support teams and return teams;

(22~~18~~)‘border management teams’ means teams formed from the European Border and Coast Guard standing corps ~~to be deployed~~ ⌦ deployed ⌫ during joint operations at the external borders and ~~rapid~~ border interventions in Member States and third countries;

(23~~19~~)‘migration management support teams’ means teams, ~~of experts~~ which provide technical and operational reinforcement to Member States ⇨ on their territory at locations designated for the screening in accordance with Regulation (EU) 2024/1356 of the European Parliament and of the Council[67] and for debriefing, including in support of the implementation of the return border procedure in accordance with Regulation (EU) 2024/1349, and where necessary ⇦ composed of operational staff, experts from the European ⌦ Union Agency for Asylum ⌫ ~~Support Office~~ (~~EASO~~ ⌦ EUAA ⌫) and Europol and, where relevant, experts from the European Union Agency for Fundamental Rights (FRA), other Union bodies, offices and agencies and Member States;

(24~~20~~)‘host Member State’ means a Member State in which a joint operation or a ~~rapid~~ border intervention, a return operation or a return intervention takes place, or from which it is launched, or in which a migration management support team is deployed;

⇩ new

(25) ‘host third country’ means a third country in which a joint operation or border intervention, a return operation or return intervention takes place, or from which it is launched;

🡻 2019/1896

(26~~21~~)‘home Member State’ means the Member State from which a staff member is deployed or seconded to the European Border and Coast Guard standing corps;

(27~~22~~)‘participating Member State’ means a Member State which participates in a joint operation, ~~rapid~~ border intervention, return operation, return intervention or in a deployment of a migration management support team, by providing technical equipment or staff of the European Border and Coast Guard standing corps, as well as a Member State which participates in return operations or return interventions by providing technical equipment or staff, but which is not a host Member State;

~~(23)‘hotspot area’ means an area created at the request of the host Member State in which the host Member State, the Commission, relevant Union agencies and participating Member States cooperate, with the aim of managing an existing or potential disproportionate migratory challenge characterised by a significant increase in the number of migrants arriving at the external borders;~~

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[67] Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L, 2024/1356, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1356/oj).

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⇩ new

(28) ‘debriefing’ means a voluntary and confidential interview with a third country national, who remains anonymous thereafter, conducted by a qualified member of the team for the purposes of migration management and risk analysis, independently of the screening activities set out in Regulation (EU) 2024/1356;

🡻 2019/1896
⇨ new

(29~~24~~) ‘return’ means return as defined in ~~point 3 of~~ Article 3, point 5, of Regulation (EU) 2026/2280 ⇨ , provided the term is used in the context of returns from the Member States ⇦ ;

⇩ new

(30) ‘return process’ means all stages of the process aimed at ensuring the return of a third country national including, where applicable, readmission and reintegration;

(31) ‘return decision’ means a return decision as defined in Article 3, point 4, of Regulation (EU) 2026/2280;

🡻 2019/1896 (adapted)
⇨ new

~~(25)‘return decision’ means an administrative or judicial decision or act stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return that respects Directive 2008/115/EC;~~

(32~~26~~)‘returnee’ means an illegally staying third-country national who ⇨ falls within the scope of Regulation (EU) 2026/2280 ⇦ ~~is the subject of an enforceable return decision~~;

(33~~27~~)‘return operation’ means an operation that is organised or coordinated by the European Border and Coast Guard Agency and involves ~~assistance to their implementation~~ technical and operational ~~reinforcement~~ ⌦ assistance to their implementation ⌫ provided to one or more Member States ⇨ or, where relevant, to third countries, ⇦ under which returnees ⌦ are returned ⌫ from one or more Member States ⇨ or from a third country ⇦ ~~are returned~~, either on a forced or voluntary basis, irrespective of the means of transport;

(34~~28~~)‘return intervention’ means an activity of the European Border and Coast Guard Agency providing Member States ⇨ or, where relevant, third countries ⇦ with enhanced technical and operational assistance consisting of the deployment of return teams and the organisation of return operations;

(35~~29~~)‘return teams’ means ⇨ a member of, or ⇦ teams formed from, the European Border and Coast Guard standing corps ~~to be~~ deployed during return operations, return interventions in Member States ⇨ or third countries ⇦ or other operational activities linked to the implementation of return-related tasks;

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(36~~30~~)‘immigration liaison officer’ means immigration liaison officer as defined in point 1 of Article 2 of Regulation (EU) 2019/1240 of the European Parliament and of the Council[68];

⇩ new

(37) ‘executive power’ means the power and authority necessary to perform tasks conferred by applicable Union, international or national law relating to border management or return which entail the exercise of public authority by operational staff or other relevant staff or direct enforcement of public power by operational staff ;

(38) ‘pilot project’ means an initiative of an experimental nature related to the tasks of the Agency referred to in Article 11(1)(33), designed to test its feasibility and usefulness to pursue the objectives of the European Border and Coast Guard, with clearly determined resources and specific objectives. It is limited in time and scope and subject to regular reporting to the management board;

(39) ‘technical assistance’ means any technical, logistical or financial support, provided by the Agency in line with its mandate and tasks, which does not involve the exercise of executive powers;

(40) ‘operational assistance’ means any support, provided by the Agency in line with its mandate and tasks and carried out by operational staff or other relevant staff, which involves the exercise of executive powers;

(41) ‘identification mission’ means an official travel by representatives of third-country authorities to the territory of one or more Member States, at the invitation of those Member States’ authorities and coordinated by the Agency, for the purpose of verifying and confirming the nationality of their nationals who are illegally staying in the Union and complete the identification process.

🡻 2019/1896 (adapted)
⇨ new

Article 3

European integrated border management

1. ~~European integrated border management~~ ⌦ EIBM ⌫ shall consist of the following components:

(a) border control, including measures to facilitate legitimate border crossings and, where appropriate: measures related to the prevention and detection of cross-border crime ⇨ and threats of hybrid nature affecting the management of ⇦ ~~the~~ external borders, in particular migrant smuggling, trafficking in human beings, and terrorism; ~~and~~ mechanisms and procedures for the identification of vulnerable persons and unaccompanied minors, and for the identification of persons who are in need of international protection or wish to apply for such protection, the provision of information to such persons, and the referral of such persons

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[68] Regulation (EU) 2019/1240 of the European Parliament and of the Council of 20 June 2019 on the creation of a European network of immigration liaison officers (OJ L 198, 25.7.2019, p. 88 ELI: http://data.europa.eu/eli/reg/2019/1240/oj).

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(b) search and rescue operations for persons in distress at sea launched and carried out in accordance with Regulation (EU) No 656/2014 and with international law, taking place in situations which may arise during border surveillance operations at sea;

(c) analysis of the risks for internal security and analysis of the threats that may affect the functioning or security of the external borders

(d) information exchange and cooperation between Member States in the areas covered by this Regulation, as well as information exchange and cooperation between Member States and the European Border and Coast Guard Agency, including the support coordinated by the European Border and Coast Guard Agency

(e) inter-agency cooperation among the national authorities in each Member State which are responsible for border control or for other tasks carried out at the border, as well as between authorities responsible for return in each Member State, including the regular exchange of information through existing information exchange tools, including, where appropriate, cooperation with national bodies in charge of protecting fundamental rights

(f) cooperation among the relevant Union institutions, bodies, offices and agencies in the areas covered by this Regulation, including through regular exchange of information

(g) cooperation with third countries in the areas covered by this Regulation, focusing in particular on neighbouring third countries and on those third countries which have been identified through risk analysis as being countries of origin or transit for illegal immigration;

(h) technical and operational measures within the Schengen area which are related to border control and designed to address illegal immigration and to counter cross-border crime better;

(i) the return of third-country nationals ~~who are the subject of return decisions issued by a Member State~~ ⇨ as part of the common system for returns ⇦ ;

(j) the use of state-of-the-art technology including large-scale information systems;

(k) a quality control mechanism, in particular the Schengen evaluation mechanism, the vulnerability assessment and possible national mechanisms, to ensure the implementation of Union law in the area of border management;

(l) solidarity mechanisms, in particular Union funding instruments.

⇩ new

(m) supporting the implementation of the Union visa policy and preventing abuses by third-country nationals of short-stay visas, long-stay visas and residence permits, including through creating synergies with national authorities responsible for the assessment of applications for short-stay visas, long-stay visas and residence permits.

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↓ 2019/1896 (adapted)
⇨ new

2. Fundamental rights, education and training, as well as research and innovation shall be overarching components in the implementation of European integrated border management.

Article 4

European Border and Coast Guard

The national authorities of Member States responsible for border management, including coast guards to the extent that they carry out border control tasks, the national authorities responsible for return and the European Border and Coast Guard Agency ('the Agency') shall constitute the European Border and Coast Guard.

Article 5

European Border and Coast Guard Agency

1. The Agency shall be governed by this Regulation.

2. ~~The Agency shall include~~ ~~t~~The European Border and Coast Guard standing corps ('the standing corps') referred to in Article ~~54~~66 ~~with~~ ⌦ shall have ⌫ a capacity of up to ⇨ 30 000 ⇦ ~~10 000~~ operational staff ⇨ to be developed ⇦ in accordance with Annex I.

3. To ensure coherent ⌦ EIBM ⌫ ~~European integrated border management~~, the Agency shall facilitate and render more effective the application of Union measures relating to the management of the external borders, in particular Regulation (EU) 2016/399, and of Union measures relating to return.

4. The Agency shall contribute to the continuous and uniform application of Union law, including the Union *acquis* on fundamental rights, in particular the Charter of Fundamental Rights of the European Union ('the Charter'), at external borders. Its contribution shall include the exchange of good practices.

Article 6

Accountability

The Agency shall be accountable to the European Parliament and to the Council in accordance with this Regulation.

Article 7

Shared responsibility ⌦ for the European Integrated Border Management and the common system for returns ⌫

1. The European Border and Coast Guard shall implement ⌦ EIBM ⌫ ~~European integrated border management~~ as a shared responsibility of the Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and any other border control tasks. Member States shall retain primary responsibility for the management of their sections of the external borders.

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2. The Agency shall provide technical and operational assistance in the implementation of measures relating to return as referred to in ~~Article 48~~ ⇨ Articles 55, 63 and 64 ⇦ of this Regulation, upon request of the Member State concerned or on its own initiative and with the agreement of the Member State concerned. Member States shall retain sole responsibility for issuing return decisions and for adopting the measures pertaining to the detention of returnees in accordance with ~~Directive 2008/115/EC~~ ⌦ Regulation (EU) 2026/2280 ⌫ .

3. Member States shall ensure the management of their external borders and the enforcement of return decisions, in close cooperation with the Agency, in their own interests and in the common interest of all Member States in full compliance with Union law, including respect for fundamental rights, and in accordance with the multiannual strategic policy cycle for ~~European integrated border management~~ ⌦ EIBM ⌫ referred to in Article 8.

4. The Agency shall support the application of Union measures relating to the management of the external borders and the enforcement of return decisions by reinforcing, assessing and coordinating the actions of Member States and by providing technical and operational assistance in the implementation of those measures and in return matters. The Agency shall not support any measures or be involved in any activities related to controls at internal borders. The Agency shall be fully responsible and accountable for any decision it takes and for any activity for which it is solely responsible under this Regulation.

5. Member States may cooperate at an operational level with other Member States or third countries, where such cooperation is compatible with the tasks of the Agency. Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives. Member States shall report to the Agency on that operational cooperation with other Member States or third countries at the external borders and in the field of return. The executive director shall inform the management board of such matters on a regular basis and at least once a year.

⇩ new

6. To support the implementation of the common system for returns, the Agency shall be responsible for the strategic planning, prioritisation, coordination and implementation of return operations, for forced and voluntary returns, and other return-related activities, in line with the Union's migration policy priorities and based on the operational needs of the Member States, and in accordance with the procedures laid down in this Regulation.

7. When carrying out national return operations, Member States shall act in coordination with the Agency.

🡻 2019/1896 (adapted)
⇨ new

Article 8

Multiannual strategic policy cycle for European integrated border management

1. The Commission and the European Border and Coast Guard shall ensure the effectiveness of ~~European integrated border management~~ ⌦ EIBM ⌫ by means of a multiannual strategic policy cycle ⇨ for a period of seven years. That cycle shall comprise the development, implementation, monitoring, evaluation and, where necessary, amendment of

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the multiannual strategic policy ⇦ that is ~~adopted~~ ⇨ developed ⇦ in accordance with ~~the procedure laid down in~~ ~~paragraph 4~~ ⇨ paragraphs 3 to 10 ⇦ .

2. The multiannual strategic policy for ~~the~~ ⌦ EIBM ⌫ ~~European integrated border management~~ shall set out how the challenges in the area of ⌦ European integrated ⌫ border management are to be addressed in a coherent, integrated and systematic manner. It shall set out the policy priorities and provide strategic guidelines ~~for a period of five years~~ in relation to the components set out in Article 3.

~~3. The multiannual strategic policy cycle for European integrated border management shall consist of four stages as set out in paragraphs 4 to 8.~~

~~4~~3. On the basis of the strategic risk analysis for ⌦ EIBM ⌫ ~~European integrated border management~~ referred to in Article ~~29(2)~~ 34(2), the Commission shall prepare a policy document developing a multiannual strategic policy for ⌦ EIBM ⌫ ~~European integrated border management~~. The Commission shall submit that policy document to the European Parliament and to the Council for discussion. Following that discussion, the Commission, shall adopt a communication establishing the multiannual strategic policy for ⌦ EIBM ⌫ ~~European integrated border management~~.

~~5~~4. In order to implement the multiannual strategic policy for ⌦ EIBM ⌫ ~~European integrated border management~~ ⇨ , within six months following its adoption, ⇦ the Agency shall, by a decision of the management board, on the basis of a proposal from the executive director that is prepared in close cooperation with the Member States and the Commission, establish a technical and operational strategy for ⌦ EIBM ⌫ ~~European integrated border management~~. Where justified, the Agency shall take into account the specific situations of the Member States, in particular their geographical locations. The technical and operational strategy shall ⌦ address, within the Agency's mandate, the components referred to in ⌫ ~~be in line with~~ Article 3 and ⌦ shall be consistent with ⌫ the multiannual strategic policy for ⌦ EIBM ⌫ ~~European integrated border management~~. It shall promote and support the implementation of ~~European integrated border management~~ ⌦ EIBM ⌫ in all Member States.

~~6~~5. In order to implement the multiannual strategic policy for ⌦ EIBM ⌫ ~~European integrated border management~~ ⇨ , within six months following the adoption of the technical and operational strategy referred to in paragraph 4 ⇦ ~~the~~ ⌦ each ⌫ Member State~~s~~ shall establish ⌦ or update ⌫ national strategies for ⌦ EIBM ⌫ ~~European integrated border management~~ through close cooperation between all national authorities responsible for the management of external borders and return.

Those national strategies shall ~~be in line with~~ ⌦ address the relevant components referred to in ⌫ Article 3 ⌦ and shall be consistent with ⌫ the multiannual strategic policy for ~~European integrated border management~~ ⌦ EIBM referred to in paragraph 2 and with ⌫ ~~and~~ the technical and operational strategy ⌦ referred to in paragraph 4 ⌫ .

⇩ new

Member States shall transmit their national strategies for EIBM to the Agency and to the Commission, within the period laid down in the first subparagraph.

6. After receiving from the Member State concerned a national strategy for EIBM referred to in paragraph 5, the Agency shall assess its completeness in view of Article 3 and its consistency with the multiannual strategic policy for EIBM referred to in paragraph 2 and

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the technical and operational strategy referred to in paragraph 4. The Agency shall engage in a dialogue with the Member State concerned with a view to addressing any issues identified in that assessment.

Following that assessment, the Agency shall report to the Member State concerned and the Commission. The executive director shall submit that report to the executive board. The report shall identify, where appropriate, issues relating to the completeness of the national strategy and its consistency with the multiannual strategic policy for EIBM and with the technical and operational strategy. It may also refer to the consistency of the national strategy with the national capability development plan referred to in Article 9(4) and recommend measures to address the issues identified.

7. Where the Agency identifies persistent issues, including serious inconsistencies with the multiannual strategic policy for EIBM or with the technical and operational strategy, persistent delays in the submission or update of the national strategy, or significant gaps in its completeness, the executive director shall, after consulting the Member State concerned and the Commission, recommend measures to be taken and the time limit for their implementation.

8. The executive director shall inform the management board at least once a year of the implementation of paragraphs 6 and 7, including any persistent issues identified in relation to national strategies.

↓ 2019/1896 (adapted)
⇨ new

~~7~~9. ~~Four~~ ⇨ Six ⇦ years after the adoption of the multiannual strategic policy for ~~European integrated border management~~ ⌦ EIBM ⌫ , the Commission shall carry out a thorough evaluation of its implementation. The results of that evaluation shall be taken into account in the preparation of the following multiannual strategic policy cycle. Member States and the Agency shall provide the Commission with the necessary information in a timely manner for the carrying out of that evaluation. The Commission shall communicate the results of that evaluation to the European Parliament and to the Council.

~~8~~10. Where the situation at the external borders or in the area of return requires a change of the policy priorities, the Commission shall amend the multiannual strategic policy for ~~European integrated border management~~ ⌦ EIBM ⌫ or relevant parts thereof in accordance with the procedure set out in paragraph ~~4~~3.

Where the Commission amends the multiannual strategic policy as provided for in the first subparagraph ⇨ , the Agency shall, within three months of that amendment, review ⇦ the technical and operational strategy ⌦ referred to in paragraph 4 and, ⌫ where necessary, ~~be adapted~~ ⌦ update it in accordance with the procedure set out in that paragraph ⌫ .

⇩ new

Member States shall, where necessary, update their national strategies and transmit them to the Agency and to the Commission within six months following the update of the technical and operational strategy.

The Agency shall assess the updated national strategies in accordance with paragraph 6.

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↓ 2019/1896 (adapted)
⇨ new

Article 9

Integrated planning

1. On the basis of the multiannual strategic policy ~~cycle~~ for ~~European integrated border management~~ ⌦ EIBM ⌫ ⇨ , and taking into account the information available in the framework of EUROSUR, risk analysis, vulnerability assessments, relevant findings of the Schengen evaluation and monitoring mechanism and the European Asylum and Migration report adopted pursuant to Article 9 of Regulation (EU) 2024/1351, ⇦ the European Border and Coast Guard shall establish ⇨ and carry out ⇦ an integrated planning process for border management and return, ~~including~~ ⌦ That process shall include ⌫ operational planning, contingency planning and capability development planning ~~processes. That integrated planning process~~ ⌦ , and ⌫ shall be established in accordance with paragraphs 2, 3 and 4 ~~of this Article~~.

⇩ new

The integrated planning process shall be aligned with the multiannual EIBM planning coordination scheme referred to in Article 10.

↓ 2019/1896

2. Member States ~~and the Agency~~ shall adopt operational plans for border management and return.

~~The operational plans of Member States related to border sections with high and critical impact levels shall be coordinated with Member States and with the Agency with a view to implementing the necessary cross-border measures and providing for support by the Agency.~~

⇩ new

The Agency shall adopt operational plans for its own activities in the areas of border management and return.

The elaboration of operational plans of Member States related to external border sections to which a high or critical impact level has been attributed in accordance with Article 39 shall be coordinated, where relevant, with the Member States responsible for neighbouring external border sections and with the Agency, with a view to implementing the necessary coordinated operational measures, including measures involving neighbouring external border sections and, where appropriate, support by the Agency.

Member States shall communicate to the Agency, by 1 November each year, starting from the *year of entry into force of this regulation*, their operational plans relating to return, through the Return Coordination Centre established by Article 54. On the basis of those plans, the Agency shall assess return needs and capabilities, and shall plan, match and pool resources for

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return activities in accordance with the role assigned to it under Chapter II, Section 8. Member States shall indicate their priorities regarding the nationalities and profiles of the returnees.

↓ 2019/1896 (adapted)

For the activities of the Agency, operational planning processes for the following year shall be set out in an annex to the single programming document referred to in Article ~~102~~122. For each specific operational activity ⌦ of the Agency ⌫ , operational planning processes shall result in the operational plans referred to in Article ~~38~~43 and Article ~~74(3)~~89(3). The operational plans or parts thereof may be classified where appropriate, in accordance with Article 111~~92~~.

~~3. Member States shall each adopt a contingency plan for the management of their borders and return. In line with national integrated border management strategies, the contingency plans shall describe all the necessary measures and resources for the possible reinforcement of capabilities, including logistics and support both at national level and from the Agency~~.

⇩ new

3. Member States shall each adopt a national contingency plan for the operational management of their external borders and return and shall keep it up to date. In line with their national strategies for EIBM, the national contingency plans shall define the necessary measures and resources for an efficient management of the external borders, addressing migratory challenges and potential threats at those borders, and ensuring the continuity and efficiency of return activities.

↓ 2019/1896 (adapted)
⇨ new

The ~~part~~ ⌦ parts ⌫ of the contingency plans that require additional support from the European Border and Coast Guard shall be jointly prepared by the Member State concerned and the Agency, in close coordination with neighbouring Member States ⌦ where relevant ⌫ . ⇨ Member States shall share the adopted national contingency plans, or the parts thereof relevant for border management and return, with the Agency and the Commission upon request. ⇦

4. Member States shall adopt national capability development plans for border management and return in line with their national ⌦ strategies for European ⌫ integrated border management ~~strategies~~. Those national capability development plans shall describe the medium- to long-term evolution of the national capabilities for border management and return.

The national capability development plans shall address the development of ~~each component~~ ⌦ the relevant components ⌫ of ⌦ EIBM ⌫ ~~European integrated border management~~, in particular ⌦ by setting out ⌫ the ⇨ multiannual ⇦ recruitment and training ~~policy~~ ⇨ needs ⇦ of border guards and return specialists ⇨ at the national level and yearly contributions to the European border and return reserve in accordance with Annex I ⇦ , the

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acquisition, ~~and~~ maintenance ⇨ and interoperability ⇦ of equipment ⇨ and systems, any critical dependencies from non-European suppliers, ⇦ necessary research and ⇨ innovation ⇦ ~~development~~ activities, and the corresponding funding requirements and sources.

5. The ⌦ national ⌫ contingency plans and national capability development plans referred to in paragraphs 3 and 4 shall be based on scenarios that are derived from risk analysis ⇨ , including, where relevant, the strategic risk analysis referred to in Article 34(2), and shall take into account the results of vulnerability assessments and relevant findings of the Schengen evaluation and monitoring mechanism ⇦ . ~~Those scenarios shall reflect the possible evolution of the situation at the external borders and in the area of illegal immigration and the challenges identified in the multiannual strategic policy cycle for European integrated border management. Those scenarios shall be set out in the contingency plans and national capability development plans to which they relate.~~ ⇨ Those scenarios shall address, in particular, increases in threats at the external borders, their persistence or sudden escalation, increased demand for returns, circumstances affecting the effectiveness of return procedures, and the challenges identified in the multiannual strategic policy cycle for EIBM. Those scenarios shall be set out in the national contingency plans and national capability development plans to which they relate. The national contingency plans shall identify, where possible, the scenarios or circumstances in which support from the Agency may be requested. ⇦

⇩ new

6. Each Member State shall transmit its national capability development plan to the Agency and the Commission no later than six months after the deadline for establishing or updating its national strategy for EIBM under Article 8(5) or, where relevant, Article 8(10).

Member States shall update their national capability development plans at least every three years and following any substantial change affecting their capability development needs for border management and return, in particular in the allocation of competences relating to border management and return. They shall transmit the updated national capability development plan to the Agency and the Commission within one month of their adoption.

Where a Member State fails to transmit a national capability development plan or an update thereof within the applicable deadlines, or where the transmitted plan is incomplete or inconsistent with the methodology referred to in paragraph 7 of this Article, the Agency shall invite the Member State concerned to complete or adjust the plan within a reasonable period. Where the Member State concerned does not complete or adjust the plan within that period, the executive director shall inform the management board. The Agency may take that failure into account, as appropriate, in the vulnerability assessment referred to in Article 37.

7. The methodology and procedure for establishing, updating and submitting the national contingency plans and national capability development plans referred to in paragraphs 3 and 4 of this Article shall be adopted by the Agency, taking into account the multiannual EIBM coordination scheme referred to in Article 10, after consultation of the Member States and the Commission, on the basis of a proposal of the executive director.

The methodology and the procedure shall be regularly updated and shall reflect scenario-based planning. They shall be accompanied by guidance for their application and standardised templates for the parts of the national contingency plans that require support from the Agency. Member States shall establish, update and submit the plans referred to in paragraphs 3 and 4

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in accordance with that methodology. Those plans and any updates thereto shall be complete, accurate and up to date.

↓ 2019/1896 (adapted)
⇨ new

~~6. The methodology and the procedure for establishing the plans referred to in paragraphs 3 and 4 shall be adopted by the management board, after consultation with the Member States, on the basis of a proposal of the executive director.~~

~~7~~ 8. The Agency shall ⇨ , on an annual basis, ⇦ prepare ⇨ and update ⇦ an overview of the national capability development plans. ⇨ That overview shall take into account the ⇦ ~~and a~~ multiannual strategy for the acquisition of the Agency's equipment referred to in Article ~~63~~77 and the multiannual planning for ⌦ the ⌫ profiles of staff for the standing corps.

The Agency shall share that overview with the Member States and with the Commission with a view to identifying possible ⇨ capability gaps, complementarities with Union initiatives in the field of security and defence, ⇦ synergies and opportunities for ⇨ interoperability and ⇦ cooperation in the ~~various~~ areas covered by the national capability development plans, including joint procurement ⇨ and, where appropriate, public procurement of innovation ⇦ . On the basis of the identified ⇨ capability gaps, ⇦ synergies, ⇨ and opportunities for cooperation, ⇦ the Agency ⇨ shall, where appropriate, ⇦ ~~may~~ invite the Member States ⌦ concerned ⌫ to participate in follow-up actions for cooperation.

~~8~~ 9. The management board shall meet at least once a year to discuss and approve the capability roadmap of the European Border and Coast Guard. The capability roadmap shall be proposed by the executive director on the basis of the overview ⌦ referred to in paragraph 8, ⌫ ~~of the national capability development plans,~~ taking into account, inter alia, the results of the risk analysis and vulnerability assessments carried out in accordance with Articles ~~29~~34 and ~~32~~37, ⇨ relevant findings of the Schengen evaluation and monitoring mechanism, ⇦ and the Agency's own multiannual plans. ⇨ The capability roadmap shall prioritise the identified capability gaps and set out actions and indicative timelines to address them. ⇦ Once the capability roadmap is approved by the management board, it shall be annexed to the technical and operational strategy referred to in Article 8(4~~5~~).

⇩ new

Article 10

Multiannual European integrated border management planning coordination scheme

1. The Agency shall, on a proposal from the executive director, and after consultation with the Member States and the Commission, adopt a multiannual EIBM planning coordination scheme.

2. The EIBM planning coordination scheme shall set common timelines for the preparation, transmission, updating and review of the main planning documents and information required under this Regulation, including the national strategies for EIBM, the national contingency plans, the national capability development plans, the return planning information referred to in Article 54(3), the capability roadmap and the relevant strategic and operational planning

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documents of the Agency. It shall support the coherence, predictability and timely alignment of the integrated planning process referred to in Article 9. The scheme shall respect the deadlines laid down in this Regulation and shall not introduce additional reporting obligations.

3. The EIBM planning coordination scheme shall be updated where necessary, in particular following the adoption, amendment or evaluation of the multiannual strategic policy for EIBM referred to in Article 8, and taking into account the strategic risk analysis, relevant findings of vulnerability assessments and other relevant strategic, operational and analytical information.

↓ 2019/1896 (adapted)
⇨ new

CHAPTER II

FUNCTIONING OF THE EUROPEAN BORDER AND COAST GUARD

SECTION 1

TASKS OF THE EUROPEAN BORDER AND COAST GUARD AGENCY

Article ~~10~~ 11

Tasks of the European Border and Coast Guard Agency

1. The Agency shall perform the following tasks:

(43) monitor migratory flows and carry out risk analysis as regards all aspects of integrated border management ⇨ , including through processing open-source information and the analysis of aggregated data derived from monitoring of online platforms ⇦ ;

(1) monitor the operational needs of Member States related to the implementation of returns, including by collecting ⇨ statistical and ⇦ operational data;

(2) carry out vulnerability assessments ⇨ for border management and return ⇦ ~~including assessments of the capacity and readiness of Member States to face threats and challenges at the external borders~~;

(3) ~~monitor the management of the external borders through~~ ⇨ deploy ⇦ liaison officers of ⇨ the Agency and return liaison officers of ⇦ the Agency in Member States ⇨ and in third countries ⇦ ;

(4) monitor compliance with fundamental rights in all of its activities at the external borders and in return operations;

(5) support the development and operation of EUROSUR;

(6) assist Member States in circumstances requiring increased technical and operational assistance at the external borders by coordinating and organising joint operations, taking into account that some situations may involve humanitarian emergencies ⇨ ,

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response to civil protection tasks, ⇦ and rescue at sea in accordance with Union and international law;

(7) assist Member States in circumstances requiring increased technical and operational assistance at the external borders by launching ~~rapid~~ border interventions at the external borders of those Member States facing specific and disproportionate challenges, taking into account that some situations may involve humanitarian emergencies and rescue at sea in accordance with Union and international law;

(8) provide technical and operational assistance to Member States and third countries in accordance with Regulation (EU) No 656/2014 and international law, in support of search and rescue operations for persons in distress at sea which may arise during border surveillance operations at sea;

(9) deploy the standing corps in the framework of border management teams, migration management support teams and return teams (collectively referred to as 'teams') during joint operations, as well as in ~~rapid~~ border interventions, return operations and return interventions;

(10) set up a technical equipment pool, including a rapid reaction equipment pool, to be deployed in joint operations, in ~~rapid~~ border interventions and in the framework of migration management support teams, as well as in return operations and return interventions;

(11) develop and manage, with the support of an internal quality control mechanism, its own human and technical capabilities to contribute to the standing corps, including to the recruitment and training of the members of its staff acting as members of the teams, and the technical equipment pool;

(12) within the framework of the migration management support teams ~~at hotspot areas~~:

(i) deploy operational staff and technical equipment to provide assistance in screening ⇨ as set out by the (EU) Regulation 2024/1356 and ⇦ debriefing ⌦ as referred to in point (14) ⌫ ~~, identification and fingerprinting~~;

(ii) ⇨ where appropriate, ⇦ establish a procedure for referring and providing initial information to persons who are in need of international protection or wish to apply for such protection, including a procedure for the identification of vulnerable groups, in cooperation with ~~EASO~~ ⌦ EUAA ⌫ and competent national authorities;

~~(n) provide assistance at all stages of the return process without entering into the merits of return decisions, which remain the sole responsibility of the Member States, assist with the coordination and organisation of return operations and provide technical and operational support to implement the obligation to return returnees and technical and operational support to return operations and interventions, including in circumstances requiring increased assistance~~

⇩ new

(13) organise and carry out debriefings, upon request of the national authorities;

(14) plan, coordinate, and carry out return operations by air, land and sea from the Member States, manage and operate a Union reintegration programme as well as provide technical and operational assistance to Member States' activities in all

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phases of the return process, including return counselling, to implement the common system for returns;

(15) support the digitalisation of all phases of the return, readmission and reintegration processes and develop, coordinate, and manage IT tools in these areas;

(16) support Member States with the implementation of the return border procedure in accordance with Regulation (EU) 2024/1349, in particular with the return of persons who were refused entry in accordance with Article 4(6) of that Regulation;

(17) support third countries with returns, by way of technical and operational assistance;

↓ 2019/1896 (adapted)
⇨ new

(18) ~~(o)~~ set up ⇨ and manage ⇦ a pool of forced-return monitors;

(a) ~~(p) deploy return teams during return interventions~~

⇩ new

(19) support the national authorities in combating cross-border crime, in particular migrant smuggling, trafficking in human beings and terrorism, and threats of hybrid nature affecting the management of external borders, including by deployment of members of the teams;

↓ 2019/1896 (adapted)
⇨ new

(20) ~~(q)~~ within the respective mandates of the agencies concerned, cooperate with Europol and Eurojust and provide support to Member States in circumstances requiring increased technical and operational assistance at the external borders in the fight against cross-border crime and terrorism;

(21) ~~(r)~~ cooperate with ~~EASO~~ ⌦ EUAA ⌫ within their respective mandates, in particular to facilitate measures in cases where third-country nationals whose applications for international protection have been rejected by means of a final decision are subject to return;

(22) ~~(s)~~ cooperate with the FRA, within their respective mandates, in order to ensure the continuous and uniform application of the Union *acquis* on fundamental rights;

(23) ~~(t)~~ cooperate with the European Fisheries Control Agency (EFCA) and the European Maritime Safety Agency (EMSA), within their respective mandates, in order to support national authorities carrying out coast guard functions, as set out in Article ~~80~~96, including the saving of lives at sea, by providing services, information, equipment and training, as well as by ⇨ organising or ⇦ coordinating multipurpose operations;

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⇩ new

(24) cooperate with other Union institutions, bodies, offices and agencies;

🡻 2019/1896

(25) ~~(u)~~ cooperate with third countries ~~in relation to the areas covered by this Regulation, including through the possible operational deployment of border management teams in third countries~~;

⇩ new

(26) cooperate with international organisations;

(27) cooperate with Common Security and Defence Policy missions and operations;

🡻 2019/1896 (adapted)

(28) ~~(v)~~ assist Member States and third countries in the context of technical and operational ⌦ assistance ⌫ cooperation between them in the matters covered by this Regulation;

~~(w) assist Member States and third countries in the training of national border guards, other relevant staff and experts on return, including through the establishment of commontraining standards and programmes, including on fundamental rights;~~

⇩ new

(29) assist Member States in development of integrated planning with a view to achieve the EIBM objectives;

(30) provide training and assistance in the organisation of training to Member States and third countries;

(31) provide support to Member States, including to their consulates in third countries, and to Union delegations, on the implementation of the EU common visa policy, and to authorities responsible for the assessment of applications for long-stay visas and residence permits;

🡻 2019/1896 (adapted)
⇨ new

(32) (~~x~~) participate in the development and management of research and innovation activities relevant for the control of the external borders, including the use of advanced surveillance technology, and develop its own pilot projects, where necessary, for the carrying out of activities as provided for in this Regulation;

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(33) (~~y~~) develop technical standards for information exchange;

(34) (~~z~~) support the development of technical standards for equipment in the area of border control and return, including for the interconnection of systems and networks, and support, as appropriate, the development of common minimum standards for external border surveillance, in line with the respective competences of the Member States and of the Commission;

(35) (~~aa~~) establish and maintain the communication network referred to in Article ~~14~~15;

(36) (~~ab~~) develop, ~~and~~ operate ⇨ and maintain ⇦ , in accordance with Regulation (EU) 2018/1725, information systems that enable swift and reliable exchanges of information regarding emerging risks in the management of the external borders, illegal immigration and ⇨ all stages of the ⇦ return ⇨ process, and that support the carrying out of border checks, ⇦ in close cooperation with the Commission, Union bodies, offices and agencies as well as the European Migration Network established by Council Decision 2008/381/EC[69];

(37) (~~ac~~) provide the necessary assistance for the development ⇨ and maintenance ⇦ of a common information-sharing environment, including interoperability of systems, as appropriate;

(38) (~~ad~~) follow high standards for border management ⇨ and return ⇦ allowing for transparency and public scrutiny in full respect of the applicable law and ensuring respect for, and protection and promotion of, fundamental rights;

(39) (~~ae~~) manage and operate the False and Authentic Documents Online system referred to in Article ~~79~~ 94 and ⇨ a compliance programme to carry out compliance checks of travel documents and ⇦ support the Member States ⇨ and third countries ⇦ by facilitating the detection of document fraud;

(40) (~~af~~) fulfil the tasks and obligations entrusted to the Agency under Regulation (EU) 2018/1240 and ~~ensure the setting up and~~ operation of the ETIAS Central Unit in accordance with Article 7 of that Regulation;

⇩ new

(41) fulfil the tasks and obligations entrusted to the Agency under Regulation (EC) No 767/2008 of the European Parliament and of the Council[70].

🡻 2019/1896
⇨ new

(42) (~~ag~~) assist Member States in facilitating persons to cross the external borders ⇨ at the border crossing points and at locations determined in the international agreements; ⇦

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69 Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131, 21.5.2008, p. 7 ELI: http://data.europa.eu/eli/dec/2008/381/oj).

70 Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60, ELI: http://data.europa.eu/eli/reg/2008/767/oj).

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⇩ new

(43) implement projects supported by Union funding, in particular in third countries.

2. Debriefings referred to in paragraph 1, point (14), shall not allow for the identification or tracing of the interviewed third country national and, where it takes place adjacent to screening activities, it shall take place only after the completion of the preliminary health and vulnerability checks required by Article 12 of Regulation (EU) 2024/1356.

🡻 2019/1896 (adapted)
⇨ new

~~2~~3. The Agency shall communicate on matters falling within its mandate. It shall provide the public with accurate, detailed, timely and comprehensive information about its activities.

Such communication ~~shall not be detrimental to the tasks referred to in paragraph 1 of this Article, and in particular~~ shall not reveal operational information which, if made public, would jeopardise attainment of the objective of operations. The Agency shall communicate without ~~prejudice to~~ ⌦ affecting ⌫ Article ~~9~~2111 and in accordance with relevant communication and dissemination plans adopted by the management board and in close cooperation, where appropriate, with other bodies, offices and agencies.

SECTION 2

INFORMATION EXCHANGE AND COOPERATION

Article ~~11~~ 12

Duty to cooperate in good faith

The Agency, the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, and the national authorities responsible for return shall be subject to a duty to cooperate in good faith and an obligation to exchange information.

Article ~~12~~ 13

Obligation to exchange information

1. In order to perform the tasks conferred on them by this Regulation, the Agency, the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, and the national authorities responsible for return shall, in accordance with this Regulation and other relevant Union and national law regarding the exchange of information, share in a timely and accurate manner all necessary information.

2. The Agency shall take appropriate measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States.

Where information is relevant to the performance of its tasks, the Agency shall exchange that information with other relevant Union bodies, offices and agencies for the purpose of risk analysis, collecting statistical data, assessing the situation in third countries, training and the support to Member States in connection with contingency planning. For that purpose, the

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necessary tools and structures shall be developed between the Union bodies, offices and agencies.

3. The Agency shall take all necessary measures to facilitate the exchange of information relevant for its tasks with Ireland ~~and the United Kingdom~~ where that information relates to the activities in which ~~they participate~~ ⌦ it participates ⌫ in accordance with Article ~~70~~ 84 and Article ~~100(5)~~ 119(6).

Article ~~13~~ 14

National contact points

1. Each Member State shall appoint a national contact point for communication with the Agency on all matters pertaining to the activities of the Agency~~, without prejudice to the role of the national coordination centres~~. The national contact points shall ~~be reachable at all times and shall~~ ensure the timely dissemination of all information from the Agency to all the relevant authorities within the Member State concerned, in particular the members of the management board and the national coordination centre.

2. Member States may designate up to two staff members representing their national contact point to be assigned to the Agency as liaison officers. The liaison officers shall facilitate communication between the national contact point and the Agency and may, where necessary, attend relevant meetings.

3. The Agency shall provide liaison officers with the necessary premises within its headquarters and with adequate support for the performance of their duties. All other costs that arise in connection with the deployment of liaison officers shall be covered by the Member State. The management board shall specify the rules and conditions of the deployment, as well as the rules concerning adequate support to be provided.

Article ~~14~~ 15

Communication network

1. The Agency shall establish and maintain a communication network in order to provide communication and analytical tools and allow for the exchange of sensitive non-classified and classified information in a secure manner and in near real time ⇨ within the European Border and Coast Guard ⇦ ~~, and among, the national coordination centres~~.

Any system or application using the communication network shall comply with Union law on data protection throughout its life cycle.

2. The communication network shall be operational twenty-four hours a day and seven days a week. ⌦ It ⌫ ~~and~~ shall allow for ⇨ secure handling, storing, transmission and processing of sensitive non-classified information and EU classified information up to the level of RESTREINT UE/EU RESTRICTED or equivalent national classification levels. ⇦

⇩ new

3. Where justified by operational needs and the sensitivity of the information concerned, the management board may, at the request of a Member State or the executive director and after consulting the Security Accreditation Board, decide that specified components, services or exchanges using the communication network may handle EU classified information up to

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CONFIDENTIEL UE/EU CONFIDENTIAL or the equivalent national classification level, in accordance with the applicable security rules.

↓ 2019/1896 (adapted)

~~4~~3. The communication network shall allow for:

(a) bilateral and multilateral information exchange in near real time;

(b) audio and video conferencing;

(c) ~~secure handling, storing, transmission and processing of sensitive non-classified information;~~

(d) ~~secure handling, storing, transmission and processing of EU classified information up to the level of CONFIDENTIEL UE/EU CONFIDENTIAL or equivalent national classification levels, ensuring that classified information is handled, stored, transmitted and processed in a separate and duly accredited part of the communication network.~~

~~2~~5. The Agency shall provide technical support and ensure that the communication network is permanently available and can support the communication and information ~~system~~ ⌦ systems ⌫ managed by the Agency ⌦ as referred to in Article 18 ⌫ .

⇩ new

Article 16

Security Accreditation Authority

1. A Security Accreditation Authority shall be established within the Agency. That Authority shall be the security accreditation body for the communication and information systems managed and used solely by the Agency, other than those falling within Article 17(2).

2. The composition, functioning and the tasks of the Security Accreditation Authority shall be laid down in the security rules of the Agency referred to in Article 111.

3. The Security Accreditation Authority shall cooperate with the Commission Security Authority, as laid down in Commission Decision (EU, Euratom) 2015/444, in the accreditation of communication and information systems deployed for the exchange of EU classified information with other agencies, bodies, the relevant authority of a third country and international organisations.

Article 17

Security Accreditation Board

1. The Security Accreditation Board shall be established within the Agency.

2. The Security Accreditation Board shall be the security accreditation body for the communication network regarding the European and external components of EUROSUR and Agency-managed applications and communication and information systems that are deployed on, directly connected to, or directly accessible through that network.

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3. The Security Accreditation Board shall act independently when performing its tasks. It shall be composed of one representative of each Member State and two representatives of the Commission. The Agency's security officer shall act as secretary to the Board. The Board may set up subordinate bodies to assist it in preparing its decisions. The Commission shall adopt an implementing act laying down detailed rules on the functioning of the Security Accreditation Board and on the security accreditation process.

4. Without affecting the responsibilities of the security accreditation authorities of the Member States for their national components, the Security Accreditation Board shall take the security accreditation decisions for the components, systems and applications referred to in paragraph 2 and shall approve the relevant interconnections. Where a security accreditation decision falls under the responsibility of the Agency but may affect the security of those components, systems, applications or interconnections, the Security Accreditation Board shall be consulted by the Security Accreditation Authority referred to in Article 16 before that decision is taken.

5. Countries associated with the implementation, application and development of the Schengen *acquis* shall participate in the Board. They shall each have one representative and one alternate on the Board. The arrangements developed under the relevant provisions of their association agreements that specify the nature and extent of, and the detailed rules for, the participation by those countries in the work of the Agency, including provisions on financial contributions and staff, shall apply.

↓ 2019/1896 (adapted)
⇨ new

Article ~~15~~ 18

Information exchange systems and applications managed by the Agency

1. The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the European Parliament, the Council, the Commission, the Member States and, where appropriate, other Union institutions, and the Union bodies, offices and agencies and international organisations listed in Article ~~68(1)~~ 82(1) and (2) and third countries as referred to in Article ~~71~~85.

2. The Agency shall develop, deploy and operate an information system ⌦ or systems ⌫ capable of exchanging classified and sensitive non-classified information with the actors referred to in paragraph 1 of this Article, and of exchanging personal data referred to in Articles ~~86~~102 to ~~91~~ 110 in accordance with Article ~~92~~111.

3. The Agency shall deploy the information systems referred to in paragraph 2 of this Article on the communication network referred to in Article ~~14~~15 as appropriate.

Article ~~16~~ 19

Technical standards for information exchange

The Agency shall develop technical standards in cooperation with the Member States in order to:

(a) interconnect the communication network referred to in Article ~~14~~ 15 with national networks used for establishing the national situational pictures referred to in

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Article ~~25~~ 28 and other relevant information systems for the purpose of this Regulation;

(b) develop, and establish interfaces between, relevant information exchange systems and software applications of the Agency and of the Member States for the purpose of this Regulation;

(c) broadcast situational pictures and, as appropriate, specific situational pictures as referred to in Article ~~27~~ 30 and ensure communication between relevant units and centres of competent national authorities and with the teams deployed by the Agency by using various means of communication such as satellite communications and radio networks;

(d) report the position of own assets, making the best possible use of the technological development of the satellite navigation system established under the Galileo programme in accordance with Regulation (EU) No 2021/696 ~~1285/2013~~ of the European Parliament and of the Council[71].

Article ~~17~~20

Information assurance

Member States shall ensure via their national coordination centre and under the supervision of the competent national authorities that their national authorities, agencies and other bodies, when using the communication network referred to in Article ~~14~~ 15 and the information exchange systems of the Agency:

(a) have proper and continuous access to the relevant systems and networks of the Agency or to systems and networks connected to them;

(b) comply with the relevant technical standards referred to in Article ~~16~~ 19;

(c) apply equivalent security rules and standards as those applied by the Agency for the handling of classified information;

(d) exchange, process and store sensitive non-classified and classified information in compliance with Article ~~92~~ 111.

SECTION 3

EUROSUR

Article ~~18~~ 21

~~EUROSUR~~ ⌦ Integrated framework ⌫

This Regulation establishes ~~EUROSUR as~~ an integrated framework for the exchange of information and for operational cooperation within the European Border and Coast Guard ⌦ (EUROSUR) ⌫ ~~in order~~ to improve situational awareness and to increase reaction capability ~~for the purposes of~~ ⌦ in ⌫ border management, including the detection, prevention and combating of illegal immigration, cross-border crime and ⇨ threats of hybrid

[71] Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU OJ L 170, pp. 69–148 ELI: http://data.europa.eu/eli/reg/2021/696/oj

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nature affecting the management of external borders, and ⇦ contributing to ensuring the protection and saving the lives of migrants.

🡻 2019/1896 (adapted)
⇨ new

Article ~~19~~ 22

Scope of EUROSUR

1. EUROSUR shall be used for border checks at ~~authorised~~ border crossing points and for external ~~land, sea and air~~ border surveillance, including the monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the ⌦ following purposes ⌫ ~~purpose of~~:

(a) detecting, preventing and combating illegal ~~immigration~~ ⇨ migration; ⇦ , and cross-border crime ⇨ at external borders ⇦ ; ~~and~~

(b) contributing to ensuring the protection and saving lives ~~of migrants~~.

⇩ new

EUROSUR shall also include information on security at the external borders and threats of hybrid nature affecting the management of external borders.

🡻 2019/1896 (adapted)
⇨ new

2. EUROSUR shall not be used for any legal or administrative measure taken once the competent authorities of a Member State have intercepted cross-border criminal activities or unauthorised crossings by persons of the external borders.

Article ~~20~~ 23

EUROSUR components

1. Member States and the Agency shall use EUROSUR ~~for the exchange of information and for the cooperation in the field of border control,~~ taking into account existing information exchange and cooperation mechanisms. EUROSUR shall consist of the following components:

(a) national coordination centres as referred to in Article ~~21~~ 24;

(b) national situational pictures as referred to in Article ~~25~~ 28;

(c) a European situational picture as referred to in Article ~~26~~ 29, including information on external border sections with corresponding impact levels;

(d) specific situational pictures as referred to in Article ~~27~~ 30;

(e) EUROSUR fusion services as referred to in Article ~~28~~ 31;

~~(f)integrated planning as referred to in Article 9.~~

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2. The national coordination centres shall provide the Agency, via the communication network referred to in Article ~~14~~ 15 ~~and relevant systems,~~ with ⌦ such ⌫ information from their national situational pictures and, as appropriate, from specific situational pictures, ~~which~~ ⌦ as ⌫ is required for the establishment and maintenance of the European situational picture.

3. The Agency shall give the national coordination centres, via the communication network, unlimited access twenty-four hours a day, seven days a week, to specific situational pictures and to the European situational picture.

Article ~~21~~ 24

National coordination centres

1. Each Member State shall designate, operate and maintain a national coordination centre. ~~Which~~ ⌦ The national coordination centre ⌫ shall coordinate ⌦ the operational cooperation ⌫ , and exchange information among all authorities having responsibility for external border control at national level, as well as with the other national coordination centres and the Agency.

Each Member State shall notify the establishment of its national coordination centre to the Commission, which shall forthwith inform the other Member States and the Agency thereof.

2. Without ~~prejudice to~~ ⌦ affecting ⌫ Article ~~13~~ 14~~and within the framework of EUROSUR~~, the national coordination centre shall be the single point of contact for the exchange of information ⌦ through EUROSUR ⌫ and for the cooperation with other national coordination centres and ~~with~~ the Agency.

3. The national coordination centres shall:

(a) ensure the timely exchange of information ⌦ through EUROSUR ⌫ and timely cooperation between all national authorities having responsibility for external border control at national level, ~~as well as~~ ⌦ and ⌫ with other national coordination centres and the Agency;

(b) ensure the timely exchange of information with search and rescue, law enforcement, asylum and immigration authorities and manage the dissemination of relevant information at national level ⌦ through EUROSUR ⌫ ;

(c) contribute to an effective and efficient management of resources and personnel, ⇨ including infrastructure and technical equipment used for border management ⇦ ;

(d) establish and maintain the national situational pictures in accordance with Article ~~25~~ 28;

(e) support the coordination, planning and implementation of national border control;

(f) coordinate the national border control systems, in accordance with national law;

~~(g) contribute to regularly measuring the effects of national border control for the purposes of this Regulation;~~

(g~~h~~) coordinate operational measures with other Member States and third countries, without ~~prejudice to~~ ⌦ affecting ⌫ the competences of the Agency and of the other Member States;

(h) ~~(i)~~ exchange relevant information with the immigration liaison officers of their Member State, where designated, through appropriate structures established at

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national level, with a view to contributing to the European situational picture and supporting border control operations;

(i)(ii) under the supervision of the competent national authorities, contribute to the information assurance of national information systems and the Agency's information systems.

4. Member States may charge regional, local, functional or other authorities which are in a position to take operational decisions with ensuring situational awareness and reaction capability in their respective areas of competence, including the tasks and competences listed in paragraph 3, points (c), (e), (f) ⇨ and (g) ⇦ ~~of paragraph 3~~.

5. The decision of a Member State to allocate tasks in accordance with paragraph 4 shall not affect the national coordination centre in its ability to cooperate and exchange information with other national coordination centres and the Agency.

6. In pre-defined cases, as determined at national level, a national coordination centre may authorise an authority referred to in paragraph 4 to communicate and exchange information with the regional authorities or the national coordination centre of another Member State or the competent authorities of a third country on condition that such authorised authority regularly informs its own national coordination centre of such communication and exchange of information.

7. The national coordination centre shall operate twenty-four hours a day, seven days a week.

Article ~~22~~ 25

EUROSUR Handbook

1. The Commission shall, in close cooperation with the Agency and any other relevant Union body, office or agency, adopt and make available a practical handbook for the implementation and management of EUROSUR (the 'EUROSUR Handbook'). The EUROSUR Handbook shall provide technical and operational guidelines, recommendations and best practices, including in relation to cooperation with third countries. The Commission shall adopt the EUROSUR Handbook in the form of a recommendation.

2. The Commission may decide, after consultation with Member States and the Agency, to classify parts of the EUROSUR Handbook as RESTREINT UE/EU RESTRICTED in compliance with the rules laid down in the Rules of Procedure of the Commission.

Article ~~23~~ 26

Monitoring of EUROSUR

1. The Agency and the Member States shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders.

2. The Agency shall continuously monitor the quality of the service offered by the communication network referred to in Article ~~14~~15 and the quality of the data shared in the European situational picture ⇨ and prepare on a yearly basis a report with the main findings taking into account the results of the Schengen evaluation and monitoring mechanism ⇦ .

3. The Agency shall transmit information collected as part of the monitoring under paragraph 2 to the national coordination centres and the relevant command and control

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structures used for the Agency's operations as part of the EUROSUR fusion services. ~~Such information shall be classified RESTREINT UE/EU RESTRICTED.~~

⇩ new

4. The executive director shall, without undue delay, take the appropriate steps in accordance with Article 46, after having consulted the management board where:

a) the monitoring reveals data quality deficiencies having a serious impact on the vulnerability of a given border section or reveals significant anomalies or emerging trends which may indicate a risk of escalation at the external borders;
b) an incident of a large scale occurs or an event emerges on an external border section ;
c) the results of the report referred to in paragraph 2 identify persistent delays in reporting of information or insufficient quality of reported data by a Member State;
d) the results of the monitoring of online platforms reveal suspicious behaviours or trends.

🡻 2019/1896 (adapted)
⇨ new

SECTION 4

SITUATIONAL AWARENESS

Article ~~24~~ 27

Situational pictures

1. The national situational pictures, the European situational picture and the specific situational pictures shall be produced through the collection, evaluation, collation, analysis, interpretation, generation, visualisation and dissemination of information.

2. The situational pictures referred to in ~~the first sub~~paragraph 1 shall consist of the following information layers:

(a) an events layer that includes ~~events and~~ incidents related to unauthorised border crossings, ~~and~~ cross-border crime ⇨ , threats of hybrid nature affecting the management of external borders ⇦ ⌦ and other events, ⌫ and, where available, information on unauthorised secondary movements, ~~for the purpose of understanding migratory trends, volume and routes~~;

(b) an operational layer that contains information on operations, including the deployment plan, area of operations, and the position, time, status and type of assets participating as provided for in the operational plan ⇨ or a EUROSUR cooperation plan referred to in Article 30(4) ⇦ ;

(c) an analysis layer that contains analysed information which is relevant for the purposes of this Regulation and, in particular, is relevant to the attribution of impact levels to the external border sections, such as imagery and geo-data, key

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developments and indicators, analytical reports, and other relevant supporting information.

~~2~~3. The situational pictures referred to in paragraph 1 shall allow for the identification and tracing of events ⌦ and incidents ⌫ , operations and corresponding analysis relating to situations where human lives are at risk.

4. The Commission shall adopt an implementing act laying down the details of the information layers of the situational pictures and the rules for the establishment of specific situational pictures. The implementing act shall specify the type of information to be provided, the entities responsible for collecting processing, archiving and transmitting specific information, the maximum time limits for reporting, the data security and data protection rules and related quality control mechanisms. That implementing act shall be adopted in accordance with the examination procedure referred to in Article ~~122(2)~~ 142(2).

Article ~~25~~ 28

National situational pictures

1. Each national coordination centre shall establish and maintain a national situational picture in order to provide all authorities having responsibility for external border control at national level with effective, accurate and timely information.

2. The national situational picture shall be composed of information collected from the following sources:

(a) the national border surveillance system in accordance with national law;

(b) stationary and mobile sensors operated by national authorities having responsibility for external border surveillance;

(c) patrols on border surveillance and other monitoring missions;

(d) local, regional and other coordination centres;

(e) other relevant national authorities and systems, including immigration liaison officers, operational centres and contact points;

(f) border checks;

(g) the Agency;

(h) national coordination centres in other Member States;

(i) authorities of third countries, on the basis of bilateral or multilateral agreements and regional networks referred to in Article ~~72~~86;

(j) ship reporting systems in accordance with their respective legal bases;

(k) other relevant European and international organisations

(l) other sources.

⇩ new

3. The national coordination centre shall report events and incidents to the Agency within 24 hours after being made aware of an event has occurred or is likely to occur.

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↓ 2019/1896 (adapted) ⇨ new

~~3~~4. Each national coordination centre shall attribute a single indicative impact level, ranging from 'low' and 'medium' to 'high' and ' ⇨ critical ⇦ ~~very high~~, to each incident ⌦ or event ⌫ in the events layer of the national situational picture. All incidents ⌦ and events ⌫ shall be shared with the Agency.

~~4~~5. Each national coordination centre may decide, at the request of the competent national authorities, to restrict access to information related to national security, including military assets, on a need-to-know basis.

~~5~~6. The national coordination centres of neighbouring Member States may share with each other, directly and in near real time, the situational picture of neighbouring external border sections, including the positions, status and type of own assets operating in the neighbouring external border sections.

Article ~~26~~ 29

European situational picture

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres, ~~and~~ the Commission ⇨ and other Union agencies operating to protect the European area of freedom, security, and justice established under Title V of Part Three of the Treaty, as well as EFCA and EMSA, in line with their respective mandates, ⇦ with effective, accurate and timely information and analysis, covering the external borders, the pre-frontier area and unauthorised secondary movements. ⇨ Working arrangements referred to in Article 82(3) of this Regulation with those Agencies shall determine the conditions for the provision of information from the European situational picture. ⇦

2. The European situational picture shall be composed of information collected from the following sources:

(a) national coordination centres, and national situational pictures and information and reports received from immigration liaison officers ~~to the extent required by this Article~~ ⇨ deployed in the context of Regulation 2019/1240 ⇦ ;

(b) the Agency, including the information and reports provided by its liaison officers in accordance with Articles ~~31~~ 36 and ~~77~~ 92;

(c) Union delegations and Common Security and Defence Policy (CSDP) missions and operations as provided for in ~~point (j) of the second subparagraph of Article 68(1)~~ ⇨ 82(1), point (n) ⇦;

(d) other relevant Union bodies, offices and agencies and international organisations ~~listed~~ in ⌦ accordance with ⌫ Article ~~68(1)~~ ⇨ 82 ⇦;

(e) authorities of third countries, on the basis of bilateral or multilateral agreements and regional networks as referred to in Articles ~~72~~ 86, ⇨87, status agreements as referred to in Article 88(3) ⇦ and working arrangements as referred to in Article ~~73(4)~~ 88(6);

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⇩ new

(f) aggregated and anonymised data derived from the monitoring of online platforms carried out in relation to monitoring of migratory flows referred to in Article 33(1),

🡻 2019/1896 (adapted)
⇨ new

(g) (f) other sources.

3. The events layer of the European situational picture shall include information relating to:

(a) incidents and other events contained in the events layer of the national situational pictures;

(b) incidents and other events contained in the ⇨ events layer of the ⇦ specific situational pictures ~~as provided for in Article 27~~;

(c) incidents ⌦ and other events ⌫ in the operational area of a joint operation or rapid intervention coordinated by the Agency, ~~or in a hotspot~~ ⇨ including in area of operation of the migration management support teams ⇦ .

4. The operational layer of the European situational picture shall contain information on the joint operations and rapid interventions coordinated by the Agency ~~and on hotspots~~ ⇨ including in area of operation of the migration management support teams. ⇦ ⌦ It shall ⌫ ~~, and~~ include the mission statements, locations, status, duration, information on the Member States and other actors involved, daily and weekly situational reports, statistical data and information packages for the media.

5. Information on ~~own~~ assets ⇨ used ⇦ in the operational layer of the European situational picture may, where appropriate, be classified as RESTREINT UE/EU RESTRICTED.

6. In the European situational picture, the Agency shall take into account the impact levels that were assigned to specific incidents ⌦ or events ⌫ in national situational pictures by the national coordination centres. For any incident ⌦ or event ⌫ in the pre-frontier area, the Agency shall assign a single indicative impact level and shall inform the national coordination centres thereof.

Article ~~27~~ 30

Specific situational pictures

⇩ new

1. Member States may establish specific situational pictures necessary for cooperation and exchange of information in the framework of EUROSUR under bilateral or multilateral agreements with third countries.

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↓ 2019/1896 (adapted)
⇨ new

~~1.~~2. The Agency ~~and the Member States~~ may establish and maintain specific situational pictures ⇨ necessary for cooperation and exchange of information in the framework of EUROSUR ⇦ ~~in order to support specific operational activities at the external borders or to share information~~ with Union institutions, bodies, offices and agencies and international organisations ~~listed~~ ⇨ on the basis of working arrangements referred to in ⇦ Article ~~68(1)~~ ⇨ 82(1) ⇦ or third countries ~~as provided for~~ ⌦ in accordance with Article ⌫ ~~75~~ ⇨ 90 ⇦ .

~~2~~3. The specific situational pictures shall ~~be composed of subset of~~ ⌦ contain pre-agreed ⌫ information ⌦ from ⌫ the national and European situational pictures ⌦ as provided for in the plans referred to paragraph 3 ⌫ .

~~3~~4. The detailed rules for establishing and sharing the specific situational pictures shall be set out in an operational plan for ⇨ joint operations. ⇦ ~~the operational activities concerned~~ ⇨ Where a specific situational picture is established in the framework of bilateral or multilateral cooperation with third countries, the detailed rules for establishing and sharing the specific situational picture shall be set out in a bilateral or multilateral agreement or, where that cooperation takes place under a working arrangement, in a EUROSUR cooperation plan. ⇦ ~~and in a bilateral or multilateral agreement where a specific situational picture is established in the framework of bilateral or multilateral cooperation with third countries.~~

5. Any sharing of information under ~~this~~ paragraph ⌦ 3 ⌫ shall be carried out in accordance with the principle of originator's consent.

Article ~~28~~ 31

EUROSUR fusion services

~~1. The Agency shall coordinate the EUROSUR Fusion Services, in order to supply the national coordination centres, the Commission and itself with information on the external borders and on the pre-frontier area on a regular, reliable and cost-efficient basis.~~

⇩ new

1. The Agency shall coordinate and be able to use the EUROSUR fusion services. Such coordination and use shall concern the tasks set out in paragraph 2 of this Article. The Agency shall provide information on the external borders and on the pre-frontier area, upon request and on cost-efficient basis, to the Commission, the EEAS, other Union agencies operating to protect the European area of freedom, security, and justice established under Title V of Part Three of the Treaty, and EFCA and EMSA, in accordance with their mandates, or the Agency itself.

↓ 2019/1896 (adapted)
⇨ new

2. The Agency shall provide ⌦ the ⌫ national coordination centre, at its request, with information on ⇨ areas located at ⇦ the external borders of ~~the~~ ⌦ that ⌫ Member State ~~to which it belongs~~ and on the pre-frontier area, which may ~~be derived from~~ ⇨ include ⇦ :

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(a) the selective monitoring of designated third-country ports and coasts which have been identified through risk analysis and information as being embarkation or transit points for vessels or other craft used for illegal immigration or cross-border crime;

(b) the tracking of vessels or other craft over high seas and the tracking of aircraft, where those vessels, other craft or aircraft are suspected of, or have been identified as, being used for illegal immigration or cross-border crime, including in the case of persons in distress at sea, with a view to transmitting that information to the relevant authorities that are competent for search and rescue operations ⇨ , also with the use of information from CISE ⇦ ;

(c) monitoring of designated areas in the maritime domain in order to detect, identify and track vessels and other craft being used for, or suspected of being used for, illegal immigration or cross-border crime, including in the case of persons in distress at sea with a view to transmitting that information to the relevant authorities that are competent for search and rescue operations;

(d) monitoring of designated areas of air borders in order to detect, identify and track aircraft and other forms of equipment being used for, or suspected of being used for, illegal immigration or cross-border crime;

(e) environmental assessment of designated areas in the maritime domain and at the external land and air borders in order to optimise monitoring and patrolling activities;

(f) selective monitoring of designated pre-frontier areas ⌦ or areas ⌫ at the external borders which have been identified through risk analysis and information as being potential departure or transit areas for illegal immigration or cross-border crime;

(g) monitoring migratory flows towards and within the Union in terms of trends, volume ⇨ , nationalities ⇦ and routes;

(h) media monitoring, open source ~~intelligence~~ ⇨ information collection ⇦ and analysis of internet activities in line with Directive (EU) 2016/680 or Regulation (EU) 2016/679, as applicable, for the purpose of preventing illegal immigration or cross-border crime ⇨ including the facilitation of illegal immigration and trafficking in human beings ⇦ ;

(i) analysis of information derived from large-scale information systems for the purpose of detecting changing routes and methods used for illegal immigration and cross-border crime;

⇩ new

(j) monitoring threats of hybrid nature affecting the management of external borders including the instrumentalisation of migration, disinformation, or cross-border criminal activity.

3. The Agency shall provide information, upon their request, to the Commission, the EEAS, other Union agencies operating to protect the European area of freedom, security, and justice, established under Title V of Part Three of the Treaty, and EFCA and EMSA, in accordance with their mandates, on areas located at the external borders and on the pre-frontier area. That information shall be provided subject to the consent of the Member States concerned and on the basis of a working arrangement with the requesting side.

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4. The Agency shall prioritise EUROSUR fusion service requests. The priority shall be given to a request from a national coordination centre. Where two or more national coordination centres made a request, the assessment of the priority shall take into account the single indicative impact level on the incidents related to illegal immigration, cross-border crime or threats of hybrid nature affecting the management of external borders occurring at the relevant border section or other events.

5. The information on areas at the external borders and on the pre-frontier area collected by activating the EUROSUR fusion services shall, where relevant, be included in the European situational picture.

↓ 2019/1896

~~3~~6. The Agency may refuse a request from a national coordination centre for technical, financial or operational reasons. The Agency shall notify the national coordination centre in due time of the reasons for such a refusal.

~~4~~7. The Agency may use, on its own initiative, the surveillance tools referred to in paragraph 2 for collecting information on the pre-frontier area, which is relevant for the European situational picture.

⇩ new

Article 32

Advance warning mechanism

1. As a derogation from Article 28(3), when the single indicative impact level on incidents or events taking place at a given border section increases, the national coordination centre shall notify the Agency immediately. The Agency shall report this information in the European situational picture in the form of an alert and support the given national coordination centre in monitoring the migratory situation at this given border section in accordance with Article 26.

2. As a derogation from Article 31(7), where a high or critical impact level is attributed to an external border section, the Agency shall launch EUROSUR fusion service(s) or intensify the existing one(s) over the external border section concerned and consult the Member State concerned thereof immediately. Information deriving from this EUROSUR fusion service(s) shall be included in the European situational picture.

3. Where the Agency identifies any atypical activity in the monitored external border section in connection with security of external borders or migratory movements, it shall notify the national coordination centre concerned immediately and take the appropriate steps in accordance with Article 46.

4. Where the results of the vulnerability assessment, the Agency's risk analysis or crisis management, early warning and forecasting tools identify emerging illegal immigration or cross-border crime threats in pre-frontier area, the Agency shall launch the EUROSUR fusion services on its own initiative as referred to in Article 31(7). Information deriving from the EUROSUR fusion services shall be shared in the European situational picture, with the Commission, the EEAS and other Union agencies as referred to in Article 31(1).

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5. Where the Agency identifies any atypical activity in connection with security of external borders or migratory movements while performing the EUROSUR fusion services as referred to in paragraph 4, it shall notify all national coordination centres immediately and include that information in the European situational picture in the form of an alert. The Agency shall take the appropriate steps in accordance with Article 46.

Article 33

Online monitoring and response centre

1. The Agency shall set up and operate an online monitoring and response centre. The tasks of the centre shall be to:

(a) monitor, for the purpose of risk analysis, situational awareness and prevention of risks relevant for management of external borders and migration, the publicly accessible user generated content specified in paragraph 3 of this Article, provided by recipients of intermediary services referred to in Article 3, point (g), of Regulation (EU) 2022/2065;

(b) notify online platforms in accordance with Article 16 of Regulation (EU) 2022/2065 of illegal content on their service, including where acting as a trusted flagger within the meaning and according to the procedure set out in Article 22 of that Regulation;

(c) take actions determined in any relevant code of conduct within the meaning of Article 45 of Regulation (EU) 2022/2065;

(d) take actions determined in any crisis protocol, in particular in accordance with Article 48 of Regulation (EU) 2022/2065;

(e) ask the national competent authorities to issue, where appropriate, orders to request information or to act against illegal content as referred to in Articles 9 and 10 of Regulation (EU) 2022/2065.

2. The Agency shall ensure that the risk analysis of aggregated data derived from online monitoring of content provided by recipients of intermediary services is included in the European situational picture referred to in Article 29(2), point (f).

3. The online monitoring and response centre shall monitor the online content which facilitates, promotes or provides instructions for unauthorised crossing of the external borders of the Union, in a manner likely to endanger the security of those borders or the safety of persons crossing, or intending to cross, them. In particular, it shall focus on the following:

(a) content calling for, organising or providing instructions on unauthorised crossing of the external borders;

(b) content relating to smuggling of migrants or other cross-border criminal activity;

(c) content inciting violence at the borders;

(d) calls for, or provides information on, the disruption of border infrastructure;

(e) content calling for or providing information relevant for:

(i) instrumentalisation and weaponisation of migration;

(ii) disinformation;

(iii) cyber incidents affecting border management systems or technical infrastructure;

(iv) interference with infrastructure relevant to border management; and

(v) cross-border criminal activities forming part of a broader hybrid campaign.

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4. The Agency may ask the Commission to encourage and facilitate the drawing up of voluntary codes of conduct at Union level within the meaning of Article 45 of Regulation (EU) 2022/2065, to address specific challenges of tackling different types of content referred to in paragraph 3 of this Article and systemic risks, in accordance with Union law.

5. The Commission shall draw up a crisis protocol pursuant to Article 48 of Regulation (EU) 2022/2065 to address the crisis situations at the external borders.

6. The online monitoring and response centre shall cooperate with relevant Union agencies, in particular the European Centre Against Migrant Smuggling established at Europol.

7. Where, in the course of its activities, the monitoring and response centre identifies a need for coordination, cooperation or support in relation to the content relevant for prevention and combating of migrant smuggling, it shall notify Europol or other relevant EU entity to that effect and, where appropriate, initiate the procedure for sharing the relevant information with Europol, in accordance with the applicable rules on the exchange of information under this Regulation.

8. The online monitoring and response centre shall cooperate with other relevant independent stakeholders in the area of online monitoring, in particular external actors active in media monitoring, for the purpose of identifying content relevant to the management of external borders and migration flows.

9. The online monitoring and response centre shall report to the Commission on its activities on a regular basis and, upon request, share the risk analysis and other outputs related to its operations. The online monitoring and response centre shall also inform the Commission about:

(a) requests to the intermediary service providers referred to in paragraph 1, points (b) to (e);

(b) online content identified at the intermediary service providers as an online platform requiring development of counternarrative by the Commission and the Agency;

(c) information in the European situational picture and EUROSUR, in accordance with paragraph 3.

10. The Agency may cooperate with the relevant border management authorities or other competent authorities of third countries with due regard to the existing bilateral and multilateral arrangements applicable to that country, countries on the response to the online content identified by the online monitoring and response centrer at intermediary service providers.

11 Upon a proposal from the Executive Director, the Management Board shall adopt implementing rules on how the online monitoring and response centre operates, including on its tasks and composition. Union bodies or agencies may participate in preparation of the implementing rules in accordance with their respective mandates.

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↓ 2019/1896 (adapted)
⇨ new

SECTION 5

RISK ANALYSIS

Article ~~29~~ 34

Risk analysis

1. The Agency shall monitor migratory flows towards the Union, and within the Union in terms of migratory trends, volume and routes, and other trends or possible challenges at the external borders and with regard to return. For that purpose, the Agency shall, by a decision of the management board based on a proposal from the executive director, establish a common integrated risk analysis model, which shall be applied by the Agency and the Member States. The common integrated risk analysis model shall be established and updated, where needed, on the basis of the outcome of the evaluation of the implementation of the multiannual strategic policy cycle for ⌦ EIBM ⌫ ~~European integrated border management~~ referred to in Article 8(~~7~~9) ⇨ and taking into account the effective functioning of the common system for returns ⇦ .

2. The Agency shall prepare general annual risk analyses, which shall be submitted to the European Parliament, to the Council and to the Commission applying the security rules adopted in accordance with Article ~~92~~ 111, and tailored risk analyses for operational activities ⇨ , including dedicated risk analysis focusing on specific third countries, identifying evolving trends in document fraud for the purpose of short stay and long stay visas, visa abuses, and visa misuse and fraudulent practices, and abuses in relation to long-stay visas and residence permits, for the Agency's support to Member States in visa policy ⇦ . Every two years, the Agency, in close consultation with the Member States, shall prepare and submit to the European Parliament, to the Council and to the Commission a strategic risk analysis for ⌦ EIBM ⌫ ~~European integrated border management~~. Such strategic risk analyses shall be taken into account for the preparation of the multiannual strategic policy cycle for ⌦ EIBM ⌫ ~~European integrated border management~~t. The Agency shall prepare such general annual risk analyses and strategic risk analyses on the basis of information received, including from the Member States. Personal data shall be anonymised in the results of such risk analyses.

3. The risk analyses referred to in paragraph 2 shall cover all aspects relevant to ⌦ EIBM ⌫ ~~European integrated border management~~ with a view to developing a pre-warning mechanism.

⇨ 4. The Agency shall process and use for the purpose of risk analysis only anonymised and statistical data obtained from the monitoring of hub platforms referred to in Article 29(2), point (f), and debriefing referred to in Article 45(5), point (b). ⇦

~~4~~5. The Agency shall publish comprehensive information on the common integrated risk analysis model.

~~5~~6. Member States shall provide the Agency with all necessary information regarding the situation, trends and possible threats at the external borders and in the field of return. Member States shall regularly, or upon the request of the Agency, provide it with all relevant

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information such as statistical and operational data collected in relation to ⌦ EIBM ⌫ ~~European integrated border management~~ that is included in the list of mandatory information and data to be exchanged with the Agency as referred to in Article ~~100(2)~~ 119(2), point (5), as well as information from the analysis layers of the national situational pictures as provided for in Article ~~25~~28.

~~6~~7. The results of the risk analysis shall be submitted to the management board and shared with the competent authorities of the Member States in a timely and accurate manner.

~~7~~8. Member States shall take results of the risk analysis into account ⌦ for integrated planning, and ⌫ when planning their operations and activities at the external borders and their activities with regard to return.

~~8~~9. The Agency shall incorporate the results of a common integrated risk analysis model in its development of common core curricula for training as referred to in Article ~~62~~75.

🡻 2019/1896
⇨ new

SECTION 6

PREVENTION AND RESPONSIVENESS

Article ~~30~~ 35

Determination of external border sections

For the purposes of this Regulation, each Member State shall divide its external borders into external border sections. Those sections shall consist of land, sea and, where a Member State so decides, air border sections. Each Member State shall notify such external border sections to the Agency.

Member States shall notify any change of external border sections to the Agency in a timely manner to ensure the continuity of risk analysis by the Agency.

Article ~~31~~ 36

Agency liaison officers in Member States

1. The Agency shall ensure the regular monitoring of all Member States' management of the external borders and return through liaison officers of the Agency.

The Agency may decide that a liaison officer covers ~~up to four~~ ⇨ one or more ⇦ Member States which are geographically close to each other.

2. The executive director shall appoint experts from the statutory staff to be deployed as liaison officers. The executive director shall, on the basis of risk analysis and in consultation with the Member States concerned, make a proposal on the nature and terms of the deployment, the Member State or region to which a liaison officer may be deployed and possible tasks not covered by paragraph 3. The proposal from the executive director shall be subject to approval by the management board. The executive director shall notify the Member State concerned of the appointment and shall determine, together with that Member State, the location of deployment.

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3. The liaison officers shall act on behalf of the Agency, and their role shall be to foster cooperation and dialogue between the Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, as well as the national authorities responsible for return. The liaison officers shall, in particular:

(a) act as an interface between the Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, as well as the national authorities responsible for return;

(b) support the collection of information required by the Agency for the monitoring of illegal immigration and risk analyses referred to in Article ~~29~~34;

(c) support the collection of information referred to in Article ~~32~~37 and required by the Agency to carry out vulnerability assessments and prepare a report for that purpose;

(d) monitor the measures taken by the Member State at external border sections to which a high or critical impact level has been attributed in accordance with Article ~~34~~39;

(e) contribute to promoting the application of the Union *acquis* relating to the management of the external borders and return, including with regard to respect for fundamental rights;

(f) cooperate with the fundamental rights officer, where necessary, with a view to promoting respect for fundamental rights in the work of the Agency in line with point (e);

(g) where possible, assist the Member States in preparing their contingency plans concerning border management;

(h) facilitate the communication between the Member State concerned and the Agency, share relevant information from the Agency with the Member State concerned, including information about ongoing operations;

(i) report regularly and directly to the executive director on the situation at the external borders and the capacity of the Member State concerned to deal effectively with the situation at the external borders; report also on the execution of return operations towards relevant third countries;

(j) monitor the measures taken by the Member State with regard to a situation requiring urgent action at the external borders as referred to in Article ~~42~~47;

(k) monitor the measures taken by the Member State with regard to return and support the collection of information required by the Agency to carry out the activities referred to in Articles ~~48~~ ⇨ 55, 63 and 64 ⇦ .

4. If the reporting by the liaison officer referred to in paragraph 3, point (i), raises concerns about one or more aspects relevant for the Member State concerned, the executive director shall inform that Member State without delay.

5. For the purposes of paragraph 3, the liaison officer shall, in compliance with the national and Union security and data protection rules:

(a) receive information from the national coordination centre concerned and the relevant national situational picture established in accordance with Article ~~25~~28;

(b) keep regular contacts with national authorities which are responsible for border management, including coast guards to the extent that they carry out border control

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tasks, as well as the national authorities responsible for return, whilst informing the national contact point concerned.

6. The report of the liaison officer referred to in paragraph 3, point (i), of this Article shall form part of the vulnerability assessment referred to in Article ~~32~~37. The report shall be transmitted to the Member State concerned.

7. In carrying out their duties, the liaison officers shall take instructions only from the Agency.

Article ~~32~~ 37

Vulnerability assessment

1. The Agency shall establish a common vulnerability assessment methodology by decision of the management board, on the basis of a proposal from the executive director prepared in close cooperation with the Member States and the Commission. That methodology shall include objective criteria against which the Agency shall carry out the vulnerability assessment, the frequency of such assessments, how consecutive vulnerability assessments are to be carried out, and arrangements for an effective system for monitoring the implementation of recommendations of the executive director as referred to in paragraph 7.

2. The Agency shall monitor and assess the availability of the technical equipment, systems, capabilities, resources, infrastructure and adequately skilled and trained staff of Member States necessary for:

(a) border control as referred to in ~~point (a) of~~ Article 3(1), point (a),

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⇩ new

(b) return as referred in Article 3(1), point (i),

🡻 2019/1896
⇨ new

In that context, the Agency shall assess the national capability development plans referred to in Article 9(4) ⇨ and, where available, contingency plans referred to in Article 9(3) ⇦ as regards the capacity to perform border control taking into account the fact that some national capabilities may be partially used for purposes other than border control. For future planning, the Agency shall carry out such monitoring and assessment as a preventive measure on the basis of the risk analyses prepared in accordance with Article ~~29(2)~~34(2).

⇩ new

The Agency shall monitor and assess in qualitative and quantitative terms, the Member States' capacity to carry out all border management and return-related tasks, including, where appropriate, their capacity to deal with the potential arrival of large numbers of persons on their territory or with a potential large number of returns to be processed within the legally prescribed deadlines.

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The Agency shall also monitor and assess the quality of data in the framework of EUROSUR and findings of the report referred to in Article 26(2) specifically with regard to the European situational picture.

↓ 2019/1896 (adapted)
⇨ new

3. The Agency shall carry out such monitoring and assessment at least once a year, unless the executive director, on the basis of risk analysis, ⇨ the results of the Schengen evaluation and monitoring mechanism ⇦ or a previous vulnerability assessment, decides otherwise. In any event, each Member State shall be subject to monitoring and assessment at least once every three years.

~~3~~4. Without ~~prejudice to~~ ⌦ affecting ⌫ Article 9, Member States shall, at the request of the Agency, provide information as regards technical equipment, staff and, to the extent possible, the financial resources available at national level to carry out border control ⇨ and return-related activities ⇦ . Member States shall also provide information on their contingency plans on border management ⇨ and return-related activities ⇦ at the Agency's request.

⇩ new

5. The Agency may refer to other Union agencies for information relevant for tasks related to assessment and monitoring in accordance with paragraph 2.

↓ 2019/1896 (adapted)

~~4~~6. ~~The aim of~~ ⌦ In ⌫ the vulnerability assessment ~~is for~~ the Agency ⌦ shall ⌫ :

(a) ~~to~~ assess the capacity and readiness of Member States to face present and upcoming challenges at the external borders;

(b) ~~to~~ identify, especially for those Member States facing specific and disproportionate challenges, possible immediate consequences at the external borders and subsequent consequences on the functioning of the Schengen area;

(c) ~~to~~ assess their capacity to contribute to the standing corps and to the technical equipment pool, including the rapid reaction equipment pool; ~~and~~

(d) ~~to~~ assess the hosting capacity of Member States with regard to support from the European Border and Coast Guard in line with Article 9(3);

⇩ new

(e) assess the capacity and readiness of Member States to face present and upcoming challenges related to return, and in particular in relation to the implementation of the return border procedure in accordance with Regulation (EU) 2024/1349.

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↓ 2019/1896 (adapted)

That assessment shall ~~be without prejudice to~~ ⌦ not affect ⌫ the Schengen evaluation mechanism.

~~5. In the vulnerability assessment, the Agency shall assess, in qualitative and quantitative terms, the Member States' capacity to carry out all border management tasks, including their capacity to deal with the potential arrival of large numbers of persons on their territory~~

⇩ new

7. The Agency may carry out vulnerability assessment in accordance with paragraph 2, point (a), in the neighbouring third countries, upon their request. The conditions related to such third country vulnerability assessment shall be determined in a working arrangement referred to in Article 88(4) and shall be in line with the applicable legal framework, including on the exchange of classified information, where applicable. The result of the vulnerability assessment performed for the third country shall be communicated in the form of a recommendation by the executive director to the relevant authority of the third country. The procedure referred to in paragraphs 8 to 13 shall not apply to third countries.

↓ 2019/1896 (adapted)
⇨ new

8~~6~~. The preliminary results of the vulnerability assessment shall be submitted to the Member States concerned. The Member States concerned may comment on that assessment.

~~7~~9. Where necessary, the executive director, in consultation with the Member State concerned, shall make a recommendation setting out the ~~necessary~~ measures to be taken by the Member State concerned and the time limit within which such measures are to be implemented. The executive director shall invite the Member States concerned to take the ~~necessary~~ measures on the basis of an action plan developed by the Member State in consultation with the executive director.

~~8~~10. The executive director shall base the measures to be recommended to the Member States concerned on the results of the vulnerability assessment, taking into account the Agency's risk analysis, the comments of the Member State concerned and the results of the Schengen evaluation mechanism.

The recommended measures shall be aimed at eliminating the vulnerabilities identified in the assessment in order for Member States to increase their readiness to face present and upcoming challenges at the external borders by enhancing or improving their capabilities, technical equipment, systems, resources ⇨ , data quality in EUROSUR ⇦ and contingency ⇨ and capability development ⇦ plans. The executive director may offer the technical expertise of the Agency to the Member States to support the implementation of the recommended measures.

~~9~~11. The executive director shall monitor the implementation of the recommended measures by means of regular reports to be submitted by the Member States on the basis of the action plans referred to in paragraph 7.

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Where there is a risk that a Member State will not implement a recommended measure within the time limit set in accordance with paragraph 7, the executive director shall immediately inform the member of the management board from the Member State concerned and the Commission. In consultation with the member of the management board from the Member State concerned, the executive director shall enquire of the relevant authorities of that Member State about the reasons for the delay and offer support by the Agency to facilitate the implementation of the measure recommended.

~~10~~12. Where a Member State does not implement the ~~necessary~~ measures of the recommendation within the time limit set in accordance with paragraph 7 of this Article, the executive director shall ⇨ immediately ⇦ refer the matter to the management board and notify the Commission. The management board shall adopt a decision on the basis of a proposal from the executive director ⇨ as soon as possible and not later than 4 weeks following such proposal. The decision of the management board shall ⇦ , set~~ting~~ out the necessary measures to be taken by the Member State concerned and the time limit within which such measures are to be implemented. The decision of the management board shall be binding on the Member State. If the Member State does not implement the measures within the time limit provided for in that decision, the management board shall notify the Council and the Commission and further action may be taken in accordance with Article ~~42~~47. ⇨ The Agency shall refrain from any actions in relation to the recommended measure within 6 months from the moment of notifying the Council and the Commission. ⇦

~~11~~13. The vulnerability assessment, including a detailed description of the outcome of the vulnerability assessment, the measures taken by the Member States in response to the vulnerability assessment and the status of the implementation of any measures previously recommended, shall be transmitted, in accordance with Article ~~92~~111, on a regular basis and at least once a year to the European Parliament, to the Council and to the Commission.

Article ~~33~~38

Synergies between the vulnerability assessment and the Schengen evaluation mechanism

1. The synergies between the vulnerability assessment and the Schengen evaluation mechanism shall be maximised in order to establish an improved situational picture on the functioning of the Schengen area, avoiding, to the extent possible, the duplication of efforts on the Member States' side, and ensuring a better coordinated use of the relevant Union financial instruments supporting the management of the external borders ⇨ and return ⇦ .

2. For the purpose referred to in paragraph 1, the Commission and the Agency shall establish the necessary arrangements to share with each other in a regular, secured and timely manner all information related to the results of vulnerability assessments and the results of the evaluations carried out within the framework of the Schengen evaluation mechanism in ⌦ fields of ⌫ ~~the area of~~ border management ⇨ and return ⇦ . Those information-sharing arrangements shall ~~cover~~ ⌦ include in particular ⌫ the reports of vulnerability assessments and reports of Schengen evaluation visits, subsequent recommendations, action plans and any updates on the implementation of the action plans provided by the Member States.

3. For the purposes of the Schengen evaluation mechanism as it relates to external border management ⇨ and return ⇦ , the Commission shall share the results of the vulnerability assessments with all the members of the Schengen evaluation teams involved in the evaluation of the Member State concerned. Such information shall be considered sensitive within the meaning of Regulation (EU) 2022/922 and shall be treated accordingly.

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~~4. The arrangements referred to in paragraph 2 shall cover results of the evaluations carried out within the framework of the Schengen evaluation mechanism in the area of return to ensure the full awareness of the Agency of the identified deficiencies in view of enabling it to propose appropriate measures to support Member States concerned in that regard.~~

⇩ new

4. The Agency shall train and maintain a pool of suitably qualified Agency observers in Schengen evaluations and monitoring activities referred to in Articles 5 and 6 of Regulation (EU) 2022/922 and shall nominate observers from this pool for specific evaluations and monitoring activities according to the specific profiles indicated by the Commission.

🡻 2019/1896 (adapted)
⇨ new

Article ~~34~~ 39

Attribution of impact levels to external border sections

1. On the basis of the Agency's risk analysis and vulnerability assessment and in agreement with the Member State concerned, the Agency shall attribute ⌦ or change ⌫ the following impact levels to each external border section ~~or change such levels~~ ⇨ , taking into account the implementation of effective returns in those external border sections, including in the context of the border procedure in accordance with Regulation (EU) 2024/1349 ⇦ :

(a) low impact level where the incidents related to illegal immigration or cross-border crime occurring at the relevant border section ⌦ or other events ⌫ have an insignificant impact on border security⇨ or a medium impact level is compensated by effective returns ⇦;

(b) medium impact level where the incidents related to illegal immigration or cross-border crime occurring at the relevant border section ⌦ or other events ⌫have a moderate impact on border security ⇨ or a high impact level is compensated by effective returns ⇦ ;

(c) high impact level where the incidents related to illegal immigration or cross-border crime occurring at the relevant border section ⌦ or other events ⌫have a significant impact on border security ⇨ or a critical impact level is compensated by effective returns. ⇦

2. In order to swiftly address a crisis situation at a particular external border section, where the Agency's risk analysis shows that incidents related to illegal immigration or cross-border crime occurring at the relevant external border section ⌦ or other events ⌫ ⇨ including the single indicative impact levels attributed to a given incident or event in the framework of EUROSUR ⇦ have a decisive impact on border security to such an extent that they risk jeopardising the functioning of the Schengen area, the management board shall, ~~in agreement with the Member State concerned~~ ⇨ based on a proposal from the executive director ⇦ , attribute a 'critical' impact level to that external border section.

3. Where ⇨ the management board does not agree with the proposal of the executive director referred to in paragraph 2 ⇦ ~~there is no agreement between the Member State~~

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~~concerned and the Agency on the attribution of a 'critical' impact level to an external border section~~, the impact level that was previously attributed to that border section shall remain unchanged.

4. The national coordination centre shall constantly assess in close cooperation with other competent national authorities whether there is a need to change the impact level of any of the external border sections by taking into account the information contained in the national situational picture and inform the Agency accordingly.

5. The Agency shall indicate the impact levels attributed to the external border sections in the European situational picture.

Article ~~35~~ 40

Reaction corresponding to impact levels

1. The Member States shall ensure that border control at the external border sections corresponds to the attributed impact levels in the following manner:

(a) where a low impact level is attributed to an external border section, the national authorities responsible for external border control shall organise regular border control on the basis of risk analysis and ensure that sufficient personnel and resources are being kept available for that border section;

(b) where a medium impact level is attributed to an external border section, the national authorities responsible for external border control shall, in addition to the measures taken under point (a) of this paragraph, ensure that appropriate border control measures are being taken at that border section; where such border control measures are taken, the national coordination centre shall be notified accordingly; the national coordination centre shall coordinate any support given in accordance with Article ~~21(3)~~24(3);

(c) where a high impact level is attributed to an external border section, the Member State concerned, in addition to the measures taken under point (b) of this paragraph, shall ensure, through the national coordination centre, that the national authorities operating at that border section are given the necessary support and that reinforced border control measures are taken; that Member State may request support from the Agency subject to the conditions for initiating joint operations or ~~rapid~~ border interventions as laid down in Article ~~36~~41;

(d) where a critical impact level is attributed to an external border section, the Agency shall notify the Commission thereof; the executive director, in addition to the measures taken under point (c) of this paragraph, shall issue a recommendation in accordance with Article ~~41(1)~~46(1), taking into account the ongoing support by the Agency; the Member State concerned shall respond to the recommendation in accordance with Article ~~41(2)~~46(2).

2. The national coordination centres shall regularly inform the Agency of the measures taken at national level pursuant to ~~points (c) and (d) of~~ paragraph 1, points (c) and (d).

3. Where a medium, high or critical impact level is attributed to an external border section which is adjacent to the border section of another Member State or of a third country with which agreements, arrangements or regional networks, as referred to in Articles ~~72~~86 and ~~73~~88, are in place, the national coordination centre shall contact the national coordination centre of the neighbouring Member State or the competent authority of the neighbouring third

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country and shall endeavour to coordinate together with the Agency the necessary cross-border measures.

4. The Agency shall, together with the Member State concerned, evaluate the attribution of impact levels and the corresponding measures taken at national and Union level. That evaluation shall contribute to the vulnerability assessment to be carried out by the Agency in accordance with Article ~~32~~37.

SECTION 7

ACTION BY THE AGENCY AT THE EXTERNAL BORDERS

Article ~~36~~41

Actions by the Agency at the external borders

1. A Member State may request the Agency's assistance in implementing its obligations with regard to external border control. The Agency shall also carry out measures in accordance with Articles ~~41~~46 and ~~42~~47.

2. The Agency shall organise the appropriate technical and operational assistance for the host Member State and it may, acting in accordance with the relevant Union and international law, including the principle of *non-refoulement*, take one or more of the following measures:

(a) coordinate joint operations for one or more Member States and deploy the standing corps and technical equipment;

(b) organise ~~rapid~~ border interventions and deploy the standing corps and technical equipment;

(c) coordinate activities for one or more Member States and third countries at the external borders, including joint operations with third countries;

(d) deploy the standing corps in the framework of the migration management support teams ~~to, inter alia, hotspot areas~~ in order to provide technical and operational assistance, ~~including, where necessary, in return activities~~;

(e) within the framework of operations referred to in points (a), (b) and (c) of this paragraph and in accordance with Regulation (EU) No 656/2014 and international law, provide technical and operational assistance to Member States and third countries in support of search and rescue operations for persons in distress at sea which may arise during border surveillance operations at sea.

(f) ~~(f)give priority treatment to the EUROSUR fusion services.~~

3. The Agency shall finance or co-finance the activities referred to in paragraph 2 from its budget in accordance with the financial rules applicable to the Agency.

4. If the Agency has substantial additional financial needs due to a situation at the external borders, it shall inform the European Parliament, the Council and the Commission thereof without delay.

Article ~~37~~42

Initiating joint operations and ~~rapid~~ border interventions at the external borders

1. A Member State may request that the Agency launch joint operations to ~~face upcoming~~ ⌦ counter ⌫ challenges, including illegal immigration, present or future threats

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at its external borders or cross-border crime, or provide increased technical and operational assistance when implementing its obligations with regard to external border control. As part of such a request, ~~a~~ ⌦ the ⌫ Member State ~~may also~~ ⇨ shall ⇦ indicate the profiles of operational staff needed for the joint operation in question, including those staff having executive powers, as applicable.

~~2. At the request of a Member State faced with a situation of specific and disproportionate challenges, especially the arrival at points of the external borders of large numbers of third-country nationals trying the territory of that Member State without authorisation irregularly, the Agency may deploy a rapid border intervention for a limited period of time on the territory of that host Member State.~~

~~3. The executive director shall evaluate, approve and coordinate proposals made by Member States for joint operations or rapid border interventions. Joint operations and rapid border interventions shall be preceded by a thorough reliable and up-to-date risk analysisthereby enabling the Agency to set an order of priority for the proposed joint operations and rapid border interventions, taking into account the impact levels attributed to external border sections in accordance with Article 34 and the availability of resources.~~

⇩ new

2. Member State may request the Agency to launch, for a limited period of time, a border intervention at its external borders to counter specific existing or emerging disproportionate challenges, such as the arrival of large numbers of third-country nationals attempting an unauthorised entry to the territory of that Member State.

3. The executive director shall evaluate and approve requests for joint operations or border interventions and coordinate them. Joint operations and border interventions shall be preceded by a thorough reliable and up-to-date risk analysis, take into account the results of vulnerability assessment and of the Schengen evaluation and monitoring mechanism as well as relevant information available in EUROSUR, and be decided on the basis of prioritisation methodology established by the Agency. Prioritisation methodology shall take into account in particularly impact levels and availability of resources.

🡻 2019/1896 (adapted)
⇨ new

4. The objectives of a joint operation or ~~rapid~~ border intervention may be achieved as part of a multipurpose operation. Such operations may involve coast guard functions and the prevention of cross-border crime, focusing on the fight against migrant smuggling, ~~or~~ trafficking in human beings ⇨ or terrorism ⇦ , and migration management, focusing on identification, registration, debriefing and return.

⇩ new

5. The requesting Member State shall ensure conditions allowing for the effective deployment of operational staff and the use of technical assistance provided by the Agency.

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↓ 2019/1896 (adapted)
⇨ new

Article ~~38~~43

Operational plans for joint operations

1. In preparation of a joint operation the executive director, in cooperation with the host Member State, shall draw up a list of technical equipment, staff and profiles of staff needed, including those staff having executive powers, as applicable, to be authorised in accordance with Article ~~82(2)~~98(2). That list shall be drawn up taking into account the host Member State's available resources and the host Member State's request under Article ~~37~~42. On the basis of those elements, the Agency shall define a package of technical and operational reinforcement as well as capacity-building activities to be included in the operational plan.

2. The executive director shall draw up an operational plan for joint operations at the external borders ⇨ taking into account the available risk and threat analysis at national and Union level, results of vulnerability assessment and the Schengen evaluation and monitoring mechanism ⇦ . The executive director and the host Member State, in close and timely consultation with the participating Member States, shall agree on the operational plan detailing the organisational and procedural aspects of the joint operation~~.~~

3. The operational plan shall be binding on the Agency, the host Member State and the participating Member States. It shall cover all aspects considered necessary for carrying out the joint operation, including the following:

(a) description of the situation, with *modus operandi* and objectives of the deployment, including the operational aim;

(b) ~~the estimated time that~~ ⇨ implementation period of ⇦ the joint operation ~~is expected to last in order to achieve its objectives~~;

(c) the geographical area where the joint operation will take place;

(d) a description of the tasks, including those requiring executive powers, responsibilities, including with regard to the respect for fundamental rights and data protection requirements, and special instructions for the teams, including ⇨ those deriving from relevant decisions of the management board and of the executive director, *inter alia* ⇦ on permissible consultation of databases and permissible service weapons, ammunition and equipment in the host Member State;

~~(e) the composition of the teams as well as the deployment of other relevant staff;~~

~~(f) command and control provisions including the names and ranks of the border guards of the host Member State responsible for cooperating with the members of the teams and the Agency, in particular the names and ranks of those border guards who are in command during the period of deployment, and the place of the members of the teams in the chain of command;~~

(e~~g~~) the ⇨ plan of human and technical resources ⇦ ~~technical equipment~~ to be deployed during the joint operation, including specific requirements ⌦ for deployment of technical equipment ⌫ such as conditions for use, requested crew, transport and other logistics, and financial provisions;

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(fh) detailed provisions on immediate incident reporting by the Agency to the management board and to relevant national authorities;

(gi) a reporting and evaluation scheme containing benchmarks for the evaluation report, including with regard to the protection of fundamental rights, and final date of submission of the final evaluation report;

(hj) regarding sea operations, specific information on the application of the relevant jurisdiction and applicable law in the geographical area where the joint operation takes place, including references to national, international and Union law regarding interception, rescue at sea and disembarkation; in that regard the operational plan shall be established in accordance with Regulation (EU) No 656/2014;

(ik) the terms of cooperation with third countries, other Union bodies, offices and agencies or international organisations;

(jl) general instructions on how to ensure the safeguarding of fundamental rights during the operational activity of the Agency;

(km) procedures whereby persons in need of international protection, victims of trafficking in human beings, unaccompanied minors and persons in a vulnerable situation are directed to the competent national authorities for appropriate assistance;

(ln) procedures setting out a mechanism to receive and transmit to the Agency complaints against any person participating in an operational activity of the Agency, including border guards or other relevant staff of the host Member State and members of the teams, alleging breaches of fundamental rights in the context of their participation in an operational activity of the Agency;

(mo) logistical arrangements, including information on working conditions and the ⇨ security ⇦ environment of the areas in which the joint operation is to take place;

⇩ new

(n) cooperation mechanisms between national civil protection authorities and the national authorities responsible for border management and the potential involvement of the members of the teams in their implementation.

🡻 2019/1896 (adapted)
⇨ new

4. ⇨ The operational plan, ⇦ Aany amendments ⌦ thereto ⌫ to or adaptations ⌦ thereof ⌫ of the operational plan shall require ⌦ be subject to ⌫ the agreement of the executive director and the host Member State, after consultation of the participating Member States. ⌦ The Agency shall send immediately ⌫ a A copy of the ⌦ operational plan, its amendments and adaptations ⌫ amended or adapted operational plan shall immediately be sent by the Agency to the participating Member States.

5. This Article ⌦ Paragraphs 1 to 4 ⌫ shall apply *mutatis mutandis* to all operations of the Agency.

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Article ~~39~~ 44

Procedure for launching a ~~rapid~~ border intervention

1. A request by a Member State to launch a ~~rapid~~ border intervention shall include a description of the situation, ~~possible~~ aims and envisaged needs, ~~and~~ ⌦ including ⌫ the staff needed, ~~including those staff having executive powers,~~ as applicable. If required, the executive director may immediately send experts from the Agency to assess the situation at the external borders of the Member State concerned.

2. The executive director shall immediately inform the management board of a Member State's request to launch a ~~rapid~~ border intervention.

3. When deciding on the request of a Member State, the executive director shall take into account the findings of the Agency's risk analyses and the analysis layer of the European situational picture as well as the outcome of the vulnerability assessment referred to in Article ~~32~~37 and any other relevant information provided by the Member State concerned or another Member State.

4. The executive director shall immediately assess the possibilities for redeployment of available members of the teams within the standing corps, in particular statutory staff and staff seconded to the Agency by the Member States, present in other operational areas. The executive director shall also assess the additional need to deploy operational staff in accordance with Article ~~57~~69 and, once staff within the required profiles have been exhausted, to ⇨ request the Member States making sufficient number of staff from the European border and return reserve available for deployments ⇦ ~~activate the reserve for rapid reaction~~ in accordance with Article ~~58~~70.

5. The executive director shall take a decision on the request to launch a ~~rapid~~ border intervention within two working days from the date of receipt of the request. The executive director shall simultaneously notify the Member State concerned and the management board in writing of the decision. The decision shall state the main reasons on which it is based.

6. When taking the decision referred to in paragraph 5 of this Article, the executive director shall inform the Member States about the possibility of requesting additional operational staff in accordance with Article ~~57~~69 and, where applicable, Article ~~58~~70 by indicating possible numbers and profiles of staff to be provided by each Member State.

7. If the executive director decides to launch a ~~rapid~~ border intervention, he or she shall deploy available border management teams from the standing corps and equipment from the technical equipment pool in accordance with Article ~~64~~78, and where necessary, he or she shall decide on the immediate reinforcement by one or more border management teams, in accordance with Article ~~57~~69.

8. The executive director together with the host Member State shall draw up and agree upon an operational plan as referred to in Article ~~38(2)~~43(2) immediately and, in any event, no later than three working days from the date of the decision.

9. As soon as the operational plan has been agreed upon and provided to the Member States, the executive director shall immediately deploy the operational staff available through redeployments from other operational areas or other duties.

10. In parallel to the deployment referred to in paragraph 9, and where necessary to secure the immediate reinforcement of the border management teams redeployed from other areas or duties, the executive director shall request from each Member State the number and profiles of additional staff to be additionally deployed from their national lists for short-term deployments as referred to in Article ~~57~~69.

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11. If a situation arises where the border management teams referred to in paragraph 7 and the staff referred to in paragraph 10 of this Article are insufficient, the executive director may ~~activate the reserve for rapid reaction by requesting~~ ⌦ request ⌫ from each Member State the number and profiles of additional staff to be deployed as provided for in Article ~~58~~70.

12. The information referred to paragraphs 10 and 11 shall be provided in writing to the national contact points and shall indicate the date on which the deployments of staff from each category are to take place. A copy of the operational plan shall also be provided to the national contact points.

13. Member States shall ensure that the number and profiles of staff are immediately made available to the Agency to guarantee a complete deployment in accordance with Article ~~57~~69 and, if applicable, Article ~~58~~70.

14. The deployment of the first border management teams redeployed from other areas and other duties shall take place no later than five working days after the date on which the operational plan is agreed between the executive director and the host Member State. Additional deployment of border management teams shall take place, where necessary, no later than 12 working days after the date on which the operational plan is agreed.

15. Where the ~~rapid~~ border intervention is to take place, the executive director shall, in consultation with the management board, immediately consider the priorities with regard to the Agency's ongoing and planned joint operations at other external borders in order to provide for possible reallocation of resources to the areas of the external borders where a strengthened deployment is most needed.

Article ~~40~~45

Migration management support teams

1. Where a Member State faces disproportionate migratory challenges at ~~particular hotspot areas of~~ its external borders characterised by large inward ~~mixed~~ migratory flows, that Member State may request technical and operational reinforcement by migration management support teams composed of experts from relevant Union bodies, offices and agencies that shall operate in accordance with their mandates.

That Member State shall submit a request for reinforcement and an assessment of its needs to the Commission. On the basis of that assessment of needs, the Commission shall transmit the request, as appropriate, to the Agency, to ~~EASO~~⌦ EUAA ⌫ , to Europol and to other relevant Union bodies, offices and agencies.

2. The relevant Union bodies, offices and agencies shall examine, in accordance with their respective mandates, the Member State's request for reinforcement and the assessment of its needs for the purpose of defining a comprehensive reinforcement package consisting of various activities coordinated by the relevant Union bodies, offices and agencies, to be agreed upon by the Member State concerned. The Commission shall coordinate that process.

3. The Commission, in cooperation with the host Member State and the relevant Union bodies, offices and agencies in accordance with their respective mandates, shall establish the terms of cooperation ~~at the hotspot area~~ and shall be responsible for the coordination of the activities of the migration management support teams.

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⇩ new

4. Where achieving the operational objective may be ensured by requesting the support of the Agency only, a Member State may request technical and operational assistance directly from the Agency by notifying the Commission. In such a case, the support may be provided within the framework of a multipurpose operation.

🡻 2019/1896

~~4~~5. The technical and operational reinforcement provided, with full respect for fundamental rights, by the standing corps in the framework of migration management support teams may include the provision of:

(a) assistance, with ~~full respect for fundamental rights, in the screening of third-country nationals arriving at the external borders, including~~ the identification, registration, and ~~debriefing of those third-country nationals and,~~ where requested by the Member State, the fingerprinting of third-country nationals and providing information regarding the purpose of these procedures;

⇩ new

(b) debriefing of third-country nationals who have completed screening in accordance with Regulation (EU) 2024/1356 or who are subject of screening;

🡻 2019/1896 (adapted)
⇨ new

(c~~b~~) initial information to persons who wish to apply for international protection ⇨ and other persons on ⇦ ~~and the~~ referral of ~~those persons~~ to the ⇨ appropriate procedure as referred to in Article 18(5) of Regulation (EU) 2024/1356 ⇦ ~~competent national authorities of the Member State concerned or to the experts deployed by EASO~~;

(d~~e~~) technical and operational assistance in the field of return in accordance with Article ~~48~~55, 63 and 64, including the preparation and organisation of return operations;

(e~~d~~) necessary technical equipment.

~~5~~6. Migration management support teams shall include, where necessary, staff with expertise in child protection, trafficking in human beings, protection against gender-based persecution or fundamental rights.

Article ~~41~~46

Proposed actions at the external borders

1. On the basis of the results of the vulnerability assessment ⇨ , monitoring of EUROSUR ⇦ or where a critical impact level is attributed to one or more external border sections and taking into account the relevant elements in the Member State's contingency plans, the Agency's risk analysis and the analysis layer of the European situational picture, the

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executive director shall recommend to the Member State concerned to request that the Agency initiate, carry out or adjust joint operations, ~~rapid~~ border interventions or any other relevant actions by the Agency as set out in Article ~~36~~41 ⇨ aiming at addressing the threats and challenges at the affected border sections ⇦ .

2. The Member State concerned shall respond to the recommendation of the executive director referred to in paragraph 1 within six working days. In the event of a negative response to the recommendation, the Member State shall also provide the justifications underlying that response. The executive director shall ~~notify~~ ⇨ inform ⇦ the management board and the Commission without delay about the recommended actions and the justifications for the negative response. with a view to assessing whether urgent action may be required in accordance with Article ~~42~~47. ⇨ The absence of a reply shall be considered as a negative response. ⇦

⇩ new

3. The management board shall assess the information provided and, on the basis of a proposal from the executive director, may make recommendations to the Member State concerned, as appropriate, not later than 2 weeks following the proposal. The recommendations of the management board, where necessary, shall lay down the operational actions and the time limit within which those actions are to be implemented, including with the support of the Agency.

🡻 2019/1896 (adapted)
⇨ new

Article ~~42~~47

Situation at the external borders requiring urgent action

1. Where external border control is rendered ineffective to such an extent that it risks jeopardising the functioning of the Schengen area because:

(a) a Member State does not implement the necessary measures in accordance with a decision of the management board referred to in Article ~~32(10)~~37(11); or

(b) a Member State facing specific and disproportionate challenges at the external borders has either not requested sufficient support from the Agency under Articles ~~37~~42, ~~39~~44 or ~~40~~45 or is not taking the necessary steps to implement actions under those Articles or under Article ~~41~~46;

the Council, on the basis of a proposal from the Commission, may adopt without delay a decision by means of an implementing act to identify measures to mitigate those risks to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of those measures. The Commission shall consult the Agency before making its proposal.

2. Where a situation requiring urgent action arises, the European Parliament shall be informed of that situation without delay as well as of any subsequent measures and decisions taken in response.

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3. To mitigate the risk of putting the Schengen area in jeopardy, the Council decision referred to in paragraph 1 shall provide for one or more of the following measures to be taken by the Agency:

(a) organise and coordinate ~~rapid~~ border interventions and deploy the standing corps, including teams from the ⇨ European border and return reserve in accordance with Article 70 ⇦ ~~reserve for rapid reaction~~;

(b) deploy the standing corps in the framework of the migration management support teams~~, in particular at hotspot areas~~;

(c) coordinate activities for one or more Member States and third countries at the external borders, including joint operations with third countries;

(d) deploy technical equipment;

(e) organise return interventions.

4. The executive director shall, within two working days from the date of adoption of the Council decision referred to in paragraph 1:

(a) determine the actions to be taken for the practical execution of the measures identified in that decision, including the technical equipment and the number and profiles of the operational staff needed to meet the objectives of that decision;

(b) draw up a draft operational plan and submit it to the Member States concerned.

5. The executive director and the Member State concerned shall agree on the operational plan referred to in ~~point (b) of~~ paragraph 4, point (b), within three working days from the date of its submission.

6. The Agency shall, without delay, and in any case within five working days from the establishment of the operational plan, deploy the necessary operational staff from the standing corps for the practical execution of the measures identified in the Council decision referred to in paragraph 1. Additional teams shall be deployed as necessary at a second stage, and in any case within 12 working days from the establishment of the operational plan.

7. The Agency and the Member States shall, without delay, and in any case within 10 working days from the establishment of the operational plan, send the necessary technical equipment and competent staff to the destination of deployment for the practical execution of the measures identified in the Council decision referred to in paragraph 1.

Additional technical equipment shall be deployed as necessary at a second stage in accordance with Article ~~64~~78.

8. The Member State concerned shall comply with the Council decision referred to in paragraph 1. For that purpose, it shall immediately cooperate with the Agency and take the necessary action to facilitate the implementation of that decision and the practical execution of the measures set out in that decision and in the operational plan agreed upon with the executive director, in particular by implementing the obligations provided for in Articles ~~43~~49, ~~82~~98 and ~~83~~99.

9. In accordance with Articles ~~57~~69, ⇨ 70 ⇦ and, where relevant, Article ~~39~~44, the Member States shall make available the operational staff determined by the executive director in accordance with paragraph 4 of this Article.

10. The Commission shall monitor the implementation of the measures identified in the Council decision referred to in paragraph 1 and the actions that the Agency takes for that purpose. If the Member State concerned does not comply with the Council decision referred

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to in paragraph 1 of this Article within 30 days and does not cooperate with the Agency in accordance with to paragraph 8 of this Article, the Commission may trigger the procedure provided for in Article 29 of Regulation (EU) 2016/399.

⇩ new

Article 48

Actions in situations of crisis at the external borders

1. In a situation of crisis and force majeure as defined in Article 1 of Regulation (EU) 2024/1359, the executive director shall recommend to the Member State concerned to request that the Agency initiate, carry out or adjust joint operations, border interventions or any other relevant actions by the Agency as set out in Article 41. The Member State concerned shall respond to that recommendation within forty-eight hours.

2. For the purposes of the actions referred to in paragraph 1, the Agency shall, as a priority, deploy officers from the European border and return reserve that are already available in that Member State and the Agency's quick reaction force.

3. The Agency may provide its technical and operational support to the Member State concerned without a formal revision of the operational plan governing any existing joint operation or the negotiation of a new or additional operational plan.

4. In view of the urgency of the deployment of the technical and operational support, the monitoring referred to in Article 129(2), point (b), and to Article 130(2), point (a), shall be exercised through ex-post review of the activities performed by the Agency during the crisis situation, unless otherwise requested by the Member State concerned.

5. Within a month from the deployment of the technical and operational support, the Agency and the Member State concerned shall inform the management board about the progress as regards the update of the existing or a new operational plan.

⇩ 2019/1896 (adapted)

Article ~~43~~49

Instructions to the teams

1. During the deployment of border management teams, return teams and migration management support teams, the host Member State or, in the case of cooperation with a third country in accordance with ⌦ the ⌫ ~~a~~ status agreement ⌦ with ⌫ the third country concerned, shall issue instructions to the teams in accordance with the operational plan.

2. The Agency, through its coordinating officer, may communicate its views to the host Member State on the instructions given to the teams. In that case, the host Member State shall take those views into consideration and follow them to the extent possible.

3. In cases where the instructions issued to the teams are not in compliance with the operational plan, the coordinating officer shall immediately report to the executive director, who may, if appropriate, take action in accordance with Article ~~46(3)~~52(3).

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4. Members of the teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures and human dignity, and shall pay particular attention to vulnerable persons. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, they shall not discriminate against persons on the basis of any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation in line with Article 21 of the Charter.

5. Members of the teams who are not statutory staff shall remain subject to the disciplinary measures of their home Member State. The home Member State shall provide for appropriate disciplinary or other measures in accordance with its national law regarding violations of fundamental rights or international protection obligations in the course of any operational activity by the Agency.

6. Statutory staff deployed as members of the teams shall be subject to disciplinary measures as provided for in the Staff Regulations and the Conditions of Employment and measures of a disciplinary nature provided for in the supervisory mechanism referred to in Article ~~55(5)~~67(5), point (a).

Article ~~44~~50

Coordinating officer

1. The Agency shall ensure the operational implementation of all the organisational aspects of joint operations, pilot projects or ~~rapid~~ border interventions, including the presence of statutory staff.

2. Without ~~prejudice to~~ ⌦ affecting ⌫ Article ~~60~~73, the executive director shall appoint one or more experts from the statutory staff to be deployed as a coordinating officer for each joint operation or ~~rapid~~ border intervention. The executive director shall notify the host Member State of the appointment.

3. The coordinating officer shall act on behalf of the Agency in all aspects of the deployment of the teams. The role of the coordinating officer shall be to foster cooperation and coordination among host and participating Member States. At least one fundamental rights monitor shall assist and advise the coordinating officer. In particular, the coordinating officer shall:

(a) act as an interface between the Agency, the host Member State and the members of the teams, providing assistance, on behalf of the Agency, on all issues relating to the conditions of the deployment to the teams;

(b) monitor the correct implementation of the operational plan, including, in cooperation with the fundamental rights monitors, as regards the protection of fundamental rights and report to the executive director on this;

(c) act on behalf of the Agency in all aspects of the deployment of the teams and report to the Agency on all those aspects;

(d) report to the executive director where the instructions issued to the teams by the host Member States are not in compliance with the operational plan, in particular as regards fundamental rights and, where appropriate, suggest that the executive director consider taking a decision in accordance with Article ~~46~~52.

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4. In the context of joint operations or ~~rapid~~ border interventions, the executive director may authorise the coordinating officer to assist in resolving any disagreement on the execution of the operational plan and deployment of the teams.

Article ~~45~~ 51

Costs

1. The Agency shall fully cover the following costs incurred by Member States in making available their staff for the purposes of deploying them from the standing corps as members of the teams to the Member States and to third countries for a short term in accordance with Article ~~57~~69 or to the Member States through the ~~reserve for rapid reaction~~ ⇨ European border and return reserve ⇦ in accordance with Article ~~58~~70:

(a) travel costs from the home Member State to the host Member State, from the host Member State to the home Member State, within the host Member State for the purposes of deployment or redeployment within that host Member State or to another host Member State, and for the purposes of deployments to, and redeployments within or to, another third country;

(b) costs related to vaccinations;

(c) costs related to ⌦ the need of ⌫ special insurance ~~needs~~ ⇨ of persons and assets owned by the Agency which have been made available in the joint operation ⇦ ;

(d) costs related to health care, including psychological assistance;

(e) daily subsistence allowances, including accommodation costs.

2. On the basis of a proposal of the executive director, the management board shall adopt detailed rules as regards the reimbursement of the costs incurred by staff deployed for a short term in accordance with Article~~s~~ ~~57~~ 69 ~~and 58~~, and shall update them as necessary. To ensure compliance with the applicable legal framework, the executive director shall make such proposal after receiving the positive opinion of the Commission. The detailed rules shall be based to the extent possible on simplified cost options in accordance with ~~points (c), (d) and (e) of~~ Article 129(1), points (c), (d) and (e), of Regulation (EU, Euratom) 2024/2509~~2018/1046~~. Where relevant, the management board shall ensure consistency with the rules applicable to mission expenses of statutory staff.

Article ~~46~~ 52

Decisions to suspend, terminate or not launch activities

1. The executive director shall terminate any activity of the Agency if the conditions to conduct those activities are no longer fulfilled. The executive director shall inform the Member State concerned prior to such termination.

2. The Member States participating in an operational activity by the Agency may request that the executive director terminate that operational activity. The executive director shall inform the management board of such request.

3. The executive director may, after informing the Member State concerned, withdraw the financing of an activity or suspend or terminate it if the operational plan is not respected by the host Member State.

4. The executive director shall, after consulting the fundamental rights officer and informing the Member State concerned, withdraw the financing for any activity by the

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Agency, or suspend or terminate any activity by the Agency, in whole or in part, if he or she considers that there are violations of fundamental rights or international protection obligations related to the activity concerned that are of a serious nature or are likely to persist.

5. The executive director shall, after consulting the fundamental rights officer, decide not to launch any activity by the Agency where he or she considers that there would already be serious reasons at the beginning of the activity to suspend or terminate it because it could lead to violations of fundamental rights or international protection obligations of a serious nature. The executive director shall inform the Member State concerned of that decision.

6. The decisions referred to in paragraphs 4 and 5 shall be based on duly justified grounds. When taking such decisions, the executive director shall take into account relevant information such as the number and substance of registered complaints that have not been resolved by a national competent authority, reports of serious incidents, reports from coordinating officers, relevant international organisations and Union institutions, bodies, offices and agencies in the areas covered by this Regulation. The executive director shall inform the management board of such decisions and provide it with justifications therefor.

7. If the executive director decides to suspend or terminate deployment by the Agency of a migration management support team, he or she shall inform ⌦ about that decision ⌫ the other relevant bodies, offices and agencies ~~active in the hotspot area~~ ~~of that decision~~.

⇩ new

8. If the executive director is considering suspending or terminating in whole a joint operation in a Member State, in accordance with paragraph 4, the executive director shall consult the management board. The management board shall urgently consider the matter. The executive director shall take a decision following the consultation of the management board. To restore the operational activities, the same procedure shall apply *mutatis mutandis*.

🡻 2019/1896
⇨ new

Article ~~47~~ 53

Evaluation of activities

The executive director shall evaluate ⇨ , in cooperation with the Member States, ⇦ the results of all the Agency's operational activities.

~~He or she shall transmit detailed evaluation reports to the management board within 60 days following the end of those activities, together with the observations of the fundamental rights officer.~~

⇩ new

After consulting the host Member State, Member States participating in the operational activity and any other Member State expressing interest in such discussions, the executive

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director shall transmit detailed evaluation reports to the management board as defined in the respective operational plan, together with the observations of the fundamental rights officer.

On the basis of a proposal from the executive director, the management board shall establish the rules applicable to organising such consultations with the Member States.

↓ 2019/1896

The executive director shall make a comprehensive analysis of those results with a view to enhancing the quality, coherence and effectiveness of future activities, and shall include that analysis in the Agency's annual activity report. The executive director shall ensure that the Agency takes the analysis of those results into account in future operational activities.

SECTION 8

ACTION BY THE AGENCY IN THE AREA OF RETURN

⇩ new

Article 54

Return Coordination Centre

1. The Agency shall establish and maintain within its organisational structure a Return Coordination Centre.

2. The Return Coordination Centre shall have the following tasks:

(a) ensuring the continuous collection of operational information related to return, to support situational awareness, identifying operational needs of Member States, and informing operational planning;

(b) analysing operational data, including forecasts of Member States' needs for support, assessing the Member States' and the Agency's operational capabilities, and matching identified needs with available resources;

(c) supporting the planning and coordination of reintegration assistance, including through the analysis of forecasted demand and relevant operational trends, reported by Member States in accordance with Article 56(3);

(d) sharing, on a regular basis, with Member States information on planned return operations;

(e) drawing up, updating and implementing the rolling operational plan referred to in Article 59;

(f) support the Agency in carrying out the risk analysis and the vulnerability assessment referred to in Article 11;

(g) ensuring the collection of operational information to support operational needs for return from third countries and inform operational planning.

3. By 1 November every year, starting from the *year of entry into force of this regulation*, Member States shall inform the Agency of their indicative planning as regards the number of

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returnees and the third countries of return, both with respect to relevant national return operations, and of to their needs for assistance or coordination by the Agency. In addition, for the return border procedure under Regulation (EU) 2024/1349, Member States shall inform the Agency of the applicable deadlines for return and any procedural or operational aspects relevant for the organisation and carrying out such returns.

4. The Agency shall share the data referred to in paragraphs 2 and 3 with the Commission.

↓ 2019/1896 (adapted)

Article ~~48~~ 55

Return ⊠ -related tasks ⊠

1. Without entering into the merits of return decisions, which remain the sole responsibility of the Member States, and in accordance with the respect for fundamental rights, general principles of Union law and international law, including international protection, the respect for the principle of *non-refoulement* and children's rights, with regard to return, the Agency shall:

⇩ new

(a) plan and coordinate return operations and other return-related activities, through the Return Coordination Centre, in particular the matching, pooling and allocation of operational resources;

↓ 2019/1896 (adapted)
⇨ new

(~~a~~b) ⇨ based on a return decision issued by a Member State, ⇦ provide ⊠ in particular the following ⊠ technical and operational assistance ~~to Member States~~ in the area of return ⇨ , readmission and reintegration ⇦ ~~, including in~~:

~~(i) the collection of information necessary for issuing return decisions, the identification of third-country nationals subject to return procedures and other pre-return, return-related and post-arrival and post-return activities of the Member States, to achieve an integrated system of return management among competent authorities of the Member States, with the participation of relevant authorities of third countries and other relevant stakeholders;~~

~~(ii) the acquisition of travel documents, including by means of consular cooperation, without disclosing information relating to the fact that an application for international protection has been made or any other information that is not necessary for the purpose of the return;~~

(i) ~~(iii)~~ the organisation and ⇨ implementation ⇦ ~~, coordination~~ of return operations ~~and provide assistance in relation to voluntary returns in cooperation with Member States,~~ ⇨ for both forced and voluntary returns ⇦ ;

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⇩ new

(ii) provision of assistance to returnees throughout the pre-return, return and post-return phases, taking into account the specific needs of vulnerable persons;

(iii) the management of reintegration services;

🡻 2019/1896
⇨ new

~~(iv) assisted voluntary returns from the Member States, providing assistance to returnees during the pre-return, return-related and post-arrival and post-return phases, taking into account the needs of vulnerable persons;~~

(c~~b~~) provide technical and operational assistance to Member States ~~experiencing challenges with regard to their return systems~~ ⇨ related to other pre-return, return and post-return activities, in particular: ⇦

⇩ new

(i) collection of personal and non-personal data necessary to achieve the tasks listed in this paragraph;

(ii) identification of third-country nationals subject to return procedures;

(iii) development of capacities to support and carry out, at the request of a Member State, activities in the context of the identification and confirmation of nationality of returnees, including necessary technical equipment and expertise and accompanying returnees for the purposes of transfer within a Member State or between Member States;

(iv) facilitation, support and coordination of identification missions carried out by third country authorities on the territory of one or more Member States;

(v) facilitation of the acquisition of travel documents, including by means of consular cooperation without disclosing information relating to the fact that an application for international protection has been made or any other information that is not necessary for the purpose of the return;

(vi) return and reintegration counselling, where applicable, as referred to in Regulation (EU) 2026/2280, as well as the development of standardised return and reintegration counselling guidelines;

(vii) provision of interpreting services;

(viii) support to ensure the availability of returnees for return purposes and to prevent returnees from absconding, in implementation of measures taken by Member States in accordance with Regulation (EU) 2026/2280, and advice on, and assistance in relation to, alternatives to detention;

(ix) provision of technical equipment, resources and expertise for the implementation of return decisions;

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↓ 2019/1896

~~(c) develop, in consultation with the fundamental rights officer, a non-binding reference model for national IT systems for return case management which describes the structure of such systems, as well as provide technical and operational assistance to Member States in developing such systems compatible with the model;~~

⇩ new

(d) develop and, where applicable, operationally manage, the model document and specifications ('RECAMAS Model'), the IT reference implementation ('Frontex RECAMAS'), the integrated Union readmission case management system ('iRCMS') and the Union reintegration case management system ('RIAT') referred to in Regulation (EU) …/… of the European Parliament and of the Council [Return Digitalisation Regulation];

↓ 2019/1896 (adapted)
⇨ new

(~~d~~e) operate and further develop an integrated return management platform ⌦ ('IRMA') ⌫ ~~and a communication infrastructure that enables the linking of the return management systems of the Member States with the platform~~ ⇨ connected to all relevant systems (national RECAMAS, iRCMS and RIAT) ⇦ for the purpose of exchanging data and ⌦ other ⌫ information~~,~~ ⇨ necessary for supporting Member States for return, readmission and reintegration purposes, ⇦ including the automated transmission of statistical data, and provide technical and operational assistance to Member States in connecting to⇨ IRMA ⇦ ~~the communication infrastructure~~;

(~~e~~f) organise, promote and coordinate activities enabling the exchange of ⌦ data and other ⌫ information ⇨ for the purpose of return, readmission and reintegration ⇦ and the identification and pooling of best practices in return matters between the Member States;

(~~f~~g) finance or co-finance from its budget, in accordance with the financial rules applicable to the Agency, the operations, interventions and activities referred to in this Chapter, including reimbursing the costs incurred for the necessary adaptation of ~~the national IT systems for return case management~~ ⌦ all national RECAMAS ⌫ for the purpose of ensuring secure communication to ~~the integrated return management platform~~ ⌦ IRMA ⌫;

⇩ new

(h) provide technical and operational assistance to third countries in the area of return.

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↓ 2019/1896

~~2. The technical and operational assistance referred to in point (b) of paragraph 1 shall include activities to help Member States carry out return procedures by the competent national authorities by providing, in particular:~~

~~(a) interpreting services;~~

~~(b) practical information, including the analysis of such information, and recommendations by the Agency on third countries of return relevant for the implementation of this Regulation, in cooperation, where appropriate, with other Union bodies, offices and agencies, in particular EASO;~~

~~(c) advice on the implementation and management of return procedures in compliance with Directive 2008/115/EC;~~

~~(d) advice on and assistance in the implementation of measures taken by Member States in compliance with Directive 2008/115/EC and international law that are necessary to ensure the availability of returnees for return purposes and to prevent returnees from absconding and advice on and assistance in relation to alternatives to detention;~~

~~(e) equipment, resources and expertise for the implementation of return decisions and for the identification of third-country nationals.~~

⇩ new

2. When performing the tasks listed in paragraph 1 of this Article, the Agency shall give priority to supporting returns in the context of the return border procedure referred to in Regulation (EU) 2024/1349.

↓ 2019/1896

3. The Agency shall aim at building synergies and connecting Union-funded networks and programmes in the field of return in close cooperation with the Commission and with the support of relevant stakeholders, including the European Migration Network.

⇩ new

Article 56

Reintegration assistance

1. The Agency shall coordinate the provision of post-arrival assistance and reintegration at Union level, in cooperation with the competent authorities of the Member States and, where appropriate, with relevant authorities of third countries and other relevant entities.

2. The Agency shall, in particular, perform the following tasks:

(a) identify and analyse the needs of the Member States, maintain an overview of available reintegration programmes and capacities, and coordinate the provision of

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post-arrival assistance and reintegration by matching identified needs with available Union and national resources;

(b) facilitate coordination and cooperation between Member States, relevant Union institutions, bodies, offices and agencies, and entities in Member States and third countries in the field of post-arrival assistance and reintegration, including through the exchange of information and best practices;

(c) develop, implement and manage a Union-level reintegration programme;

(d) facilitate the referral of the returnees to relevant development programmes available in third countries that can contribute to long-term reintegration, including by supporting cooperation with third country authorities and mechanisms responsible for referrals and reintegration, where such authorities and mechanism exist.

3. In developing, implementing and managing the programme referred to in paragraph 2, point (c), the Agency shall take into account the Union priorities in the field of return and readmission, and in particular:

i) the European Asylum and Migration Management Strategy adopted pursuant to Article 8 of Regulation (EU) 2024/1351;

ii) the implementation of the return border procedure pursuant to Regulation (EU) 2024/1349;

iii) the assessment of the level of cooperation of third countries with Member States on readmission in accordance with Article 25a of Regulation (EC) No 810/2009 of the European Parliament and of the Council[72];

iv) the implementation of Union readmission agreements or arrangements;

v) the implementation of any other Union instrument relevant for the cooperation on readmission.

4. Each year, the Agency shall establish, in consultation with the Commission and by means of a decision of the management board, the priority third countries for the provision of reintegration assistance for the following year, taking into account the priorities referred to in paragraph 3.

5. By 1 November every year, starting from [*year of entry into force of this regulation +1*], Member States shall provide the Agency with forecasts of the expected demand for reintegration assistance during the following financial year. On the basis of that information, the Agency shall plan and prioritise the allocation of the financial, technical and operational resources necessary for the implementation of reintegration assistance.

6. The Agency shall finance the Union-level reintegration programme referred to in paragraph 2, point (c), from its budget, in accordance with the financial rules applicable to the Agency.

[72] Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/810/oj).

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↓ 2019/1896 (adapted)
⇨ new

Article ~~49~~ 57

⌦ Integrated return management platform (IRMA) ⌫ ~~Information exchange systems and management of return~~

1. The Agency shall operate and further develop ⌦ IRMA ⌫ , in accordance with ~~point (d) of~~ Article ~~48(1)~~55(1), point (d) ~~,~~ ⇨ IRMA shall be connected to the communication portal referred to in Article [14] of Regulation (EU) …/… [Return Digitalisation Regulation]. ⇦ ~~an integrated return management platform for processing information, including personal data transmitted by the Member States' return management systems, that is necessary for the Agency to provide technical and operational assistance. Personal data shall only include biographic data or passenger lists. Personal data shall be transmitted only where they are necessary for the Agency to assist in the coordination or organisation of return operations to third countries, irrespective of the means of transport. Such personal data shall be transmitted to the platform only once a decision to launch a return operation has been taken, and shall be erased as soon as the operation is terminated.~~

~~Biographic data shall only be transmitted to the platform where they cannot be accessed by members of teams in accordance with Article 17(3) of Regulation (EU) 2018/1860 of the European Parliament and of the Council[73].~~

~~The Agency may also use the platform for the purpose of securely transmitting biographic or biometric data, including all types of documents which can be considered as proof or prima facie evidence of the nationality of third-country nationals subject to return decisions, where the transmission of such personal data is necessary for the Agency to provide assistance, at the request of a Member State, in confirming the identity and nationality of third-country nationals in individual cases. Such data shall not be stored on the platform and shall be erased immediately following a confirmation of receipt.~~

2. ⇨ As part of IRMA, ⇦ t~~T~~he Agency shall develop, deploy and operate information systems and software applications allowing for the exchange of information ⇨ referred to in Article 36(6) of Regulation (EU) 2026/2280 via the communication portal referred to in Article [14] of Regulation (EU) …/… [Return Digitalisation Regulation] ⇦ for the purpose of return ⇨ , readmission and reintegration ⇦ within the European Border and Coast Guard ⇨ , including exchanging data relating to identification of third-country nationals ⇦. ⇨ IRMA shall include systems and software applications ⇦ ~~and~~ for the purpose of ⇨ organising or coordinating such return activities by the Agency ⇦ ~~exchanging personal data~~.

3. Personal data shall be processed in accordance with Articles ~~86~~ 102, ~~87~~ 104, ~~88~~105 and ~~91~~110, as applicable.

73 ~~Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).~~

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⇩ new

Article 58

The Agency's role in relation to the Schengen Information System

1. A SIRENE office shall be established within the Return Coordination Centre of the Agency.

2. The Agency shall, through the SIRENE office, ensure the exchange and availability of supplementary information, in accordance with Regulations (EU) 2018/1860 and (EU) 2018/1861.

3. Member States shall inform the Agency through the exchange of supplementary information of any hit on alerts on return and alerts for refusal of entry and stay.

Member States may exceptionally not inform the Agency if doing so would jeopardise the safety of an individual or be contrary to essential interests of the security of the issuing Member State.

🡻 2019/1896 (adapted)
⇨ new

Article ~~50~~ 59

Return operations ⌦ in the common system for returns ⌫

1. Without entering into the merits of return decisions, which remain the sole responsibility of the Member States, the Agency shall ~~provide Member States with technical and operational assistance and shall ensure the coordination or the organisation of return operations~~ ⌦ organise and coordinate return operations and support their implementation in cooperation with Member States in accordance with Article 55(1), points (a) and (b), ⌫, including through the chartering of aircraft ~~for the purpose of such operations~~ and organising returns on scheduled flights or by other means of transport. The Agency may ~~on its own initiative and with the agreement of the Member State concerned, coordinate or~~ organise return operations ⌦ on its own initiative ⌫ .

2. ~~Member States shall provide operational data on returns necessary for the assessment of return needs by the Agency through the platform referred to in Article 49(1) and shall inform the Agency of their indicative planning as regards the number of returnees and the third countries of return, both with respect to relevant national return operations, and of their needs for assistance or coordination by the Agency.~~ ⌦ Following the reporting by Member States of their operational data referred to in Article 54, ⌫ ~~T~~the Agency shall draw up and maintain a rolling operational plan ⌦ to ensure the effective coordination of Member States' operational needs and available resources in the area of return ⌫ ~~to provide the requesting Member States with the necessary operational assistance and reinforcements, including through technical equipment~~. The Agency ⇨ shall ⇦ ~~may, either on its own initiative and with the agreement of the Member State concerned or at the request of a Member State,~~ include in the rolling operational plan the dates and destinations of return operations it considers necessary, based on ~~a~~ ⌦ the ⌫ needs assessment ⌦ carried out in accordance with Article 54 ⌫ . The management board shall decide, on the basis of a proposal from the executive director, on the *modus operandi* of the rolling operational plan. ⇨ Prior to the start

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of a return operation, ⇦ ~~T~~the Member State concerned shall confirm to the Agency that all returnees covered by ⌦ such ⌫ ~~a~~ return operation organised or coordinated by the Agency are the subject of ⌦ a ⌫ ~~an enforceable~~ return decision ⌦ that can be enforced ⌫ .

Where members of the teams are deployed, they shall consult the Schengen Information System prior to the return of any returnee in order to check whether the return decision issued in relation to that returnee has been suspended or whether its enforcement has been postponed.

The rolling operational plan shall contain the elements necessary for carrying out a return operation, including those concerning the respect for fundamental rights, and shall refer to, inter alia, relevant codes of conduct and procedures for monitoring, reporting and the complaints mechanism.

⇩ new

3. Without affecting paragraph 4 of this Article, the Agency shall, on the basis of a risk assessment, select the forced-return operations to be monitored and determine the phases of those operations that require monitoring.

In the selected operations at least one forced-return monitor from the pool established under Article 60 or from the monitoring system of the participating Member States shall be present during the phases of the return operation identified as requiring monitoring.

The monitoring shall be carried out on the basis of objective and transparent criteria.

The forced-return monitors shall submit a report on each monitored forced-return operation to the executive director, the fundamental rights officer and to the competent national authorities of all the Member States involved in the given operation. If necessary, appropriate follow-up shall be ensured by the executive director and competent national authorities respectively.

⇩ 2019/1896 (adapted)
⇨ new

~~3~~4. The Agency may ~~provide technical and operational assistance to the Member States and may also, either on its own initiative and with the agreement of the Member State concerned or at the request of the participating Member States,~~ ensure the coordination or the organisation of return operations for which the means of transport and return escorts are provided by a third country of return (‘collecting return operations’). The participating Member States and the Agency shall ensure that the respect for fundamental rights, the principle of *non-refoulement*, the proportionate use of means of constraints and the dignity of the returnee are guaranteed during the entire return operation. At least one Member State representative, and one forced-return monitor from the pool established under Article ~~51~~60 or from the monitoring system of the participating Member State, shall be present throughout the entire return operation until arrival at the third country of return.

~~4~~5. The executive director shall draw up a return plan for collecting return operations without delay. The executive director and any participating Member State shall agree on the plan detailing the organisational and procedural aspects of the collecting return operation, taking account of the implications for the fundamental rights and risks of such operations. Any amendment to or adaptation of that plan shall require the agreement of the parties referred to in paragraph ~~3~~4 and in this paragraph.

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The return plan for collecting return operations shall be binding on the Agency and any participating Member State. It shall cover all the necessary steps for carrying out collecting return operations.

~~(c) 5. Every return operation organised or coordinated by the Agency shall be monitored in accordance with Article 8(6) of Directive 2008/115/EC. The monitoring of forced-return operations shall be carried out by the forced-return monitor on the basis of objective and transparent criteria and shall cover the whole return operation from the pre-departure phase until the handover of the returnees in the third country of return. The forced-return monitor shall submit a report on each forced-return operation to the executive director, the fundamental rights officer and to the competent national authorities of all the Member States involved in the given operation. If necessary, appropriate follow-up shall be ensured by the executive director and competent national authorities respectively.~~

6. If the Agency has concerns regarding the respect of fundamental rights at any stage of a return operation, it shall communicate them to the participating Member States and to the Commission.

7. The executive director shall evaluate the results of the return operations and shall transmit every six months a detailed evaluation report to the European Parliament, to the Council, to the Commission and to the management board covering all return operations conducted in the previous semester, together with the observations of the fundamental rights officer. The executive director shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future return operations. The executive director shall include that analysis in the Agency's annual activity report.

8. The Agency shall finance or co-finance return operations from its budget, in accordance with the financial rules applicable to the Agency, giving priority ⇨ , as a general rule, ⇦ to ~~those~~ ⌦ return operations ⌫ conducted by more than one Member State, ⇨ return operations in the context of the return border procedure, in accordance with Regulation (EU) 2024/1349, and return operations from Member States ⇦~~or from hotspot areas~~.

Article ~~51~~ 60

Pool of forced-return monitors

1. The Agency shall, after taking due account of the opinion of the fundamental rights officer, constitute a pool of forced-return monitors ~~from competent bodies of the Member States who carry out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC and~~ who have been trained in accordance with Article ~~62~~ 75 ~~of this Regulation~~.

2. The management board shall, on the basis of a proposal from the executive director, determine the profile and the number of forced-return monitors to be made available to that pool. The same procedure shall apply with regard to any subsequent changes in the profile and overall numbers.

Member States shall ~~be responsible for contributing~~ ⌦ contribute ⌫ to the pool by nominating forced-return monitors corresponding to the defined profile, without ~~prejudice~~ ⌦ affecting ⌫ ~~to~~ the independence of those monitors under national law, where national law so provides. The Agency shall also contribute fundamental rights monitors ⇨ or other qualified staff or seconded experts of the fundamental rights office ⇦ as referred to in Article

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~~110~~ 130 to the pool. Forced-return monitors with specific expertise in child protection ⇨ and the needs of persons in a vulnerable situation ⇦ shall be included in the ⇨ pool ⇦ .

3. Member States' contribution of forced-return monitors to return operations and interventions for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the forced-return monitors available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such a request shall be made at least 21 working days before the intended deployment, or five working days in the case of a rapid return intervention.

4. The Agency shall make the forced-return monitors available upon request to participating Member States to monitor, on their behalf, the correct implementation of the return operations and return interventions throughout their duration. It shall make available forced-return monitors with specific expertise in child protection for any return operation involving children.

5. Forced-return monitors shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention. Statutory staff deployed as forced-return monitors shall be subject to the disciplinary measures provided for in the Staff Regulations and the Conditions of Employment.

Article ~~52~~ 61

Return teams

1. The Agency may deploy return teams either on its own initiative and with the agreement of the Member State concerned or at the request of that Member State. The Agency may deploy such return teams during return interventions, in the framework of migration management support teams or as necessary to provide additional technical and operational assistance in the area of return. Where necessary, return teams shall contain officers with specific expertise in child protection.

2. Article ~~40(2)~~ 45(2) to (6) and Articles ~~43, 44 and 45~~ 49, 50 and 51 shall apply *mutatis mutandis* to the return teams.

Article ~~53~~ 62

Return interventions

1. Where a Member State is facing a burden when implementing the obligation to return returnees ⇨ , including where carrying out the border procedure according to Regulation (EU) 2024/1349 ⇦ , the Agency shall provide the appropriate technical and operational assistance in the form of a return intervention, either on its own initiative and with the agreement of the Member State concerned or at the request of that Member State. Such intervention may consist in the deployment of return teams to the host Member State, providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State.

Article ~~50~~59 shall apply also to return operations organised or coordinated by the Agency in the framework of return interventions.

2. Where a Member State is facing specific and disproportionate challenges when implementing its obligation to return returnees, the Agency shall provide the appropriate technical and operational assistance in the form of a rapid return intervention, either on its

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own initiative and with the agreement of the Member State concerned or at the request of that Member State. A rapid return intervention may consist in the rapid deployment of return teams to the host Member State, providing assistance in the implementation of return procedures and the organisation of return operations from the host Member State.

3. In the context of a return intervention ⌦ or a rapid return intervention ⌫ , the executive director shall draw up an operational plan without delay, in agreement with the host Member State and the participating Member States. The provisions of Article ~~38~~43 shall apply *mutatis mutandis*.

4. The executive director shall take a decision on the operational plan as soon as possible and, in the case referred to in paragraph 2, within five working days. The decision shall be immediately notified, in writing, to the Member States concerned and to the management board.

5. The Agency shall finance or co-finance return interventions from its budget in accordance with the financial rules applicable to the Agency.

⇩ new

Article 63

Technical assistance provided by the Agency to third countries in the area of return

1. The Agency may provide technical assistance to third countries in the area of return such as training, capacity building and support for voluntary return and reintegration that does not involve the exercise of executive powers.

2. When deciding on the assistance to be provided to a specific third country, the Agency shall take particular account of the priorities of the migration policy of the Union and prioritise, in consultation with the Commission, countries according to their relevance for achieving the Union's objectives.

3. In cases where a structural or long-term cooperation on technical assistance is envisaged, the Agency may conclude working arrangements with the relevant third-country authority as referred to in Article 88(6).

4. Article 55(1) and Articles 85, 88 and 89 shall apply *mutatis mutandis* to technical assistance provided in accordance with this Article.

Article 64

Operational assistance provided by the Agency to third countries in the area of return

1. The Agency may provide operational assistance to third countries in the area of return, based on an international agreement concluded by the Union .

2. The assistance referred to in paragraph 1 shall take place in full respect of fundamental rights, including the principle of *non-refoulement,* and relevant international obligations and standards, and shall be subject to the conditions and safeguards referred to in paragraphs 4 and 5. The assistance may concern one of the following:

(a) return, based on a return decision issued by a Member State, from a third country where a strategic interest of the Union is identified by the Commission taking due account of the criteria referred to in Article 65, in particular in relation to the

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implementation of the return border procedure referred to in Regulation (EU) 2024/1349;

(b) return from a third country based on an individual obligation to leave established under the national law of:

i) a third country that has been granted the status of candidate country for accession;

i) a third country that is bound by the European Convention on Human Rights;

ii) a third country that is designated as safe third country at Union level in accordance with Articles 59 and 60 of Regulation (EU) 2024/1348 of the European Parliament and of the Council[74]; or

iii) any other third country respecting international human rights standards and principles, in accordance with international law, including the principle of *non-refoulement*, where a strategic interest of the Union is identified by the Commission taking due account of the criteria referred to in Article65, including in relation to the return caseload and the geopolitical context.

For the Agency's assistance Article 55(1) shall apply *mutatis mutandis*.

3. Operational assistance to third countries, as referred to in paragraph 1, shall be based on an international agreement concluded by the Union, provided that all elements of the model status agreement pursuant to Article 91(1) of this Regulation and the relevant safeguards set out in paragraphs 4 or 5 of this Article are included in that agreement.

4. Agreements referred to in paragraph 3 of this Article covering operational assistance in the area of voluntary return shall include the requirements laid down in Article 88(3), including provisions on the scope of the assistance, the tasks and powers of the members of the return teams, and their privileges and immunities, including provisions on civil and criminal liability in accordance with Article 115(2). Such agreements shall include the following additional safeguards, taking into account the existence, or lack thereof, of applicable international instruments already providing such safeguards and of the specific situation of countries referred to in paragraph 2, points (b)(i) to (iii), of this Article:

(a) the commitment by the third country to respect international human rights standards and principles in accordance with international law;

(b) the commitment by the third country that any person to be subject of Agency's return-related assistance is under the individual obligation to leave that third country in accordance with national law, following a due process, and that the Agency is satisfied of that obligation at the time of return;

(c) the commitment by the third country to guarantee that the principle of *non-refoulement* was respected in the specific case, and to provide the Agency the mechanism through which such respect is generally ensured at national level;

(d) a mechanism for the Agency to report incidents to the third country;

[74] Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1348/oj).

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(e) an independent mechanism to monitor the effective application of the agreement.

5. Where the operational assistance is to cover forced return, the international agreements referred to in paragraph 3 shall include the safeguards and requirements referred to in paragraph 4 and the following additional safeguards:

(a) the commitment to respect the needs of vulnerable persons;

(b) clear rules regarding the proportionate use, where necessary, of force and means of constraints during the return operation.

6. Articles 59, 85, 88 and 89 shall apply *mutatis mutandis* to operational assistance provided in accordance with paragraphs 1 to 5 of this Article.

Article 65

Cooperation with third countries in the area of return

Cooperation with third countries in the area of return shall be in line with the Union's policy priorities in the area of migration, security, and border management and with the Union's external action policies priorities and shall take into account the European Asylum and Migration Management Strategy adopted pursuant to Article 8 of Regulation (EU) 2024/1351.

Implications concerning resources and costs, including the impacts on the Agency's capacity to provide return-related support to Member States shall also be considered before the Commission recommends to the Council to authorise it to negotiate an agreement with a third country.

↓ 2019/1896

SECTION 9

CAPABILITIES

Article ~~54~~ 66

European Border and Coast Guard standing corps

1. ~~A European Border and Coast Guard standing corps with the capacity set out in Annex I shall be part of the Agency. The standing corps shall be composed of the following four categories of operational staff in accordance with the annual availability scheme set out in Annex I:~~

⇩ new

The standing corps shall support the European Border and Coast Guard in the implementation of European Integrated Border Management, and support in the field of the common system for returns. The standing corps shall be composed of three categories of operational staff and a European border and return reserve of operational staff to maintain the capacity of the European Border and Coast Guard in the area of management of external borders and return. The capacity of the European Border and Coast Guard standing corps shall be set out in

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Annex I determining the multiannual availability scheme. The categories of operational staff and a European border and return reserve of operational staff shall be as follows:

↓ 2019/1896 (adapted)
⇨ new

(a) category 1: statutory staff deployed as members of the teams in operational areas in accordance with Article ~~55~~67 ⇨ and in antenna offices referred to in Article 73, statutory staff performing operational activities at the Agency's headquarters, staff carrying out operational training of standing corps, and statutory ⇦ ~~as well as~~ staff responsible for the functioning of the ETIAS Central Unit;

(b) category 2: staff seconded from Member States to the Agency for a long term as part of the standing corps in accordance with Article ~~56~~68;

(c) category 3: staff from Member States who are ready to be provided to the Agency for a short-term deployment as part of the standing corps in accordance with Article ~~57~~69; ~~and~~

(d) ~~category 4: the reserve for rapid reaction consisting of staff from the Member States who are ready to be deployed in accordance with Article 58 for the purposes of rapid border interventions in accordance with Article 39.~~ ⇨ European border and return reserve: staff from Member States who have undergone training by the Agency and are ready to be deployed in accordance with Article 70. ⇦

2. The Agency shall deploy members of the standing corps as members of the border management teams, migration management support teams and return teams in joint operations, ~~rapid~~ border interventions, return interventions or any other relevant operational activities in the Member States or in third countries. Such activities shall only be carried out with the authorisation of the Member State or the third country concerned.

⇩ new

The standing corps shall also carry out operational activities at the Agency's headquarter or in antenna offices and provide operational training.

↓ 2019/1896 (adapted)
⇨ new

The actual number of staff deployed from the standing corps shall depend on the operational needs.

Deployment of the standing corps shall be complementary to the efforts undertaken by the Member States.

3. When providing support to the Member States, the members of the standing corps deployed as members of the teams shall have the ability to carry out border control or return tasks, including tasks requiring executive powers provided for in the relevant national law or, in the case of statutory staff, the tasks requiring executive powers set out in Article ~~55(7)~~67(7).

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The members of the standing corps ⌦ carrying out border control ⌫ shall meet the requirements ~~for specialised training and professionalism as~~ provided for in ~~the third subparagraph of~~ Article 16(1) , third subparagraph, of Regulation (EU) 2016/399 ~~or other relevant instruments~~. ⇨ The members of the standing corps who are not required to carry out border control shall meet the professional requirements relevant to the performance of their tasks. ⇦

4. On the basis of a proposal from the executive director taking into account the Agency's risk analysis, the results of the vulnerability assessment and the multiannual strategic policy cycle for ⌦ EIBM ⌫ ~~European integrated border management~~, and building on the numbers and profiles of staff available to the Agency through its statutory staff and ongoing secondments, by 31 March of each year the management board shall adopt a decision:

~~(a) defining the profiles of, and setting out the requirements for, operational staff;~~

(~~b~~a) on the number of staff per specific profile of categories 1, 2 and 3 staff to form teams in the following year, based on the expected operational needs for the following year;

(~~c~~b) specifying further the contributions set out in Annexes II and III by setting the specific numbers and profiles of staff per Member State to be seconded to the Agency in accordance with Article ~~56~~68 and to be nominated in accordance with Article ~~57~~69 in the following year;

(~~d~~c) ~~specifying further the contributions set out in Annex IV by setting the specific numbers and profiles of staff per Member State under the reserve for rapid reaction to be provided in the following year in the event of rapid border interventions in accordance with Articles 39 and 58; and~~ ⇨ specifying the number of officers from the Member States to undergo the training in accordance with Article 70 for becoming part of the European border and return reserve, in the following year; ⇦

(d) setting out an indicative multiannual planning of profiles for the subsequent years to facilitate the long-term planning for the Member States' contributions and the recruitment of statutory staff.

↓ 2019/1896
⇨ new

5. The crew for technical equipment provided in accordance with Article ~~64~~78 shall be taken into account as part of the contributions for short-term deployments provided by the Member States pursuant to Article ~~57~~69 for the following year. With a view to preparing the ~~relevant~~ management board decision referred to in paragraph 4 of this Article, the Member State concerned shall inform the Agency about its intention to deploy the technical equipment with the corresponding crew by the end of January of each year.

~~6. For the purpose of Article 73, the Agency shall develop and ensure the command and control structures for the effective deployment of the standing corps on the territory of third countries.~~

~~7~~6. The Agency may recruit a sufficient number of statutory staff, ~~which may account for up to 4 % of the total number of the standing corps set out in Annex I, for supportive or monitoring functions for the establishment of the standing corps, for the planning and management of its operations and for the acquisition of the Agency's own equipment~~ ⇨ to support or monitor the functions of the deployed standing corps ⇦.

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⇩ new

Those functions and the maximum ceiling for staff performing them shall be established by a decision of the management board, on the basis of a proposal from the executive director and taking into account the needs of the Agency. The ceiling shall be a proportion of the total number of the standing corps categories 1, 2 and 3.

🡻 2019/1896 (adapted)
⇨ new

7. The ⌦ statutory ⌫ staff referred to in paragraph 6 ~~7~~ ~~and the staff responsible for the functioning of the ETIAS Central Unit~~ shall not be deployed as members of the teams, but shall nevertheless be counted as category 1 staff for the purposes of Annex I.

Article ~~55~~ 67

Statutory staff in the standing corps

1. The Agency shall contribute members of its statutory staff (category 1) to the standing corps to be deployed in operational areas as members of the teams with the tasks and powers provided for in Article ~~82~~ 98, including the task of operating the Agency's own equipment.

2. When recruiting staff, the Agency shall ensure that only candidates who demonstrate a high level of professionalism, adhere to high ethical values and possess appropriate language skills are selected.

3. In accordance with Article ~~62(2)~~75(6), following their recruitment, the statutory staff to be deployed as members of the teams shall undergo ~~necessary border guard or return-related~~ ⇨ appropriate ⇦ training, including on fundamental rights ⇨ and on the protection of personal data ⇦ , as relevant to the profiles of staff decided by the management board in accordance with Article ~~54(4)~~ ⇨ 66 ⇦ ~~,~~ taking into account their previously acquired qualifications and professional experience in the relevant areas. ⇨ Only staff having successfully completed the operational training shall be employed as standing corps in accordance with Article 114(4). ⇦

The training referred to in the first subparagraph shall be conducted in the framework of dedicated training programmes designed by the Agency. ~~and, on the basis of~~ ⌦ The training shall be based on ⌫ agreements ⌦ between the Agency and ⌫ ~~with~~ selected Member States ⌦ and ⌫ implemented ⌦ ⌫ ⇨ by the Agency and ⇦ ~~in~~ the~~ir~~ specialised ⌦ national ⌫ institutions for training and education~~, including the Agency's partnership academies in Member States~~.

Adequate training maps shall be designed for each staff member after ~~his or her~~ ⌦ their ⌫ recruitment to ensure that ~~he or she is~~ ⌦ they are ⌫ always ~~professionally~~ ⌦ duly ⌫ qualified to fulfil ~~border guard or return-related~~ ⌦ the ⌫ tasks ⌦ assigned to them ⌫ . Training maps shall be regularly updated. ~~The Agency shall cover the full cost of training.~~

~~Statutory staff who act as technical crew operating the Agency's own equipment shall not need to undergo full border guard or return-related training.~~

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4. Throughout their employment, the Agency shall ensure that its statutory staff discharge their duties as members of the teams in accordance with the highest standards and in full compliance with fundamental rights.

5. On the basis of a proposal from the executive director, the management board shall:

(a) establish an appropriate supervisory mechanism to monitor the application of the provisions on use of force by statutory staff, including rules on reporting and specific measures, such as those of a disciplinary nature, with regard to the use of force during deployments;

(b) establish rules for the executive director to authorise statutory staff to carry and use weapons in accordance with Article ~~82~~98 and Annex V, including on mandatory cooperation with the competent national authorities, in particular of the Member State of nationality, the Member State of residence, and the Member State of the initial training; those rules shall also address how the executive director ensures that the conditions for issuing such authorisations continue to be met by statutory staff, in particular as regards handling weapons including the performance of regular shooting tests;

(c) establish specific rules to facilitate the storage of weapons, ammunition and other equipment in secured facilities and their transportation to the operational areas.

In relation to the rules referred to in the first subparagraph, point (a), ~~of the first subparagraph~~ of this paragraph, the Commission shall give an opinion ~~on~~ ⌦ to assess ⌫ their compliance with the Staff Regulations and Conditions of Employment, in accordance with Article 110(2)) of the Staff Regulations. The fundamental rights officer shall be consulted on the proposal from the executive director with regard to those rules.

6. ⌦ The staff of the ⌫ Agency ~~staff~~ who are not qualified to perform border guard or return-related tasks shall only be deployed during joint operations ⌦ or return operations ⌫ for coordination, monitoring of fundamental rights and other related tasks. They shall not form part of the teams.

7. ⇨ The Member States shall take measures to ensure that ⇦ t~~T~~he statutory staff to be deployed as members of the teams ⌦ is enabled to effectively exercise the following executive powers ⌫ ~~shall be able to perform~~, in accordance with Article 98~~82~~, ~~the following tasks requiring executive powers, in accordance with the profiles of staff and relevant training~~:

(a) ⌦ border checks on persons in accordance with Article 8(2) and (3) of Regulation (EU) 2016/399 ⌫ ~~the verification of the identity and nationality of persons~~, including ⌦ the ⌫ consultation of relevant Union and national databases;

(b) ~~the authorisation of~~ ⌦ authorising ⌫ entry where the entry conditions, as laid down in Article 6 of Regulation (EU) 2016/399, are fulfilled;

(c) ~~the refusal of~~ ⌦ refusing ⌫ entry in accordance with Article 14 of Regulation (EU) 2016/399;

(d) ~~the~~ stamping ~~of~~ travel documents in ⌦ the cases provided for in ⌫ ~~accordance with~~ Article ⌦ 21(2) ⌫ ~~11~~ of Regulation (EU) ⌦ 2017/2226 ⌫ ~~2016/399~~;

(e) ~~the~~ issuing or refusing ~~of~~ visas at the border in accordance with Article 35 of Regulation (EC) No 810/2009 ~~of the European Parliament and of the Council~~ and introducing relevant data in the Visa Information System;

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(f) border surveillance ⇨ in accordance with Article 13 of Regulation (EU) 2016/399 ⇦ ~~, including patrolling between border crossing points to prevent unauthorised border crossings, to counter cross-border crime and to take measures against persons who have crossed the border illegally, including interception or apprehension~~;

⇩ new

(g) intercepting or apprehending persons during border control and referring them to the competent authorities;

🡻 2019/1896 (adapted)
⇨ new

(~~g~~h) registering ~~of~~ fingerprints of persons apprehended in connection with the ⇨ unauthorised ⇦ crossing of an external border in Eurodac in accordance with Chapter III of Regulation (EU) ~~No 603/2013~~ ⌦ 2024/1358 ⌫ of the European Parliament and of the Council~~[75]~~ [76];

⇩ new

(i) checking of the means of transport and objects in the possession of the persons crossing the border;

🡻 2019/1896

(~~h~~j) liaising with third countries with a view to identifying and obtaining travel documents for returnees;

~~75 Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1, ELI: ...).~~

76 Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, 2024/1358, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1358/oj)

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⇩ new

(k) identifying third-country nationals subject to return procedures;

(l) carrying out returns by air, land or sea;

🡻 2019/1896 (adapted)
⇨ new

(~~i~~m) escorting third-country nationals subject to forced-return procedures.

Article ~~56~~ 68

Member States' participation in the standing corps through long-term secondment

1. The Member States shall contribute to the standing corps by seconding operational staff to the Agency as members of the teams (category 2). The duration of individual secondments shall be 24 months. With the agreement of the home Member State and the Agency, individual secondments may be prolonged once for another 12 or 24 months. In order to facilitate the implementation of the financial support system referred to in Article ~~61~~74, secondments shall, as a general rule, start at the beginning of a calendar year.

2. Each Member State shall be responsible for ensuring the continuous contribution of operational staff as seconded members of the teams in accordance with Annex II. The payment of costs incurred by staff deployed under this Article shall be made in accordance with the rules adopted pursuant to Article ~~95(6)~~114(7).

3. The operational staff seconded to the Agency shall have the tasks and powers of the members of the teams in accordance with Article ~~82~~98. The Member State that has seconded those operational staff shall be considered to be their home Member State. During the secondment, the locations and duration of the deployments of seconded members of the teams shall be decided by the executive director in accordance with the operational needs. The Agency shall ensure the continuous training of the operational staff during their secondment.

4. By 30 June of each year, each Member State shall indicate the candidates for secondment among their operational staff in accordance with the specific numbers and profiles of staff decided by the management board for the following year as referred to in Article ~~54(4)~~66(4). The Agency shall verify whether the operational staff proposed by Member States correspond to the defined profiles of staff and possess the necessary language skills. By 15 September of each year, the Agency shall accept the proposed candidates or, in cases of non-compliance with the required profiles, insufficient language skills, misconduct or infringement of the applicable rules during previous deployments, shall refuse the candidates in question and request that the Member State propose other candidates for secondment.

5. Where, due to *force majeure*, an individual operational staff member cannot be seconded or is unable to continue his or her secondment, the Member State concerned shall ensure that that staff member is replaced by another operational staff member having the required profile.

Article ~~57~~ 69

Member States' participation in the standing corps through short-term deployments

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1. In addition to the secondments under Article ~~56~~68, by 30 June of each year, the Member States shall contribute to the standing corps by nominating border guards and other relevant staff to the preliminary national list of available operational staff for short-term deployments (category 3) ~~i~~n accordance with the contributions set out in Annex III and in accordance with the specific numbers and profiles of staff decided by the management board for the following year as referred to in Article ~~54(4)~~66(4)]. The preliminary national lists of nominated operational staff shall be communicated to the Agency. The final composition of the annual list shall be confirmed to the Agency after the conclusion of the annual bilateral negotiations by 1 December of that year.

2. Each Member State shall ensure that nominated operational staff are available at the request of the Agency in accordance with the arrangements set out in this Article. Each staff member shall be available for a period of up to four months within a calendar year. However, Member States may decide to deploy an individual staff member beyond four months. Such an extension shall be counted as a separate contribution of that Member State for the same profile or another required profile if the staff member possesses the necessary skills. The payment of the costs incurred by staff deployed under this Article shall be made in accordance with the rules adopted pursuant to Article ~~45(2)~~51(2).

3. The operational staff deployed under this Article shall have the tasks and powers of the members of the teams in accordance with Article ~~82~~98.

4. The Agency may verify whether the operational staff nominated for short-term deployments by Member States correspond to the ~~defined~~ ⌦ determined ⌫ profiles of staff and possess the necessary language skills. The Agency shall refuse nominated operational staff in cases of insufficient language skills, misconduct or infringement of the applicable rules during previous deployments. The Agency shall also refuse nominated operational staff in the event of non-compliance with the required profiles unless the operational staff member in question qualifies for another profile allocated to that Member State. In the event of the refusal of a staff member by the Agency, the Member State concerned shall ensure that that staff member is replaced by another operational staff member having the required profile.

5. By 31 July of each year, the Agency shall request that Member States contribute specific individual operational staff members for deployment as part of joint operations for the following year within the required numbers and profiles. The periods of individual deployment shall be decided in the annual bilateral negotiations and agreements between the Agency and Member States.

6. Following the annual bilateral negotiations, Member States shall make the operational staff from the national lists referred to in paragraph 1 available for specific deployments within the numbers and profiles specified in the request of the Agency.

7. Where, due to *force majeure*, an individual operational staff member cannot be deployed in accordance with the agreements, the Member State concerned shall ensure that such staff member is replaced by another staff member from the list with the required profile.

8. In the event of an increased need for the reinforcement of an ongoing joint operation, a need to launch a ~~rapid~~ border intervention or a new joint operation not specified in the relevant annual work programme or in the corresponding result of annual bilateral negotiations, the deployment shall be carried out within the limits set out in Annex III. The executive director shall inform the Member States without delay about the additional needs by indicating possible numbers and profiles of operational staff to be provided by each Member State. Once an amended operational plan or, where relevant, a new operational plan is agreed upon by the executive director and the host Member State, the formal request for the number

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and profiles of operational staff shall be made by the executive director. The members of the teams shall be deployed from each Member State within 20 working days from that formal request without ⌦ affecting ⌫ Article ~~39~~44.

9. Where the risk analysis or any available vulnerability assessment shows that a Member State is faced with a situation that would substantially affect the discharge of its national tasks, that Member State shall contribute operational staff in accordance with the requests referred to in paragraph 5 or 8 of this Article. However, those contributions shall not cumulatively exceed half of that Member State's contribution for the year in question as set out in Annex III. Where a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in Article ~~65~~79.

10. The duration of the deployment for a specific operation shall be determined by the home Member State.~~,~~ ⌦ However ⌫ ~~but~~ in any event ⌦ it ⌫ shall not be less than ⇨ 60 ⇦ ~~30~~ days, except where the operation ~~of~~ which the deployment is a part of has a duration shorter than ~~30 days~~ ⌦ that period ⌫ .

11. The technical crew taken into account for the contributions of Member States in accordance with Article ~~54(5)~~66(5) shall only be deployed in accordance with the agreements arising from the annual bilateral negotiations for the corresponding items of technical equipment referred to Article ~~64(9)~~78(10).

By way of derogation from paragraph 1 of this Article, Member States shall include in their annual lists the technical crew referred to in the first subparagraph of this paragraph only after the conclusion of the annual bilateral negotiations. Member States may adjust the relevant annual lists in the event of any changes of the technical crew during the year in question. Member States shall notify those changes to the Agency.

The verification referred to in paragraph 4 of this Article shall not concern the competence to operate the technical equipment.

Crew members having exclusively technical duties shall only be indicated by function on national annual lists.

The duration of deployment of technical crews shall be determined in accordance with Article ~~64~~78.

~~*Article 58*~~

~~**Member States' participation in the standing corps through the reserve for rapid reaction**~~

~~1. The Member States shall contribute operational staff to the standing corps by means of a reserve for rapid reaction (category 4) to be activated for rapid border interventions in accordance with Article 37(2) and Article 39, provided that the operational staff in category 1, 2 and 3 have already been fully deployed for the rapid border intervention in question.~~

~~2. Each Member State shall be responsible for ensuring that operational staff are available in the numbers and with the corresponding profiles decided by the management board for the following year as referred to in Article 54(4), at the request of the Agency within the limits set out in Annex IV and in accordance with the arrangements set out in this Article. Each operational staff member shall be available for a period of up to four months within a calendar year.~~

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~~3. The specific deployments in the framework of rapid border interventions from the reserve for rapid reaction shall take place in accordance with Article 39(11) and (13).~~

⇩ new

Article 70

European border and return reserve

1. By 30 June each year, each Member State shall submit to the Agency a preliminary national list of border guards, return specialists, return escorts and other eligible relevant staff for EIBM training, in accordance with Annex IV. That list shall be subject to bilateral negotiations between the Member State concerned and the Agency. The final composition of the national list shall be agreed by 1 December at the latest.

2. Within the following year, the Agency shall provide an EIBM training in accordance with Article 76 to the staff included in the agreed national lists. All costs related to the delivery of such training shall be borne by the Agency.

3. Based on operational needs and risk analysis, the executive director shall establish the list of profiles for which shortages have been identified for the following year and the number of staff of the European border and return reserve to receive the relevant specialised training referred to in Article 75. Subject to the approval of the Member State concerned, any staff of the European border and return reserve may undertake specialised training.

4. The Member States shall make available to the Agency their staff qualified as members of the European border and return reserve for border interventions, return interventions, for assisting any return-related activities of the Agency or for measures to be taken by the Agency in accordance with Article 47(3).

5. By derogation from paragraph 4, Member States may refuse to make their staff available to the Agency in case of duly justified exceptional circumstances which would substantially affect the discharge of national tasks in the area of border management and return.

🡻 2019/1896 (adapted)

~~*Article 59*~~

~~**Review of the standing corps**~~

~~1. By 31 December 2023, in particular on the basis of the reports referred to in Article 62(10) and Article 65, the Commission shall present to the European Parliament and to the Council a review of the overall number and composition of the standing corps, including the size of individual Member States' contributions to the standing corps, as well as of the expertise and professionalism of the standing corps and of the training it receives. The review shall also examine whether it is necessary to maintain the reserve for rapid reaction as part of the standing corps.~~

~~The review shall describe and take into account existing and potential operational needs for the standing corps covering rapid reaction capacities, significant circumstances affecting the capability of Member States to contribute to the standing corps and the evolution of the statutory staff as regards the contribution of the Agency to the standing corps.~~

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~~2. By 29 February 2024, the Commission shall, where necessary, submit appropriate proposals to amend Annexes I, II, III and IV. Where the Commission does not submit a proposal, it shall explain the reasons therefor.~~

⇩ new

Article 71

Chain of command and contingents

1. The Agency shall develop the hierarchical line of authority based on delegated operational management within the Agency and implemented within contingents to the deployed standing corps and other relevant staff participating in the operational activities of the Agency in all areas related to the decision making under the responsibility of the executive director.

2. As part of its command-and-control structures, the Agency may establish contingents in the geographically designated area of operation or for the thematic operational activities.

Contingents established based on a geographical approach shall cover all operational areas at the external borders and operational activities in third countries.

The contingent shall be led by contingent commander, appointed by the executive director from Category 1 of the standing corps. The contingent commander shall be responsible for the management of deployed human resources and technical equipment assigned to a contingent. The executive director may assign the contingent commander the tasks of a coordinating officer referred to in Article 50.

Article 72

Quick reaction force

1. The Agency shall establish a quick reaction force composed of deployable standing corps officers trained and equipped to be rapidly deployed at short notice.

2. The quick reaction force shall cover all operational areas at the external borders and in third countries and may also be integrated within individual contingents, on the basis of risk analysis.

3. The Agency may deploy the quick reaction force for a maximum period of one month in response to a request by one or more Member States for operational needs not already provided for in an operational plan, to counter urgent and unforeseen challenges that may affect the integrity of the external borders and in view of available resources. The deployment of the quick reaction force may also reinforce ongoing operational activities, including by amending or adapting relevant operational plans.

4. In cases where the situation referred to in paragraph 3 persists beyond the time of deployment of the quick reaction force, a border intervention may be launched in line with the procedure outlined in Article 44.

5. In view of the urgency of the deployment of the technical and operational support, the monitoring referred to in Article 129 (2)(b) and in Article 130(2)(a) shall be exercised through ex-post review of the activities performed by the Agency during the deployment of the quick reaction force, unless otherwise requested by the Member State concerned.

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↓ 2019/1896 (adapted)
⇨ new

Article ~~60~~ 73

Antenna offices

1. Subject to an agreement with the host Member State or the explicit inclusion of this possibility in the status agreement concluded with the host third country, the Agency may establish ⇨ , as a general rule, as a part of its operational contingent management structure, ⇦ antenna offices on the territory of that Member State or third country in order to ⇨ ensure the forward presence of the contingent command personnel, to ⇦ facilitate and improve coordination of operational activities, ~~including in the field of return,~~ organised by the Agency ~~in that Member State, in the neighbouring region, or in that third country~~ ⇨ within that specific area of responsibility of the contingent ⇦and ~~in order~~ to ensure the effective management of the human and technical resources of the Agency. The antenna offices shall be established in accordance with operational needs for the period of time necessary for the Agency to ⇨ address the operational requirement for a forward presence in the region. ⇦ ~~carry out significant operational activities in that specific Member State, in the neighbouring region, or in the third country concerned.~~ That period of time may be prolonged, if necessary.

⇩ new

2. The establishment and location of antenna offices in third countries shall be decided in close coordination with the Commission and the European External Action, with a view to ensuring consistency with the Union's external action and presence in the third country concerned. Where feasible and subject to the agreement of the European External Action Service, antenna offices may be co-located with the relevant Union Delegation.

↓ 2019/1896 (adapted)
⇨ new

Before an antenna office is established, all budgetary consequences shall be carefully assessed ~~and calculated~~ and the relevant amounts shall be budgeted in advance.

~~2~~3. The Agency and the host Member State or host third country in which the antenna office is established shall make the necessary arrangements to provide the best possible conditions needed to fulfil the tasks assigned to the antenna office. ~~The place of employment for the staff working in antenna offices shall be set in accordance with Article 95(2).~~ ⇨ The arrangement with the host Member State or the host third country shall ensure that antenna offices are established on the basis of appropriate safeguards for the functioning of the antenna office, including the necessary privileges and immunities for the antenna offices, their equipment and personnel deployed thereto. ⇦

~~3. The antenna offices shall, where applicable:~~

~~(a) provide operational and logistical support and ensure the coordination of Agency's activities in the operational areas concerned;~~

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~~(b) provide operational support to the Member State or the third country in the operational areas concerned;~~

~~(c) monitor the activities of the teams and regularly report to the Agency's headquarters;~~

~~(d) cooperate with the host Member State or host third country on all issues related to the practical implementation of the operational activities organised by the Agency in that Member State or third country, including any additional issues that might have occurred in the course of these activities;~~

~~(e) support the coordinating officer referred to in Article 44 in his or her cooperation with the participating Member States on all issues related to their contribution to the operational activities organised by the Agency and, where necessary, liaise with the Agency's headquarters;~~

~~(f) support the coordinating officer and fundamental rights monitors assigned to monitor an operational activity in facilitating, where necessary, the coordination and communication between the Agency's teams and the relevant authorities of the host Member State or host third country as well any relevant tasks;~~

~~(g) organise logistical support relating to the deployment of the members of the teams and the deployment and use of technical equipment;~~

~~(h) provide all other logistical support regarding the operational area for which a given antenna office is responsible, with a view to facilitating the smooth running of the operational activities organised by the Agency;~~

~~(i) support the Agency's liaison officer, without prejudice to his or her tasks and functions referred to in Article 31, in identifying any current or future challenges for the border management of the area for which a given antenna office is responsible, for the implementation of the return *acquis* and regularly report to the Agency's headquarters;~~

~~(j) ensure the effective management of the Agency's own equipment in the areas covered by its activities, including the possible registration and long-term maintenance of that equipment and any logistical support needed.~~

~~4. Each antenna office shall be managed by a representative of the Agency appointed by the executive director as a head of an antenna office. The head of the antenna office shall oversee the overall work of the office and shall act as its single point of contact with the Agency's headquarters.~~

4~~5.~~ On the basis of a proposal from the executive director, the management board shall decide on the establishing, composition, duration and, where needed, possible prolongation of the duration of the operation of an antenna office taking into account the opinion of the Commission and the agreement of the host Member State or the host third country.

5~~6~~. The host Member State shall provide the Agency with assistance to ensure operational capacity.

~~7. The executive director shall report to the management board on a quarterly basis on the activities of antenna offices. The activities of the antenna offices shall be described in a separate section of the annual activity report.~~

Article ~~61~~ 74

Financial support for the ~~development of~~ ⌦ contributions to ⌫ the standing corps

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1. Member States shall be entitled to receive funding ⌦ under the Agency's budget ⌫ on a yearly basis in the form of financing not linked to costs, in order to ~~support the development of human resources to secure~~ ⇨ maintain ⇦ their ⌦ level of ⌫ contributions to the standing corps as set out in Annexes II~~,~~ ⌦ and ⌫ III ~~and IV~~, in accordance ⌦ with ⌫ ~~point (a) of~~ Article 125(1), point (a), of Regulation (EU, Euratom) ~~2018/1046~~ 2024/2509. That financing shall be payable after the end of the year concerned and upon fulfilment of conditions laid down in paragraphs 3 and 4 of this Article. That financing shall be based on a reference amount as set in paragraph 2 of this Article and shall amount to, where applicable:

(a) 100 % of the reference amount multiplied by the number of operational staff ~~indicated for the year N + 2 for secondment in accordance with~~ ⇨ effectively seconded in a given year, within the limits set in ⇦ Annex II;

(b) 37 % of the reference amount multiplied by the number of operational staff effectively deployed in accordance with Article ~~57~~69 within the limit set in Annex III ~~and in accordance with Article 58 within the limit set in Annex IV, as applicable~~;

(c) a one-off payment of 50 % of the reference amount multiplied by the number of operational staff recruited by the Agency as statutory staff; that payment shall apply to staff departing from national services ⇨ forming part of the European Border and Coast Guard, who were granted unpaid leave from their national services to join the Agency ⇦ ~~being in active service no longer than 15 years at the time of recruitment by the Agency~~.

⇩ new

2. Under their National and Regional Partnership plans, Member States may claim a financial amount of EUR 21 000 per national officer trained by the Agency with a view of becoming part of the European border and return reserve in accordance with Article 70 and Annex IV.

🡻 2019/1896 (adapted)
⇨ new

~~2~~ 3. The reference amount ⌦ referred to in paragraph 1, points (a), (b) and (c) ⌫ shall be equivalent to the annual basic salary for a contract agent in function group III, grade 8, step 1 as set out in Article 93 of the Conditions of Employment and subject to a correction co-efficient applicable in the Member State concerned.

~~3~~ 4. The annual payment of the amount referred to in ~~point (a) of~~ paragraph 1, point (a), of this Article shall ⇨ be due in relation to the number of staff effectively seconded for the given year, within the limit set in Annex II. The reference amount referred to in paragraph 2 shall be calculated for a reference period of one year, or based on the duration of the secondment. ⇦ ~~only become due provided that the Member States increase their respective overall national border guard staffing accordingly through the recruitment of new staff in the period concerned. The relevant information for the purpose of reporting shall be provided to the Agency in the annual bilateral negotiations and shall be verified through the vulnerability assessment in the following year.~~ The annual payment of the amount referred to in paragraph 1, point (b), of ~~paragraph 1 of~~ this Article shall be due in full in relation to the number of staff effectively deployed for a consecutive or non-consecutive period of four months in

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accordance with Article ~~57~~69 within the limit set in Annex III. ~~and in accordance with Article 58 within the limit set in Annex IV. For effective deployments referred to in point (b) of paragraph 1 of this Article,t~~ The payments shall be calculated ~~on a pro rata basis~~ with a reference period of four months ⇨ , or based on the duration of the deployment, and shall only be due provided that the conditions under Article 69(10) are met ⇦ .

The Agency shall grant an advance payment linked to the annual payments of the amounts referred to in ~~points (a) and (b) of~~ paragraph 1, points (a) and (b), of this Article in accordance with the implementing act referred to in paragraph 4 of this Article following the submission of a specific and justified request by the contributing Member State.

~~4~~ 5. The Commission shall adopt an implementing act laying down detailed rules for the annual payment and the monitoring of the applicable conditions provided in paragraph 3. Those rules shall include ⌦ the following ⌫ arrangements:

(a) ⌦ arrangements ⌫ for advanced payments upon fulfilment of the conditions set out in paragraph 3 ~~of this Article~~, ~~as well as the~~

(b) arrangements for ~~pro-rata~~ ⌦ the ⌫ calculations ⌦ of the financing referred to in paragraph 1, points (a) and (b) ⌫ , including with respect to cases where the deployment ⇨ is shorter than the reference period; ⇦

(c) ⌦ arrangements for the calculations of the financing where the deployment ⌫ of technical crew would exceptionally exceed the maximum national contributions set out in Annex III.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article ~~122(2)~~ 142(2).

~~5~~ 6. When implementing the financial support under this Article, the Agency and the Member States shall ensure compliance with the principles of co-financing and no double funding.

Article ~~62~~75

Training

⇩ new

1. The Agency shall set up a uniform framework to ensure and support the organisation, management and delivery of a training for all standing corps officers. It shall be able to cooperate with the relevant training and education entities of the Member States, including the partnership academies.

Before adopting practical measures for the development of the training framework, the Agency shall consult the management board.

2. The Agency shall carry out the training activities in ~~relevant~~ training centres set up by the Agency.

3. The Agency shall provide the following trainings:

(a) basic training for statutory staff to be deployed as members of the teams, taking into account the specific needs of the various profiles of the standing corps, in particular those not requiring the exercise of executive powers;

(b) pre-deployment training for all participants in operational activities of the Agency;

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(c) the specialised trainings for the standing corps in thematic operational areas and functions relevant for the performance of their tasks and powers;

(d) the relevant specialised training to forced return monitors and fundamental rights monitors.

↓ 2019/1896 (adapted)
⇨ new

~~1~~4. ⌦ For the purpose of paragraphs 1 and 2, ⌫ ~~t~~The Agency shall, taking into account the capability roadmap referred to in Article 9(~~8~~9), ~~where available,~~ and in ⌦ close ⌫ cooperation with the appropriate training entities of the Member States ⇨ and the Agency's partnership academies ⇦ , and, where appropriate, ~~EASO~~ ⌦ EUAA ⌫ , FRA, ⌦ the European Institute for Gender Equality, ⌫ the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and the European Union Agency for Law Enforcement Training (CEPOL), develop ⇨ and regularly update specialised and profile- ⇦ specific training tools, ⇨ modules and programmes with particular emphasis on ⇦ ~~including specific training in~~ the protection of children and other persons in a vulnerable situation. Training content shall take into account relevant research ~~outcomes~~ ⌦ developments ⌫ and best practices. ~~The Agency shall provide border guards, return specialists, return escorts and other relevant staff who are members of the standing corps as well as forced return monitors and fundamental rights monitors with specialised training relevant to their tasks and powers.~~ The Agency shall conduct regular ⇨ , including, where relevant, scenario-based training ⇦ exercises ⇨ in specific operational areas ⇦ with ~~those~~ border ⇨ and coast ⇦ guards and other members of the teams in accordance with the specialised training ⌦ plan ⌫ referred to in the annual work programme of the Agency. ⇨ Candidate countries may, where appropriate, be invited to participate in such exercises. ⇦

⇩ new

5. The Agency shall ensure that the training is based on strategic training needs and reflects the capability priorities identified in the capability roadmap referred to in Article 9(9).

↓ 2019/1896 (adapted)
⇨ new

~~2~~6. The Agency shall ensure that, in addition to the training referred to in Article ~~55(3)~~67(3), all statutory staff to be deployed as members of the teams have received adequate training in relevant Union and international law, including on fundamental rights, access to international protection, guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate procedures, guidelines for addressing the special needs of children, including unaccompanied minors, victims of trafficking in human beings, persons in need of urgent medical assistance and other particularly vulnerable persons, and, where it is intended that they participate in sea operations, search and rescue, prior to their initial deployment in operational activities organised by the Agency.

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⇨ Where relevant for the profiles of staff, ⇦ ~~S~~such training shall also cover the use of force in accordance with Annex V.

~~3~~7. For the purpose of ⌦ specialised training referred to in ⌫ paragraph 2, the Agency, on the basis of agreements with selected Member States, shall implement the necessary training programmes in ~~those~~ Member States' specialised institutions for training and education, including the Agency's partnership academies ~~in Member States~~. The Agency shall ensure that the ⌦ specialised ⌫ training follows the common core curricula, ⇨ and the Agency's training methodology. ⇦ ~~is harmonised and~~ ⌦ It should aim to ⌫ foster~~s~~ mutual understanding and a common culture based on the values enshrined in the Treaties. The Agency shall cover the full cost of training ⇨ , including through multiannual grants ⇦ .

⌦ When carrying out specialised training, the Agency shall also cooperate closely with CEPOL, taking due account of its role in coordinating centres of excellence. ⌫

~~The Agency, after obtaining the approval of the management board, may set up an Agency training centre to further facilitate the inclusion of a common European culture in the training provided.~~

~~4~~8. The Agency shall take the necessary initiatives to ensure that all staff of the Member States who participate in the teams from the standing corps have received the training referred to in the first subparagraph of paragraph 2.

~~5~~9. The Agency shall take the necessary initiatives to ensure training for staff involved in return-related tasks who are allocated to the standing corps or to the pool referred to in Article ~~5~~160. The Agency shall ensure that ~~statutory staff and~~all staff ⌦ , including statutory staff ⌫ , who participate in return operations or return interventions have received training in relevant Union and international law, including on fundamental rights, access to international protection and on referral of vulnerable persons, prior to their participation in operational activities organised by the Agency.

⇩ new

10. The Agency shall provide training courses on the functioning of Frontex RECAMAS, iRCMS and RIAT, in compliance with Article [24(3)] of Regulation (EU) …/… [Return Digitalisation Regulation].

11. The Agency shall provide the training at Union level for instructors and trainers of the border guards, coast guards and return authorities of Member States, including with regard to fundamental rights, access to international protection and relevant maritime law.

🡻 2019/1896 (adapted)
⇨ new

~~6~~12. The Agency shall establish, ~~and~~ further develop ⇨ and regularly update ⇦ common core curricula for the training of border ⇨ and coast ⇦ guards ~~and provide training at European level for instructors of the border guards of Member States, including with regard to fundamental rights, access to international protection and relevant maritime law, as well as a common curriculum for the training of~~ ⌦ and the ⌫ staff involved in return-related tasks.

⌦ Those ⌫ ~~common core~~ curricula shall aim to promote the highest standards and best practices in the implementation of Union border management and return law. ~~The Agency~~

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~~shall draw up the common core curricula after consulting the consultative forum referred to in Article 108 (the 'consultative forum') and the fundamental rights officer.~~ Member States shall integrate the common core curricula into the training they provide to their national border ⌦ and coast ⌫ guards and staff involved in return-related tasks. ⇨ The Agency shall monitor that integration through its Interoperability Assessment Programme. Where gaps are identified through the Interoperability Assessment Programme, Member States shall take them into account when further developing or updating the national capability development plans referred to in Article 9(4). ⇦

~~7~~13. The Agency ~~shall~~ ⇨ may ⇦ ~~also~~ ⇨ organise training activities and ⇦ offer additional training courses and seminars on subjects related to external border control and return of third-country nationals for officers of the competent services of Member States and, where appropriate, of third countries ⇨ , including on their territory ⇦ .

⇩ new

Such trainings may include courses on document security as well as the functioning of Frontex RECAMAS, iRCMS and RIAT in accordance with Article [24(3)] of Regulation (EU) …/… [Return Digitalisation Regulation].

🡻 2019/1896 (adapted)

~~8. The Agency may organise training activities in cooperation with Member States and third countries on their territory.~~

~~9. The Agency shall establish an exchange programme enabling border guards participating in its teams and staff participating in the return intervention teams to acquire knowledge or specific know-how from experience and good practices abroad by working with border guards and staff involved in return-related tasks in a Member State other than their own.~~

⇩ new

14. The Member States shall take into account the training provided by the Agency to their staff for the progression of their career insofar as the training and qualifications are relevant for the purpose of performing tasks and powers withing their respective national authorities.

🡻 2019/1896

~~10~~15. The Agency shall establish and further develop an internal quality control mechanism to ensure a high level of training, expertise and professionalism of statutory staff, in particular statutory staff who participate in the operational activities of the Agency. On the basis of the implementation of the quality control mechanism, the Agency shall prepare an annual evaluation report which shall be annexed to the annual activity report.

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⇩ new

Article 76

Training for European border and return reserve

1. The training curricula for the staff referred to in Article 70 shall be established and regularly updated by a decision of the management board, on the basis of a proposal from the executive director. The curricula shall be complementary to the basic training provided to this staff by the Member States.

2. The Agency shall deliver the EIBM training with the view of ensuring that the staff referred to in Article 70 is prepared to be deployed as category 2 or 3 officers, or to be activated for the purpose of border interventions, return interventions or for measures to be taken by the Agency in accordance with Article 47(3). The training shall combine theoretical modules and, where appropriate, scenario-based simulation exercises.

3. The training shall cover all relevant aspects of EIBM, in particular:

(a) relevant Union and international law on border management and return, including relevant case law;

(b) working methods, procedures, tools and systems of the Agency;

(c) management and use of the technical equipment deployed in the operational activities of the Agency;

(d) the use of IT systems in the area of migration and border management and return;

(e) the identification of false, fraudulently obtained or fraudulently used travel and identity documents;

(f) specific framework for deployments in third countries, including rules on privileges and immunities;

(g) safeguards to ensure the respect of fundamental rights during operational activities, including the applicable codes of conduct referred to in Article 97;

(h) any other relevant expertise in the area of border management and return.

4. The completion of the EIBM training shall be a prerequisite to join the European border and return reserve.

🡻 2019/1896 (adapted)

Article ~~63~~ 77

Acquisition or leasing of technical equipment

1. The Agency may acquire, either on its own or as co-owner with ⌦ one or more ⌫ Member ~~State~~ ⌦ States ⌫ , or lease technical equipment to be deployed during joint operations, pilot projects, ~~rapid~~ border interventions, activities in the area of return, including return operations and return interventions, migration management support team deployments or technical assistance projects in accordance with the financial rules applicable to the Agency.

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⇩ new

2. Without prejudice to Article 168 of Regulation (EU, Euratom) 2024/2509, the Agency may carry out, coordinate, and participate in joint procurement procedures with one or more Member States or other Union institutions, bodies, offices or agencies, for technical equipment and related operational capabilities, including digital, analytical and, where appropriate, AI-enabled tools supporting EIBM, in accordance with the applicable Union financial and procurement rules.

🡻 2019/1896 (adapted)
⇨ new

~~2~~3. On the basis of a proposal from the executive director, the management board shall adopt a comprehensive multiannual strategy on how the Agency's own technical capabilities are to be developed. ⌦ That strategy shall take ⌫ into account the multiannual strategic policy cycle for ⌦ EIBM ⌫ ~~European integrated border management~~, ~~including~~ the capability roadmap referred to in Article 9(~~8~~9), ~~where available,~~ ⇨ the indicative multiannual planning for the profiles of staff for the standing corps referred to in Article 66(4), point (d), relevant research and innovation activities, ⇦ and the budgetary resources made available for that purpose in the multiannual financial framework.

⇩ new

The strategy shall contribute to the development of state-of-the-art, interoperable and resilient capabilities for the European Border and Coast Guard and shall take into account the need to reduce critical dependencies on technical equipment, including dependencies on suppliers established in third countries.

🡻 2019/1896 (adapted)
⇨ new

~~To ensure compliance with the applicable legal, financial and policy frameworks, the executive director shall only make the proposal after receiving the positive opinion of the Commission.~~

The multiannual strategy shall be accompanied by a detailed implementation plan specifying the timeline for acquisition or leasing, procurement planning ⇨, joint procurement possibilities, life-cycle costs, staffing and training implications, ⇦ and risk mitigation ⌦ measures ⌫ .

⌦ To ensure compliance with the applicable legal, financial and policy frameworks, the executive director shall consult the Commission on the strategy and the implementation plan before making the proposal. The proposal shall take into account the opinion of the Commission. ⌫

If the ⇨ executive director ⇦ ~~management board~~, when ⇨ proposing ⇦ ~~adopting~~ the strategy and the ⌦ implementation ⌫ plan, ~~decides to depart~~ ⌦ departs ⌫ from the opinion of the Commission, ⇨ the executive director ⇦ ~~it~~ shall provide the Commission with a justification

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for doing so. Following the adoption of the multiannual strategy, the implementation plan shall become part of the multiannual programming component of the single ⌦ programming ⌫ document referred to in ~~point (k) of~~ Article ~~100(2)~~ 122.

~~13~~. The Agency may acquire technical equipment by decision of the executive director in consultation with the management board in accordance with the applicable procurement rules. Any acquisition or leasing ~~of equipment~~ entailing significant costs to the Agency shall be preceded by a thorough needs and cost-benefit analysis ⇨ , including, where appropriate, an assessment of interoperability, life-cycle costs, operational risks and critical dependencies ⇦ . Any expenditure related to such acquisition or leasing shall be provided for in the Agency's budget adopted by the management board.

⇩ new

Where appropriate, and in accordance with the applicable Union financial and procurement rules and without prejudice to Article 168 of Regulation (EU, Euratom) 2024/2509, the Agency may act as contracting authority or central purchasing body for the procurement of technical equipment and related operational capabilities, including digital, analytical and AI-enabled tools.

🡻 2019/1896 (adapted)
⇨ new

~~4~~5. Where the Agency acquires or leases major technical equipment such as aircraft, service vehicles or vessels, the following conditions shall apply:

(a) in the case of an acquisition by the Agency or co-ownership ⌦ with one or more Member States ⌫ , the Agency shall agree with ~~one~~ ⌦ the ⌫ Member State ⌦ or Member States concerned ⌫ ~~that that Member States is to provide that~~ that the equipment be registered as being on government service; whereas ~~in accordance with the applicable law of that Member State, including~~ prerogatives and immunities ⌦ of that ⌫ technical equipment ⇨ shall be governed by the national law of the registering Member State in accordance with its obligations ⇦ under international law;

(b) in the case of leasing, the ⌦ technical ⌫ equipment shall be registered in a Member State.

6. On the basis of a model agreement drawn up by the Agency and approved by the management board, the Member State of registration and the Agency shall agree on terms ensuring the operability of the equipment. ⇨ Those terms shall cover, where relevant, registration, deployment, maintenance, servicing, logistical support, insurance, liability, technical crew, command and control arrangements, and deregistration or disposal. ⇦

In the case of ~~co-owned~~ assets ⌦ co-owned with one or more Member States ⌫ , the terms shall also cover the periods of full availability of the assets for the Agency and determine the use of those assets, including specific provisions on rapid deployment during ~~rapid~~ border interventions and the financing of those assets.

~~6~~7. Where the Agency does not have the required qualified statutory staff, the Member State of registration or the supplier of technical equipment shall provide the necessary experts

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and technical crew to operate the technical equipment in a legally sound and safe manner, in accordance with the model agreement referred to in paragraph 6 of this Article and planned on the basis of the annual bilateral negotiations and agreements referred to in Article ~~64(9)~~78(10). In such a case, technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may not invoke the exceptional situation referred to in Article ~~64(9)~~78(10).

When requesting a Member State to provide technical equipment and staff, the Agency shall take into account the particular operational challenges facing that Member State at the time of the request.

Article ~~64~~ 78

Technical equipment pool

1. The Agency shall set up and keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States, ~~or~~ by the Agency ⌦ , or co-owned by the Agency and one or more Member States, ⌫ ~~and equipment co-owned by the Member States and by the Agency~~ for its operational activities.

2. Equipment solely owned by the Agency shall be fully available for deployment at any time.

3. Equipment co-owned by the Agency at a share of more than 50 % shall also be available for deployment in accordance with an agreement between ⌦ the Agency and the ⌫ Member State ⌦ or Member States concerned, ⌫ ~~and the Agency,~~ concluded in accordance with Article ~~63(5)~~77(6).

4. The Agency shall ensure ⇨ , to the extent necessary for its operational activities, ⇦ the compatibility, ~~and~~ interoperability ⇨ and secure use ⇦ of the equipment listed in the technical equipment pool.

5. For the purposes of paragraph 4, the Agency, in close cooperation with the Member States and the Commission, shall define technical ~~standards~~ ⇨ requirements ⇦ for the equipment to be deployed in the activities of the Agency, where necessary. ⇨ Those requirements shall take into account relevant Union and international standards, operational needs, interoperability, security requirements, life-cycle considerations and, where relevant, the need to reduce critical dependencies, including dependencies on suppliers established in third countries. ⇦ Equipment that is acquired by the Agency, whether as sole or co-owner, and equipment owned by Member States which is listed in the technical equipment pool shall meet those ~~standards~~ ⇨ requirements ⇦ .

⇩ new

6. Where technical equipment is acquired through joint procurement procedures carried out or coordinated by the Agency in accordance with Article 77(2), where appropriate, the Agency and the participating Member States shall agree, before the launch of the procurement procedure, on the conditions under which such equipment may be registered in the technical equipment pool and made available for the Agency's operational activities.

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↓ 2019/1896 (adapted)
⇨ new

~~6~~7. On the basis of a proposal from the executive director taking into account the Agency's risk analysis, ~~and~~ the results of vulnerability assessments ⇨ , the capability roadmap referred to in Article 9(9), where available, and the multiannual strategy referred to in Article 77(3), ⇦ the management board shall decide, by 31 March of each year, on the minimum number of items of technical equipment required to meet the needs of the Agency in the following year, in particular as regards carrying out joint operations, migration management support team deployments, ~~rapid~~ border interventions, activities in the area of return, including return operations and return interventions. The Agency's own equipment shall be included in the minimum number of items of technical equipment. That decision shall establish rules relating to the deployment of technical equipment in the operational activities.

If the minimum number of items of technical equipment proves to be insufficient to carry out the operational plan agreed for such activities, the Agency shall revise that minimum number on the basis of justified needs and of an agreement with the Member States.

~~7~~8. The technical equipment pool shall contain the minimum number of items of equipment identified as needed by the Agency per type of technical equipment. The equipment listed in the technical equipment pool shall be deployed during joint operations, migration management support team deployments, pilot projects, ~~rapid~~ border interventions, return operations or return interventions.

~~8~~9. The technical equipment pool shall include a rapid reaction equipment pool containing a limited number of items of equipment needed for possible ~~rapid~~ border interventions. The contributions of Member States to the rapid reaction equipment pool shall be planned in accordance with the annual bilateral negotiations and agreements referred in paragraph ~~9~~10 of this Article. For the equipment on the list of the items in that pool, Member States may not invoke the exceptional situation referred to in paragraph ~~9~~10 of this Article.

The Member State concerned shall send the equipment on that list, together with the necessary experts and technical crew, to the destination for deployment as soon as possible, and, in any event, no later than 10 days after the date on which the operational plan is agreed.

The Agency shall contribute to this pool with equipment at the Agency's disposal as referred to in Article ~~63(1)~~77(1).

~~9~~10. Member States shall contribute to the technical equipment pool. The contribution by Member States to the pool and deployment of the technical equipment for specific operations shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. ⇨ Those annual bilateral negotiations and agreements shall concern, where relevant, the planned periods of availability, the operational specificities, the applicable crew requirements and the conditions for deployment of the technical equipment concerned. ⇦ In accordance with those agreements and to the extent that it forms part of the minimum number of items of technical equipment for a given year, Member States shall make their technical equipment available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. If a Member State invokes such an exceptional situation, it shall provide, in writing, comprehensive reasons and information on the situation to the Agency, the content of which shall be included in the report referred to in Article ~~65(1)~~79(1). The Agency's request shall be made at least 45 days before the intended deployment of major technical equipment and ⇨ at

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least ⇦ 30 days before the intended deployment of other equipment. The contributions to the technical equipment pool shall be reviewed annually.

~~10~~11. On the basis of a proposal from the executive director, the management board shall decide, on a yearly basis, on the rules relating to technical equipment, including the required overall minimum numbers of items per type of technical equipment and the terms for the deployment and reimbursement of costs as well as on the limited number of items of technical equipment for a rapid reaction equipment pool. For budgetary purposes that decision shall be taken by the management board by 31 March of each year.

~~11~~12. Where a ~~rapid~~ border intervention takes place, Article ~~39(15)~~44(15) shall apply accordingly.

~~12~~13. Where unexpected needs for technical equipment for a joint operation or a ~~rapid~~ border intervention arise after the minimum number of items of technical equipment has been set and those needs cannot be met from the technical equipment pool or the rapid reaction equipment pool, Member States shall, where possible, on an *ad hoc* basis, make the necessary technical equipment available for deployment to the Agency upon its request.

~~13~~14. The executive director shall regularly report to the management board on the composition and the deployment of equipment which is part of the technical equipment pool, ⌦ including any capability gaps identified ⌫ . Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.

~~14~~15. Member States shall register in the technical equipment pool all the means of transport and operating equipment ⇨ financed or co-financed with ⇦ ~~purchased under the specific actions of the Internal Security Fund in accordance with Article 7(1) of Regulation (EU) No 515/2014 of the European Parliament and of the Council[77] or, where relevant, any other future dedicated~~ Union funding made available to the Member States with the clear objective of increasing the operational capacity of the Agency ⇨ or of the European Border and Coast Guard ⇦ . That technical equipment shall form part of the minimum number of items of technical equipment for a given year ⇨ for as long as it is operational and for at least the period required under the applicable Union funding decision or rules. Where such equipment is no longer operational, is replaced, is disposed of, or no longer meets the relevant technical standards or operational requirements, the Member State concerned shall inform the Agency without delay. The Agency and the Member State concerned shall agree on the appropriate update of the records of the technical equipment pool, including, where relevant, the registration of replacement equipment ⇦ .

Upon a request made by the Agency in the framework of the annual bilateral negotiations, the Member States shall make technical equipment ⇨ financed or ⇦ co-financed ⌦ with ⌫ ~~under the specific actions of the Internal Security Fund or by any other future dedicated~~ Union funding as specified in the first subparagraph of this paragraph available for deployment to the Agency. Each item of equipment shall be made available for a period of up to four months as planned in the annual bilateral negotiations. Member States may decide to deploy an item of equipment beyond four months. In the case of an operational activity referred to in Article

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~~39~~44 ⌦ or 45 ⌫ of this Regulation, Member States may not invoke the exceptional situation referred to in paragraph ~~9~~10 of this Article.

~~15~~16. The Agency shall manage the records of the technical equipment pool as follows:

(a) classification by type of equipment and by type of operation;

(b) classification by owner (Member State, Agency, other);

(c) overall numbers of items of equipment required;

(d) crew requirements if applicable;

(e) other information, such as registration details, transportation and maintenance requirements, national applicable export regimes, technical instructions, or other information relevant to appropriate use of the equipment;

(f) indication as to whether an item of equipment was financed from Union funding;

⇩ new

(g) indication as to whether an item of equipment was acquired through joint procurement or is co-owned by the Agency and one or more Member States;

(h) information on availability periods and any operational limitations relevant to deployment;

(i) indication as to whether the item meets the technical requirements referred to in paragraph 5;

(j) information on the expected period during which the item is to remain registered in the technical equipment pool, including, where relevant, the applicable period under Union funding rules, and information on replacement, disposal or withdrawal from service.

🡻 2019/1896 (adapted)
⇨ new

~~16~~17. The Agency shall finance 100 % of the deployment of technical equipment which forms part of the minimum number of items of technical equipment provided by a given Member State for a given year. The deployment of technical equipment which does not form part of the minimum number of items of technical equipment shall be co-financed by the Agency, up to a maximum of 100 % of the eligible expenses, taking into account the particular circumstances of the Member States deploying such technical equipment.

Article ~~65~~ 79

Reporting on the Agency's capabilities

1. On the basis of a proposal from the executive director, the management board shall adopt and submit to the European Parliament, to the Council and to the Commission an annual report on the implementation of Articles ~~51, 55, 56, 57, 58, 63~~ 60, 67 to ⇨ 70 ⇦ , 77 and ~~64~~78 (‘annual implementation report’).

2. The annual implementation report shall include, in particular:

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(a) the number of staff that each Member State has committed to the standing corps, including through the reserve for rapid reaction, and to the pool of forced-return monitors;

(b) the number of statutory staff that the Agency has committed to the standing corps;

(c) the number of staff actually deployed from the standing corps, by each Member State and by the Agency per profile in the previous year;

(d) the number of items of technical equipment that each Member State and the Agency has committed to the technical equipment pool;

(e) the number of items of technical equipment deployed by each Member State and the Agency in the previous year from the technical equipment pool;

(f) commitments to and deployments of equipment from the rapid reaction equipment pool;

(g) the development of the Agency's own human and technical capabilities.

3. The annual implementation report shall list the Member States that invoked the exceptional situation referred to in Article ~~57(9)~~69(9) and Article ~~64(9)~~78(10) in the previous year and include the reasons and information provided by the Member State concerned.

4. To ensure transparency, the executive director shall inform the management board on a quarterly basis on the elements listed in paragraph 2 in relation to the ongoing year.

Article ~~66~~ 80

Research and innovation

1. The Agency shall ~~proactively~~ monitor ⇨ , support ⇦ and contribute to research and innovation activities relevant for ⌦ EIBM ⌫ ~~European integrated border management~~, including ⌦ activities concerning ⌫ ~~the use of~~ advanced border control ~~technology~~ ⌦ technologies ⌫, ⇨ return-related technologies, situational awareness, interoperability, and the testing and evaluation of technologies and systems. ⇦ ⌦ In doing so, the Agency shall take ⌫ ~~taking~~ into account ⇨ the multiannual strategic policy cycle for EIBM, ⇦ the capability roadmap referred to in Article 9(~~8~~9) ⇨ , relevant operational needs, and the need to promote state-of-the-art, secure and interoperable capabilities ⇦ . ~~The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 92. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.~~

2. The Agency~~, taking into account the capability roadmap referred to in Article 9(8),~~ shall assist the Member States and the Commission in identifying key research ⌦ ⌫ ⇨ and innovation priorities for European integrated border management ⇦ ~~themes~~. The Agency shall assist Member States and the Commission in ⌦ the preparation and implementation of relevant Union programmes ⌫ ~~drawing up and implementing the relevant Union framework programmes for research and innovation activities~~ ⇨ in the areas covered by this Regulation, including the Union Framework Programmes for Research and Innovation and relevant instruments under the European Competitiveness Fund ⇦ .

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⇩ new

3. The Agency may receive funding under, participate in activities supported under, and carry out research and innovation activities funded by, relevant Union programmes, including activities supporting the development, uptake, deployment, and operational integration of innovative solutions and capabilities relevant for EIBM, in accordance with the applicable rules governing those programmes, the provisions of Regulation 2024/2509 and the financial rules applicable to the Agency.

4. Where the Agency contributes to the preparation, programming or implementation of Union funding programmes while also participating in activities supported under those programmes, the Commission and the Agency shall take all necessary measures to avoid conflicts of interest and ensure an appropriate separation between those roles.

5. Where the Commission has delegated the relevant powers to it, the Agency may implement parts of Union programmes supporting research and innovation activities relevant for EIBM. For that purpose, the following tasks may be delegated:

🡻 2019/1896 (adapted)
⇨ new

~~The Agency shall implement the parts of the Framework Programme for Research and Innovation which relate to border security. For that purpose, and where the Commission has delegated the relevant powers to it, the Agency shall have the following tasks:~~

(a) managing some stages of programme implementation and some phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission;

(b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme;

(c) providing support in programme implementation.

~~4~~6. The Agency may plan and implement pilot projects ~~regarding matters covered by this Regulation~~ ⇨ , demonstration projects, trials and testing activities, and where appropriate, support the operational validation, uptake, deployment and integration of innovative solutions relevant for EIBM, including in cooperation with Member States, the Commission, other Union institutions, bodies, offices and agencies, research organisations, industry and other relevant actors, in accordance with the applicable rules ⇦ .

⇩ new

7. The Agency shall promote coordination within the European innovation ecosystem for border management, including by facilitating exchanges between Member States, the Commission, relevant Union institutions, bodies, offices and agencies, research organisations, industry and other relevant actors. Such coordination shall aim to support the uptake of relevant research and innovation results, avoid unnecessary duplication, identify capability gaps and operational needs, and contribute to the development of interoperable and secure solutions. The Agency shall contribute, where relevant, to the activities of the EU Innovation

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Hub for Internal Security and may consult the Joint Research Centre to coordinate and implement innovation activities.

8. In carrying out the activities referred to in paragraphs 1 to 7, the Agency shall take into account the need to reduce critical dependencies, including dependencies on suppliers established in third countries, where relevant, and to support European strategic autonomy in capabilities relevant for EIBM.

↓ 2019/1896
⇨ new

~~5~~9. The Agency shall make public information on its research and innovation projects, including pilot and demonstration projects, the cooperation partners involved and the project budget ⇨ , subject to Article 111 and to the protection of classified information, sensitive non-classified information, intellectual property rights, security interests and commercial confidentiality ⇦ .

SECTION 10

THE EUROPEAN TRAVEL INFORMATION AND AUTHORISATION SYSTEM (ETIAS)

Article ~~67~~ 81

ETIAS Central Unit

1. The Agency shall ensure the setting-up and operation of an ETIAS Central Unit as referred to in Article 7 of Regulation (EU) 2018/1240.

⇩ new

2. The Agency shall, upon request of the Member States, provide support in relation to the manual verification of different identities pursuant to Article 29a of Regulation (EU) 2019/817 and Article 29a of Regulation (EU) 2019/818. Such support shall be provided through the ETIAS Central Unit.

↓ 2019/1896 (adapted)

SECTION 11

COOPERATION

Article ~~68~~ 82

Cooperation of the Agency with Union institutions, bodies, offices, agencies, and international organisations

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1. The Agency shall cooperate with Union institutions, bodies, offices and agencies~~, and may cooperate with international organisations, within their respective legal frameworks, and shall make use of existing information, resources and systems available in the framework of EUROSUR~~.

~~In accordance with the first subparagraph, the Agency shall cooperate,~~ in particular~~,~~ with:

(a)the Commission ~~and~~;

(b) the European External Action Service (EEAS);

(~~b~~c) ⌦ the European Union Agency for Law Enforcement Cooperation ⌫ (Europol);

(~~c~~d) ⌦ the European Union Agency for Asylum (EUAA) ⌫ ;~~EASO~~

(~~d~~c) ⌦ the European Union Agency for Fundamental Rights ⌫ (FRA);

(~~e~~f) ⌦ the European Union Agency for Criminal Justice Cooperation ⌫ (Eurojust);

⌦ (g) the European Union Agency for Law Enforcement Training (CEPOL); ⌫

(~~f~~h) the European Union Satellite Centre ⌦ (SatCen) ⌫ ;

(~~g~~i) ⌦ the European Fisheries Control Agency ⌫ (EFCA);

(j) ~~and~~ ⌦ the European Maritime Safety Agency ⌫ (EMSA);

(~~h~~k) ⌦ the European Union Agency for the Operational Management of Large-Scale IT Systems ⌫ (eu-LISA);

⌦ (l) the European Union Agency for Cybersecurity (ENISA); ⌫

(~~i~~m) the European Union Aviation Safety Agency (EASA); ~~and the Network Manager of the European Air Traffic Management Network (EATMN)~~

(~~j~~n) CSDP missions and operations, in accordance with their mandates, with a view to ensuring the following:

(i) the promotion of ~~European integrated border management~~ ⌦ EIBM ⌫ standards;

(ii) situational awareness and risk analysis:

⇩ new

(o) the European Union Customs Authority (EUCA), established by Regulation (EU) 2026/2108 of the European Parliament and of the Council[78];

(p) the European Anti Fraud Office (OLAF);

(q) the European Union Agency for the Space Programme (EUSPA).

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[78] Regulation (EU) 2026/2108 of the European Parliament and of the Council of 16 September 2026 establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013 (OJ L, 2026/2108, 19.9.2026, ELI: http://data.europa.eu/eli/reg/2026/2108/oj).

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↓ 2019/1896 (adapted)
⇨ new

2. The Agency may ~~also~~ cooperate with ~~the following~~ international organisations ⇨ or other bodies established by an international agreement between States ⇦ , as relevant to its tasks, within their respective legal frameworks ⇨ , in particular ⇦ :

(a) the United Nations through its relevant offices, agencies, organisations and other entities, in particular the Office of the United Nations High Commissioner for Refugees, the Office of the High Commissioner for Human Rights, the International Organization for Migration, the United Nations Office on Drugs and Crime and the International Civil Aviation Organization;

(b) the International Criminal Police Organization (Interpol);

(c) the Organisation for Security and Co-operation in Europe ⌦ (OSCE) ⌫ ;

(d) the Council of Europe and the Commissioner for Human Rights of the Council of Europe;

(e) the Maritime Analysis and Operations Centre — Narcotics (MAOC-N).

⇩ new

(f) the North Atlantic Treaty Organization (NATO);

(g) the International Centre for Migration Policy Development (ICMPD);

(h) the European Space Agency (ESA);

(i) the entity appointed as Network Manager of the European Air Traffic Management Network (EATMN);

(j) the European Organisation for the Safety of Air Navigation (EUROCONTROL);

↓ 2019/1896 (adapted)
⇨ new

~~2~~3. The cooperation referred to in paragraphs 1 and 2 shall take place within the framework of working arrangements concluded ⌦ by the Agency ⌫ with ⇨ Union institutions, bodies, offices and agencies or international organisations or bodies ⇦ ~~the entities referred to in paragraph 1~~. Such arrangements shall be subject to the Commission's prior approval. The Agency shall inform the European Parliament and the Council of any such arrangements.

~~3~~4. As regards the handling of classified information, the working arrangements referred to in paragraph ~~2~~3 shall provide that the Union body, office or agency or international organisation ⇨ or body ⇦ concerned comply with security rules and standards equivalent to those applied by the Agency. An assessment visit shall be conducted prior to the conclusion of an arrangement and the Commission shall be informed of the outcome of the assessment visit.

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~~4~~5. ~~t~~The Agency shall also engage in cooperation with the Commission, EUCA and, where relevant, with Member States and the EEAS in activities relating to the customs area, including risk management, where those activities support each other. That cooperation shall ⌦ not affect ⌫ ~~be without prejudice to~~ the existing competence of the Commission, of the High Representative of the Union for Foreign Affairs and Security Policy and of the Member States.

⇩ new

The Agency and EUCA may cooperate on strategic analyses, threat assessments, research and innovation, training and the coordination of activities carried out by competent border and customs authorities, within their respective mandates. Such cooperation shall not confer customs control powers on the Agency.

The Agency and EUCA may exchange, upon request, non-personal data, including aggregated data that do not allow individuals to be identified, necessary for risk analysis and operational coordination related to border management, within their respective mandates and subject to the safeguards laid down in this Regulation. No personal data shall be transmitted by the Agency to EUCA for those purposes. The Agency may obtain non-personal data from the EU Customs Data Hub in accordance with Article 43 of Regulation (EU) 2026/2108. Such cooperation shall not confer direct access to EUROSUR or establish an automated flow of EUROSUR data into the EU Customs Data Hub.

The working arrangement referred to in paragraph 3 shall specify the arrangements for verifying requests and for the use and further disclosure of exchanged information, including compliance with applicable security requirements and requirements for originator's consent.

⇩ 2019/1896 (adapted)

~~5. Union institutions, bodies, offices, agencies, and the international organisations referred to in paragraph 1, shall use information received from the Agency only within the limits of their competence and insofar as they respect fundamental rights, including data protection requirements.~~

~~Any transmission of personal data processed by the Agency to other Union institutions, bodies, offices and agencies under points (c) and (d) of Article 87(1) shall be subject to specific working arrangements regarding the exchange of personal data.~~

~~The working arrangements referred to in the second subparagraph shall include a provision ensuring that personal data transmitted to Union institutions, bodies, offices and agencies by the Agency may be processed for another purpose only if authorised by the Agency and if compatible with the initial purpose for which the data were collected and transmitted by the Agency. Those Union institutions, bodies, offices and agencies shall keep written records of a case-by-case compatibility assessment. Any transfer of personal data by the Agency to international organisations under point (c) of Article 87(1) shall be in accordance with the data protection provisions laid down in Section 2 of Chapter IV. In particular, the Agency shall ensure that any working arrangement concluded with international organisations regarding the exchange of personal data under point (c) of Article 87(1) complies with Chapter V of Regulation (EU) 2018/1725 and is subject to the authorisation of the European Data Protection Supervisor, where provided for by that Regulation. The Agency shall ensure~~

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~~that personal data transferred to international organisations are only processed for the purposes for which they were transferred.~~

6. The exchange of information between the Agency and Union institutions, bodies, offices and agencies, and international organisations ~~referred to in paragraph 1~~, shall be conducted via the communication network referred to in Article ~~14~~15 or via other accredited information exchange systems which fulfil the criteria of availability, confidentiality and integrity.

⇩ new

7. In its cooperation with Union institutions, bodies, offices and agencies, and international organisations, the Agency shall make use of existing information, resources and systems available in the framework of EUROSUR, where appropriate.

🡻 2019/1896 (adapted)
⇨ new

Article ~~69~~ 83

European cooperation on coast guard functions

1. Without ⌦ affecting ⌫ ~~prejudice to~~ EUROSUR, the Agency shall, in cooperation with EFCA and EMSA, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level by:

(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without ⌦ affecting ⌫ ~~prejudice to~~ the ownership of data by Member States;

(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform;

(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;

(d) enhancing the exchange of information and cooperation on coast guard functions, including by analysing operational challenges and emerging risks in the maritime domain;

(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities, to the extent that those activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned.

2. The precise forms of cooperation on coast guard functions between the Agency, EFCA and EMSA shall be determined in a working arrangement in accordance with their respective mandates and with the financial rules applicable to those agencies. Such an arrangement shall be approved by the management board of the Agency and the administrative boards of EFCA and EMSA. The Agency, EFCA and EMSA shall use information received in the context of

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their cooperation only within the limits of their legal framework and in compliance with fundamental rights, including data protection requirements.

3. The Commission shall, in close cooperation with the Member States, the Agency, EFCA and EMSA, make available a practical handbook on European cooperation on coast guard functions. That handbook shall contain guidelines, recommendations and best practices for the exchange of information. The Commission shall adopt the handbook in the form of a recommendation.

Article ~~70~~84

Cooperation with Ireland ~~and the United Kingdom~~

1. The Agency shall facilitate operational cooperation of the Member States with Ireland ~~and the United Kingdom~~ in specific activities.

2. For the purposes of EUROSUR, the exchange of information and cooperation with Ireland ~~and the United Kingdom~~ may take place on the basis of bilateral or multilateral agreements between Ireland ~~or the United Kingdom respectively~~ and one or several neighbouring Member States or through regional networks based on those agreements. The national coordination centres shall be the contact points for the exchange of information with the corresponding authorities of Ireland ~~and the United Kingdom~~ within EUROSUR.

3. The agreements referred to in paragraph 2 shall be limited to the following exchanges of information between a national coordination centre and the corresponding authority of Ireland ~~or the United Kingdom~~:

(a) information contained in the national situational picture of the Member State, to the extent such information was transmitted to the Agency for the purposes of the European situational picture;

(b) information collected by Ireland ~~or the United Kingdom~~ which is relevant for the purposes of the European situational picture;

(c) information as referred to in Article ~~25(5)~~28(5).

4. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement as referred to in paragraph 2 shall not be shared with Ireland ~~or the United Kingdom~~ without the prior approval of the Agency or that Member State. The Member States and the Agency shall be bound by the refusal to share that information with Ireland ~~or the United Kingdom~~.

5. The onward transmission or other communication of information exchanged under this Article to third countries or to third parties shall be prohibited.

6. The agreements referred to in paragraph 2 shall include provisions on the financial costs arising from the participation of Ireland ~~or the United Kingdom~~ in the implementation of those agreements.

7. Support to be provided by the Agency pursuant to ~~points (n), (o) and (p) of~~ Article ~~10~~11(1) ⇨ , points (15), (16), (17), (18), and (19), ⇦ shall cover the organisation of return operations of Member States in which Ireland ~~or the United Kingdom~~ also participates.

~~8. The application of this Regulation to the borders of Gibraltar shall be suspended until the date on which an agreement is reached on the scope of the measures concerning the crossing by persons of the external borders.~~

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Article ~~71~~85

Cooperation with third countries

1. The ~~Member States and the~~ Agency shall cooperate with third countries for the purpose of ~~European integrated border management~~ ⌦ EIBM ⌫ and migration policy in accordance with points (g) ⌦ and (i) ⌫ of Article 3(1) ⇨ , taking into account Union priorities in the area of border management, migration and return ⇦.

2. On the basis of the policy priorities set out in accordance with Article 8(~~4~~3), the Agency shall provide technical and operational assistance to third countries within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and personal data and with regard to the principle of *non-refoulement*.

3. The Agency ~~and Member States~~ shall comply with Union law, including norms and standards which form part of the Union *acquis*, where cooperation with third countries takes place on the territory of those third countries.

4. The establishment of cooperation with third countries shall serve to promote ~~European integrated border management~~ ⌦ EIBM ⌫ standards.

Article ~~72~~ 86

Cooperation of Member States with third countries

1. Member States may cooperate at an operational level with one or more third countries in relation to the areas covered by this Regulation. Such cooperation may include the exchange of information and may take place on the basis of bilateral or multilateral agreements, other forms of arrangements, or through regional networks established on the basis of those agreements.

2. When concluding the bilateral and multilateral agreements referred to in paragraph 1 of this Article, Member States may include provisions concerning the exchange of information and cooperation for the purposes of EUROSUR in accordance with Article~~s 75~~90 ~~and 89~~.

⇩ new

Prior to entering into negotiations with one or several third countries regarding the exchange of information through EUROSUR, Member States shall assess and take into account the general situation in the third country concerned, and consult the Agency on the EUROSUR provisions of the agreement and on the rules for establishing the specific situational picture and data security.

🡻 2019/1896

3. The bilateral and multilateral agreements and other forms of arrangements referred to in paragraph 1 shall comply with Union and international law on fundamental rights and on international protection, including the Charter, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto, and in particular the principle of *non-refoulement*. When implementing such agreements and arrangements, Member States shall assess and take into

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account the general situation in the third country on a regular basis, and shall have regard to Article 8 of this Regulation.

⇩ new

Article 87

Agency support to activities of Member States under agreements with third countries

1. Agreements with third countries relating to the application of the Schengen *acquis* in respect of third countries, territories or other relevant entities or agreements concluded in accordance with Regulation (EU) 2016/399 may provide for the deployment of border management teams for operational and technical assistance.

2. Member States that intend to negotiate agreements referred to in paragraph 1, shall inform the Commission, the Council, the Parliament, the EEAS and the Agency of that intention.

3. When concluding the agreements referred to in paragraph 1, the respective Member State or Member States shall include provisions related to the Agency's support. Those provisions shall be based on the model provisions provided for by the Commission in accordance with Article 91(3).

4. The agreements referred to in paragraph 1 may be concluded only after the Commission approved them by a decision. Prior to concluding such agreements, the Member State or Member States shall submit the text of the agreements as negotiated to the Commission.

⇩ 2019/1896 (adapted)
⇨ new

Article ~~73~~ 88

Cooperation between the Agency and third countries

1. The Agency may cooperate, to the extent required for the fulfilment of its tasks, with the authorities of third countries competent in matters covered by this Regulation. ~~The Agency shall comply with Union law, including norms and standards which form part of the Union *acquis*, including where cooperation with third countries takes place on the territory of those third countries~~.

2. When cooperating with the authorities of third countries, as referred to in paragraph 1 of this Article, the Agency shall act within the framework of the external action policy of the Union, including with regard to the protection of fundamental rights and personal data, the principle of *non-refoulement*, the prohibition of arbitrary detention and the prohibition of torture and inhuman or degrading treatment or punishment, with the support of, and in coordination with, Union delegations and, where relevant, CSDP missions and operations in accordance with ~~point (j) of the second subparagraph of~~ Article ~~68(1)~~ 82(1), point (n).

3. In circumstances requiring the deployment of border management ⇨ or return ⇦ teams from the standing corps to a third country where the members of the teams will exercise executive powers, a status agreement shall be negotiated on the basis of the model status

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agreement referred to in Article ~~76~~99(1) and subsequently it shall be concluded by the Union with the third country concerned on the basis of Article 218 ~~of the Treaty on the Functioning of the European Union (~~TFEU~~)~~. The status agreement shall cover all aspects that are necessary for carrying out the actions. It shall set out, in particular, the scope of the operation, provisions on civil and criminal liability, the tasks and powers of the members of the teams ⇨ , individual specialists or experts ⇦ , measures related to the establishment of an antenna office and practical measures related to the respect of fundamental rights. The status agreement shall ensure that fundamental rights are fully respected during those operations and shall provide for a complaints mechanism.

⇨ Where the status agreement allows for the deployment of return teams, this Article shall not affect the application of Article 64. Status agreements may be targeted and have a limited scope of activities to be performed or a limited geographic scope. Status agreements may complement working arrangements on technical assistance. ⇦ ~~The European Data Protection Supervisor shall be consulted on the provisions of the status agreement related to the transfer of data if those provisions differ substantially from the model status agreement.~~

⇩ new

4. Status agreements as referred to in paragraph 3 may also provide for technical assistance by the Agency to the third country. Working arrangements on technical assistance may complement status agreements.

5. References to a status agreement in this Regulation shall be construed as including agreements withing the meaning of Article 64(3).

🡻 2019/1896 (adapted)
⇨ new

~~4~~6. ~~Where available,~~ ~~t~~The Agency shall also act within the framework of working arrangements concluded with the authorities of third countries referred to in paragraph 1 of this Article in accordance with Union law and policy, in accordance with Article ~~76~~91(5~~4~~5).

The working arrangements referred to in the first subparagraph of this paragraph shall specify the scope, nature and purpose of the cooperation and shall be related to ⌦ technical assistance ⌫ ~~the management of operational~~ cooperation. Such working arrangements may include provisions concerning the exchange of sensitive non-classified information and cooperation in the framework of EUROSUR in accordance with ⇨ Article 87, ⇦ Article ~~74~~89(3) ⇨ and Article 90(6) ⇦ .

~~The Agency shall ensure that the third countries to which information is transferred only process that information for the purposes for which it was transferred. Any working arrangements on exchanging classified information shall be concluded in accordance with Article 76(4) of this Regulation. The Agency shall request prior authorisation from the European Data Protection Supervisor where those working arrangements provide for the transfer of personal data and where provided for by Regulation (EU) 2018/1725.~~

~~5~~7. The Agency shall contribute to the implementation of the Union external policy on return and readmission within the framework of the external action policy of the Union and regarding matters covered by this Regulation ⇨ , including through the agreements referred to

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in paragraph 3 of this Article and Article 64 and through working arrangements referred to in paragraph 4 of this Article and Article 63 and in line with the conditions laid out therein ⇦.

~~6~~8. ~~T~~The Agency may receive Union funding in accordance with the provisions of the relevant instruments supporting third countries and activities relating to them. ⇨ Prior to engaging a third party for the implementation of projects funded by the Union in the area of the Agency's competence and expertise, the Commission shall consider giving priority to the Agency providing the necessary support to the project, without prejudice to the methods of budget implementation as set out in Article 62 of Regulation (EU, Euratom) 2024/2509 .⇦ ~~It~~ ⌦ The Agency ⌫ may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation and in accordance with the financial rules applicable to the Agency. Such projects shall be included in the single programming document referred to in Article ~~102~~122.

~~7~~9. The Agency shall inform the European Parliament, the Council and the Commission of activities conducted pursuant to this Article and, in particular, of the activities related to technical and operational assistance in the field of border management and return in third countries, and the deployment of liaison officers, and shall provide them with detailed information on compliance with fundamental rights. The Agency shall make public the agreements, working arrangements, pilot projects and technical assistance projects with third countries in accordance with Article ~~114(2)~~134(2).

~~8~~10. The Agency shall include an assessment of the cooperation with third countries in its annual reports.

Article ~~74~~89

Technical and operational assistance provided by the Agency to third countries

1. The Agency may coordinate operational cooperation between Member States and third countries and provide technical and operational assistance to third countries in the context of ⌦ EIBM ⌫ ~~European integrated border management~~.

2. The Agency may carry out actions related to ~~European integrated border management~~ ⌦ EIBM ⌫ on the territory of a third country subject to the agreement of that third country.

3. Operations on the territory of a third country shall be included in the annual work programme adopted by the management board in accordance with Article ~~102~~122, and shall be carried out on the basis of an operational plan agreed between the Agency and the third country concerned and in consultation with the participating Member States. Where a Member State or Member States neighbour the third country or border the operational area of the third country, the operational plan and any amendments thereto shall be subject to the agreement of that Member State or those Member States. ⇨ Article 11(1), point (9), and ⇦ Articles ~~38~~43, ~~43~~49, ~~46~~52, ~~47~~53 and ~~54~~66 to ~~57~~69 shall apply *mutatis mutandis* to deployments in third countries.

4. The executive director shall ensure the security of the staff deployed in third countries.

For the purpose of the first subparagraph, Member States shall inform the executive director of any concern related to the security of their nationals should they be deployed on the territory of certain third countries.

Where the security of any staff member deployed in third countries cannot be guaranteed, the executive director shall take appropriate measures by suspending or terminating the corresponding aspects of the technical and operational assistance provided by the Agency to that third country.

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5. Without ~~prejudice~~ ⌦ affecting ⌫ ~~to~~ the deployment of the members of the standing corps in accordance with Articles ~~54~~66 to ~~58~~70, the participation of Member States in operations on the territory of third countries shall be voluntary.

In addition to the relevant mechanism referred to in Article ~~57~~69(9) and paragraph 4 of this Article, where the security of its participating staff cannot be guaranteed to the satisfaction of the Member State, that Member State may opt out of its respective contribution to the operation in the third country in question. Where a Member State invokes such an exceptional situation, it shall provide comprehensive reasons and information on the situation to the Agency in writing, the content of which shall be included in the report referred to in Article ~~65~~79. Such reasons and information shall be provided during the annual bilateral negotiations or no later than 21 days prior to the deployment. The deployment of staff seconded in accordance with Article ~~56~~68 shall be subject to the consent of the home Member State communicated upon notification by the Agency and no later than 21 days prior to the deployment.

6. ⇨ Where cooperation for the purposes of EUROSUR is envisaged in accordance with Articles 21, 30 and 90, ⇦ ~~O~~operational plans as referred to in paragraph 3 ~~may~~ ⇨ shall ⇦ include provisions concerning the exchange of information and cooperation for ~~the~~ ⌦ that ⌫ purpose ~~of EUROSUR in accordance with Articles 75 and 89~~.

Article ~~75~~90

Exchange of information with third countries in the framework of EUROSUR

1. The national coordination centres and, where relevant, the Agency shall be the contact points for the exchange of information and cooperation with third countries for the purposes of EUROSUR.

2. The provisions concerning exchange of information and cooperation for the purposes of EUROSUR contained in the bilateral or multilateral agreements referred to in Articles ~~72(2)~~ ⇨ 86 and 87 and in the status agreements ⇦ shall ~~address~~:

(a) ⌦ address ⌫ the specific situational pictures shared with third countries;

(b) ⌦ address ⌫ the data originating from third countries which can be shared in the European situational picture and the procedures for sharing those data;

(c) ⌦ set out ⌫ the procedures and conditions by which ⇨ the information derived from the ⇦ EUROSUR fusion services can be provided to third countries' authorities;

(d) ⌦ provide ⌫ the detailed rules regarding cooperation and the exchange of information with third-country observers for the purpose of EUROSUR.

⇩ new

3. The requirements set out in paragraph 2 shall apply to the Agency *mutatis mutandis* where cooperating with third countries for the purposes of EUROSUR in the framework of a working arrangement.

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↓ 2019/1896 (adapted)

~~3~~4. Information provided in the context of EUROSUR by the Agency or by a Member State which is not party to an agreement ~~as~~ referred to in Article ~~72~~86(1) shall not be shared with a third country under that agreement without the prior approval of the Agency or of that Member State. The Member States and the Agency shall be bound by the refusal to share that information with the third country concerned.

⇩ new

5. Where there is operation on the territory of a third country, the detailed rules for the cooperation in the framework of EUROSUR shall be set out in the operational plan as referred to in Article 89(3).

6. Where there is no operation on the territory of a third country, the detailed rules for the cooperation shall be set out in a EUROSUR cooperation plan, as referred to in Article 30(4). The EUROSUR cooperation plan shall be agreed between the Agency and a third country authority. The EUROSUR cooperation plan shall be binding for both parties.

↓ 2019/1896 (adapted)
⇨ new

Article ~~76~~ 91

Role of the Commission with regard to cooperation with third countries

1. The Commission, after consulting the Member States, the Agency ⇨ , and other relevant Union bodies, offices and agencies ⇦ ~~FRA and the European Data Protection Supervisor~~, shall draw up a model ⌦ for the ⌫ status agreement for actions conducted on the territory of third countries. ⇨ It shall set out, in particular, the scope of the agreement, provisions on civil and criminal liability, privileges and immunities of the Agency, its assets and premises as well as those of the members of the teams and other relevant staff, the tasks and powers of the members of the teams, measures related to the establishment of an antenna office where relevant, practical measures related to the respect of fundamental rights, and optional provisions on the possibility for technical cooperation. ⇦

2. The Commission, in cooperation with the Member States and the Agency, shall draw up model provisions for the exchange of information in the framework of EUROSUR in accordance with Articles ~~70~~84(2) and ~~Article 72~~86(2).

The Commission, after consulting the Agency and other relevant Union bodies, offices or agencies, ~~including FRA and the European Data Protection Supervisor,~~ shall draw up a model for the working arrangements referred to in Article ~~73~~88(6). That model shall include provisions related to fundamental rights and data protection ⇨ , the exchange of sensitive non-classified information and cooperation in the framework of EUROSUR ⇦ ~~safeguards addressing practical measures~~.

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⇩ new

3. The Commission, after consulting the Agency and other relevant Union bodies, offices or agencies, shall draw up model provisions for bilateral or multilateral agreements of Member States with third countries on shared border crossing points that provide for technical and operational assistance of border management teams from the standing corps in line with Article 87. Those model provisions shall include in particular:

(a) the privileges and immunities of deployed members of the teams and other relevant staff, including provisions on civil and criminal liability;

(b) the exercise of executive powers by members of the teams;

(c) the tasks and powers of the members of the teams and the elements operational plans.

🡻 2019/1896

~~3~~4. Before a new bilateral or multilateral agreement as referred to in Article ~~72~~86(1) is concluded, the Member States concerned shall notify the Commission of the draft provisions related to border management and return.

⇩ new

When the agreement provides for the exchange of information in EUROSUR, Member States shall consult the Commission on the draft provisions at least prior to concluding the negotiations.

🡻 2019/1896 (adapted)
⇨ new

The Member States concerned shall notify the provisions of such existing and new bilateral and multilateral agreements related to border management and return to the Commission, which shall inform the Council and the Agency thereof.

~~4~~5. Before the management board approves any working arrangements between the Agency and competent authorities of third countries ⇨ or international organisations ⇦ , the Agency shall notify them to the Commission, which shall give its prior approval. Before any such working arrangement is concluded, the Agency shall provide the European Parliament with detailed information as regards the parties to the working arrangement and its envisaged content.

~~5~~6. The Agency shall notify the operational plans referred to in Article ~~74~~89(3) to the Commission. Any decision to deploy liaison officers to third countries in accordance with Article ~~77~~92 shall be subject to receiving the prior approval of the Commission. The European Parliament shall be kept fully informed of those activities without delay.

Article ~~77~~92

Liaison officers ⌦ of the Agency ⌫ in third countries

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1. The Agency may deploy experts from its statutory staff ~~and other experts~~ as liaison officers ⌦ of the Agency ⌫ , who should enjoy the highest possible protection when carrying out their duties in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Regulation (EU) 2019/1240. By decision of the management board, the Agency may lay down the specific profiles of liaison officers, depending on the operational needs with regard to the third country concerned, ⇨ including in the area of return ⇦ .

2. Within the framework of the external action policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of a risk analysis, constitute a country of origin or transit ~~regarding illegal immigration~~ ⇨ or with third countries that have been identified as a priority country of return of individuals seeking to enter the Union illegally ⇦ .

3. The Agency may receive ~~liaison~~ ⌦ liaisons ⌫ ~~officers~~ posted by ~~those~~ third countries. ~~on a reciprocal basis~~. ~~The management board shall, on the basis of a proposal from the executive director, adopt the list of priorities on a yearly basis.~~

4. The deployment of liaison officers ⌦ of the Agency ⌫ shall be approved by the management board following the ~~opinion~~ ⇨ a prior approval decision ⇦ of the Commission.

~~3~~ 5. The tasks of the ~~Agency's~~ liaison officers ⌦ of the Agency ⌫ shall include establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the prevention of and fight against illegal immigration and the return of returnees, including by providing technical assistance in the identification of third-country nationals and the acquisition of travel documents. Such tasks shall be carried out in compliance with Union law and shall respect fundamental rights. The ~~Agency's~~ liaison officers ⌦ of the Agency ⌫ shall coordinate closely with Union delegations, with Member States in accordance with Regulation (EU) 2019/1240 and, where relevant, with CSDP missions and operations as set out in ~~point (j) of the second subparagraph of~~ Article ~~68(1)point (m)~~82(1), point (n). Wherever possible, they shall have their offices in the same premises as the Union delegations.

~~4~~ 6. In third countries where return liaison officers ⌦ of the Agency ⌫ are not deployed ~~by the Agency~~, the Agency may support a Member State in deploying a ⌦ European ⌫ return liaison officer ⌦ (EURLO) as referred to in Regulation (EU) 2019/1240⌫ to provide support to the Member States, as well as to support the Agency's activities, in accordance with ~~Article 48~~ ⇨ Articles 55, 63 and 64 ⇦ .

Article ~~78~~ 93

Observers participating in the Agency's activities

1. The Agency may, with the agreement of the Member States concerned, invite observers of Union institutions, bodies, offices, agencies or international organisations and CSDP missions and operations referred to in ~~point (j) of the second subparagraph of~~ Article ~~68(1)~~82(1), point (m), to participate in its activities, in particular in joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities. The participation of such observers in risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects, the participation of observers shall be subject to the agreement of the host Member

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State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation.

2. The Agency may, with the agreement of the Member States concerned, invite observers from third countries to participate in its activities at the external borders, return operations, return interventions and training, as referred to in Article ~~62~~ 65, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety of those activities or the safety of third-country nationals. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive appropriate training from the Agency prior to their participation. They shall be required to adhere to the codes of conduct of the Agency while participating in its activities.

3. The Agency shall ensure that the presence of observers does not pose any risk related to respect for fundamental rights.

CHAPTER III

~~*FALSE AND AUTHENTIC DOCUMENTS ONLINE (FADO)*~~

⌦ *DOCUMENT SECURITY, IDENTITY MANAGEMENT AND VISA SUPPORT* ⌫

Article ~~79~~ 94

⌦ Document security and identity management ⌫

1. The Agency shall take over and operate the False and Authentic Documents Online ('FADO') system established in accordance with ~~Joint Action 98/700/JHA~~ ⌦ Regulation (EU) 2020/493 of the European Parliament and of the Council[79]. ⌫ .

⇩ new

2. The Member States shall share with the Agency specimens of their travel and identity documents and provide updates in case of any changes therein.

3. Member States and third countries may make temporarily available or donate permanently to the Agency false, fraudulently obtained or fraudulently used travel and identity documents they have confiscated in accordance with their national law.

4. Member States shall ensure that the Agency's staff is enabled to carry authentic, specimen and false documents for the purposes of implementing this Regulation.

5. The Commission may, in order to perform the tasks conferred on it by this Regulation, request the Agency to carry out compliance checks of travel and identity documents in particular where it is necessary to ensure the essential interest of the security of the Union. Such compliance checks shall include verifications on physical, optical and electronic

[79] Regulation (EU) 2020/493 of the European Parliament and of the Council of 30 March 2020 on the False and Authentic Documents Online (FADO) system and repealing Council Joint Action 98/700/JHA (OJ L 107, 6.4.2020, p. 1, ELI: http://data.europa.eu/eli/reg/2020/493/oj).

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components of travel and identity documents. Such compliance checks shall not involve the processing of personal data.

6. The Agency may carry out the compliance checks referred to in paragraph 5 on the request of a third party for a fee. The revenue generated by the fees shall be considered internal assigned revenue and support the operation of the Agency's tasks under this Chapter. Any revenue remaining after covering the costs shall be entered into the Union budget. Such compliance checks shall not involve the processing of personal data.

7. The Commission shall lay down the applicable fees by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 142(2).

8. The Agency shall assist Member States in the detection of false documents, including by setting up and operating a helpdesk service to support their border management, return, migration and visa authorities, joint operations, pilot projects, border interventions and migration management teams, where necessary. Such assistance may be provided to third country authorities in accordance with Article 88.

9. The Agency shall offer and provide regular training in document security to the national authorities of Member States and Union delegations. It may also offer trainings to third country authorities upon their request as referred to in Article 75(13), second subparagraph.

10. The Agency may develop, operate and maintain technological solutions to support the verification of the authenticity and integrity of travel and identity documents.

11. The ETIAS Central Unit may be involved in providing assistance referred to in paragraphs 8 and 9.

Article 95

Visa support office

The Agency shall ensure the setting-up and operation of a visa support office to support Member States competent authorities, including in third countries and Union delegations in particular as regards:

(a) training on matters relevant to the implementation of the common visa policy in particular document verification and the detection of document fraud in the assessment of applications for short-stay visas and long-stay visas and residence permits;

(b) risk assessment and country analysis, including *ad hoc* risk analysis focused on specific third countries, evolving trends in document fraud for the purpose of short stay visa, visa abuses and visa misuse and fraudulent practices, and in document fraud and other abuses in relation to long-stay visas and residence permits;

(c) prevention and detection of document fraud, including travel, identity documents and other supporting documents, in relation to short-stay visas as well as to long-stay visas and residence permits.

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↓ 2019/1896 (adapted)
⇨ new

CHAPTER IV

GENERAL PROVISIONS

SECTION 1

GENERAL RULES

Article ~~80~~ 96

Protection of fundamental rights and a fundamental rights strategy

1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter, and relevant international law, including the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto, the Convention on the Rights of the Child and obligations related to access to international protection, in particular the principle of *non-refoulement*.

For that purpose, the Agency, with the contribution of and subject to the endorsement by the fundamental rights officer, shall draw up, implement and further develop a fundamental rights strategy and action plan, including an effective mechanism for monitoring respect for fundamental rights in all the activities of the Agency.

2. In the performance of its tasks, the European Border and Coast Guard shall ensure that no person, in contravention of the principle of *non-refoulement*, be forced to disembark in, forced to enter, or conducted to a country, or be otherwise handed over or returned to the authorities of a country where there is, inter alia, a serious risk that he or she would be subjected to the death penalty, torture, persecution, or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a risk of expulsion, removal, extradition or return to another country in contravention of the principle of *non-refoulement*.

3. In the performance of its tasks, the European Border and Coast Guard shall take into account the special needs of children, unaccompanied minors, persons with disabilities, victims of trafficking in human beings, persons in need of medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation, and shall address those needs within its mandate. The European Border and Coast Guard shall in all its activities pay particular attention to children's rights and ensure that the best interests of the child are respected.

4. In the performance of its tasks, in its relations with Member States and in its cooperation with third countries, the Agency shall take into account the reports of the consultative forum referred to in Article ~~108~~128 and the reports of the fundamental rights officer.

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Article ~~81~~97

Code of conduct

1. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct which shall apply to all ~~border control operations coordinated by~~ ⇨ operational activities of ⇦ the Agency and all persons participating in the ⇨ operational ⇦ activities of the Agency. The code of conduct shall lay down procedures intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on vulnerable persons, including children, unaccompanied minors and other persons in a vulnerable situation, as well as on persons seeking international protection.

2. The Agency shall, in cooperation with the consultative forum, draw up and further develop a code of conduct for return operations and return interventions, which shall apply during all return operations and return interventions coordinated or organised by the Agency ⇨ , and all persons participating in return activities of the Agency ⇦ . That code of conduct shall describe common standardised procedures to simplify the organisation of return operations and return interventions, and shall assure return in a humane manner and with full respect for fundamental rights, in particular the principles of human dignity, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security and the right to the protection of personal data and non-discrimination.

3. The code of conduct for return shall in particular pay attention to the obligation of Member States to provide for an ~~effective~~ ⇨ independent ⇦ forced-return monitoring system as set out in ~~Article 8(6) of Directive 2008/115/EC~~ Article 12 of Regulation (EU) 2026/2280 and to the fundamental rights strategy.

Article ~~82~~98

Tasks and powers of the members of the teams

1. Members of the teams shall have the capacity to perform tasks and exercise powers for border control and return as well as those which are necessary for the realisation of the objectives of Regulations (EU) No 656/2014, ~~and~~ (EU) 2016/399 and ~~Directive 2008/115/EC~~Regulation (EU) 2026/2280.

~~2. The performance of tasks and the exercise of powers by members of the teams, in particular those requiring executive powers, shall be subject to the authorisation of the host Member State on its territory as well as to applicable Union, national or international law, in particular Regulation (EU) No 656/2014, as described in the operational plans referred to in Article 38.~~

⇩ new

2. Members of the teams, including statutory staff, shall be authorised to perform tasks on the territory of the host Member State requiring the exercise of executive powers listed in Article 67(7). The Member States shall enable the members of the teams to perform any other operational tasks. The operational plans referred to in Article 43 shall specify the relevant profiles and the tasks requiring executive powers. Those tasks shall be performed without the presence of the border guards of the host Member States unless otherwise determined in the operational plan.

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↓ 2019/1896 (adapted)
⇨ new

3. While performing their tasks and exercising their powers, members of the teams shall ~~fully~~ ensure respect for fundamental rights and shall comply with Union and international law and the national law of the host Member State.

4. Without ~~prejudice to~~ ⌦ affecting ⌫ Article ~~95~~114(1) as regards statutory staff, members of the teams shall only perform tasks and exercise powers under instructions from ~~and, as a general rule, in the presence of border guards or staff involved in return-related tasks of~~ the host Member State. ~~The host Member State may authorise members of the teams to act on its behalf.~~

5. The host Member State may report incidents related to non-compliance with the operational plan by members of the teams, including in relation to fundamental rights, to the Agency via the coordinating officer for possible follow-up, which may include disciplinary measures.

⇩ new

6. When, in the context of an investigation carried out by the fundamental rights officer, its preliminary findings demonstrate the lack of involvement of any members of the teams, the fundamental rights officer shall transmit any relevant information to the competent national bodies and close the investigation.

↓ 2019/1896 (adapted)

7~~6~~. Statutory staff who are members of the teams shall wear the uniform of the standing corps while performing their tasks and exercising their powers. Members of the teams who are seconded from Member States for a long term or who are deployed for a short term shall wear their own uniform while performing their tasks and exercising their powers.

By way of derogation from the first subparagraph of this paragraph, the decision of the management board referred to in ~~point (a) of~~ Article ~~54~~66(4), point (a) shall indicate the profiles to which the obligation to wear a uniform does not apply due to the specific nature of the operational activity.

All members of the teams shall wear visible personal identification and a blue armband with the insignias of the Union and of the Agency on their uniforms, identifying them as participating in a joint operation, migration management support team deployment, pilot project, ~~rapid~~ border intervention, return operation or return intervention. For the purposes of identification *vis-à-vis* the national authorities of the host Member State, members of the teams shall at all times carry an accreditation document, which they shall present upon request.

The design and specifications for the uniforms of the statutory staff shall be established by a decision of the management board, on the basis of a proposal from the executive director made after receiving the opinion of the Commission.

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8~~7~~. For staff who are seconded to the Agency or deployed from a Member State for a short term, the ability to carry and use service weapons, ammunition and equipment shall be subject to the home Member State's national law.

The ability to carry and use service weapons, ammunition and equipment by the statutory staff who are deployed as members of the teams shall be subject to the framework and detailed rules laid down in this Article and Annex V.

For the purpose of implementing this paragraph, the executive director may authorise statutory staff to carry and use weapons in accordance with the rules adopted by the management board, in line with ~~point (b) of~~ Article ~~55~~67(5), point (b).

9~~8~~. Members of the teams, including statutory staff, shall be authorised for the relevant profiles by the host Member State to perform tasks during a deployment that require the use of force, including the carrying and use of service weapons, ammunition and equipment, and shall be subject to the consent of either the home Member State or, for statutory staff, the Agency. The use of force, including the carrying and use of service weapons, ammunition and equipment, shall be exercised in accordance with the national law of the host Member State and ⇨ the modalities of its use shall be determined in the operational plan ⇦ ~~in the presence of border guards of the host Member State. The host Member State may, with the consent of the home Member State or the Agency, where appropriate, authorise members of the teams to use force on its territory in the absence of border guards of the host Member State~~.

The host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own law applies the same prohibition to its own border guards or staff when involved in return-related tasks. The host Member State, in advance of the deployment of the members of the teams, shall inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.

10~~9~~. Service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of members of the teams or of other persons in accordance with the national law of the host Member State in line with relevant principles of international human rights law and the Charter.

11~~10~~. For the purpose of this Regulation, the host Member State shall authorise members of the teams to consult Union databases, the consultation of which is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return, through their national interfaces or another form of access provided in the Union legal acts establishing such databases, as applicable. ⇨ Members of the teams shall, in particular perform any other action necessary to ensure the fulfilment of their responsibilities when acting as border authorities pursuant to the Regulation (EU) 2017/2226, in accordance with that Regulation. ⇦ The host Member State may also authorise members of the teams to consult its national databases where necessary for the same purpose. Member States shall ensure that they provide such database access in an efficient and effective manner. Members of the teams shall consult only those data which are strictly necessary for performing their tasks and exercising their powers. The host Member State shall, in advance of the deployment of the members of the teams, inform the Agency of the national and Union databases which may be consulted. The Agency shall make this information available to all Member States participating in the deployment.

That consultation shall be carried out in accordance with Union data protection law and the national data protection law of the host Member State.

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12~~11~~. Decisions to refuse entry in accordance with Article 14 of Regulation (EU) 2016/399 and decisions refusing visas at the border in accordance with Article 35 of Regulation (EC) No 810/2009 shall be taken only by border guards of the host Member State or by members of the teams if they are authorised by the host Member State to act on its behalf.

Article ~~83~~ 99

Accreditation document

1. The Agency shall, in cooperation with the host Member State, issue a document in the official language of the host Member State and another official language of the institutions of the Union to the members of the teams for the purpose of identifying them and as proof of the holder's rights to perform tasks and exercise powers as referred to in Article ~~82~~98. That document shall include the following features of each member of the teams:

(a) name and nationality;

(b) rank or job title;

(c) a recent digitised photograph; ~~and~~

(d) tasks authorised to be performed during the deployment.

2. The document shall be returned to the Agency at the end of each joint operation, migration management support team deployment, pilot project, ~~rapid~~ border intervention, return operation or return intervention.

Article ~~84~~ 100

Civil liability of the members of the team

1. Without ~~prejudice to~~ ⌦ affecting ⌫ Article ~~95~~114, where members of the teams are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.

2. Where such damage is caused by the gross negligence or wilful misconduct of the members of the teams seconded or deployed by the Member States, the host Member State may request the home Member State to reimburse it for any sums that the host Member State has paid to the injured parties or persons entitled to receive such sums on behalf of the injured parties.

Where such damage is caused by gross negligence or wilful misconduct by the statutory staff, the host Member State may request the Agency to reimburse it for any sums that the host Member State has paid to the injured parties or persons entitled to receive such sums on behalf of the injured parties. This shall ~~be without prejudice to~~ ⌦ not affect ⌫ any action before the Court of Justice of the European Union ~~(the 'Court of Justice')~~ against the Agency in accordance with Article ~~98~~117.

3. Without ~~prejudice to~~ ⌦ affecting ⌫ the exercise of its rights *vis-à-vis* third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.

4. Any dispute between Member States, or between a Member State and the Agency, relating to the application of paragraphs 2 and 3 of this Article which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice ⌦ of the European Union ⌫ .

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5. Without ~~prejudice to~~ ⌦ affecting ⌫ the exercise of its rights *vis-à-vis* third parties, the Agency shall bear the costs of damage to its equipment during deployment, except in cases of gross negligence or wilful misconduct.

Article ~~85~~ 101

Criminal liability ~~of~~ ⌦ related to ⌫ the members of the teams

Without ~~prejudice to~~ ⌦ affecting ⌫ Article ~~95~~114, during a joint operation, pilot project, migration management support team deployment, ~~rapid~~ border intervention, return operation or return intervention, members of the teams in the territory of the host Member State, including statutory staff, shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.

SECTION 2

PROCESSING OF PERSONAL DATA BY THE EUROPEAN BORDER AND COAST GUARD

Article ~~86~~ 102

General rules on processing of personal data by the Agency

1. The Agency shall apply Regulation (EU) 2018/1725 when processing personal data.

2. The management board shall adopt internal rules on the application of Regulation (EU) 2018/1725 by the Agency, including rules concerning the data protection officer of the Agency.

~~The Agency may, in accordance with Article 25 of Regulation (EU) 2018/1725, adopt internal rules restricting the application of Articles 14 to 22, 35 and 36 of that Regulation. In particular, the Agency may, for the performance of its tasks in the area of return, provide for internal rules restricting the application of those provisions on a case-by-case basis as long as the application of those provisions would risk jeopardising return procedures. Such restrictions shall respect the essence of the fundamental rights and freedoms, shall be necessary and proportionate to the objectives pursued and shall contain specific provisions, where relevant, as referred to in Article 25(2) of Regulation (EU) 2018/1725.~~

3. The Agency may transfer ~~the~~ personal data ~~referred to in Articles 49, 88 and 89~~ to a third country or to an international organisation in accordance with Chapter V of Regulation (EU) 2018/1725 insofar as such transfer is necessary for the performance of the Agency's tasks. ~~The Agency shall ensure that personal data that are transferred to a third country or to an international organisation are only processed for the purpose for which they were provided.~~ The Agency shall indicate, at the moment of transferring personal data to a third country or to an international organisation, any restrictions on access to or use of those data, in general or specific terms, including as regards transfer, erasure or destruction. Where the need for such restrictions becomes apparent after the transfer of personal data, the Agency shall inform the third country or the international organisation accordingly. The Agency shall ensure that the third country or international organisation concerned complies with such restrictions.

4. Transfers of personal data to third countries shall not ~~prejudice~~ ⌦ affect ⌫ the rights of applicants for international protection and of beneficiaries of international protection, in particular as regards *non-refoulement* and the prohibition against disclosing or obtaining

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information set out in Article ~~30 of Directive 2013/32/EU~~ 7(2) of Regulation (EU) 2024/1348~~of the European Parliament and of the Council~~[80].

5. Member States and the Agency, as appropriate, shall ensure that information that is transferred or disclosed to third countries pursuant to this Regulation is not transmitted onward to other third countries or third parties. Provisions to that effect shall be included in any agreement or arrangement concluded with a third country providing for the exchange of information.

⇩ new

Article 103

Cooperation between the European Data Protection Supervisor and national supervisory authorities

The European Data Protection Supervisor and national supervisory authorities shall ensure coordinated supervision of the processing of personal data under this Regulation in accordance with Article 62 of Regulation (EU) 2018/1725.

🡻 2019/1896 (adapted)
⇨ new

Article ~~87~~ 104

Purposes of processing of personal data

1. The Agency may process personal data only for the ~~following~~ purpose ⇨ of performing its tasks referred to in Article 11(1) of this Regulation. Where the Agency processes personal data when carrying out its activities related to monitoring online platforms for the purpose of risk analysis in line with Article 11(1), point (1), the Agency shall not collect or store any personal data derived from that activity. ⇦

~~(a)performing its tasks of organising and coordinating joint operations, pilot projects, rapid border interventions and in the framework of the migration management support teams as referred to in Articles 37 to 40;~~

~~(b) performing its tasks of supporting Member States and third countries in pre-return and return activities, operating return management systems, as well as coordinating or organising return operations and providing technical and operational assistance to Member States and third countries in accordance with Article 48;~~

~~(c) facilitating the exchange of information with Member States, the Commission, the EEAS and the following Union bodies, offices and agencies and international organisations: EASO, the European Union Satellite Centre, EFCA, EMSA, EASA and the Network Manager of the EATMN, in accordance with Article 88;~~

~~(d) facilitating the exchange of information with the law enforcement authorities of the Member States, Europol or Eurojust in accordance with Article 90;~~

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80 ~~Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).~~

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~~(e) risk analysis by the Agency in accordance with Article 29;~~

~~(f) performing its tasks in the framework of EUROSUR in accordance with Article 89;~~

~~(g) operating the FADO system in accordance with Article 79;~~

~~(h) administrative tasks.~~

2. Member States and their law enforcement authorities, the Commission, the EEAS, and those Union bodies, offices and agencies and international organisations ~~referred to in points (c) and (d) of paragraph 1,~~ that provide personal data to the Agency shall determine the purpose or the purposes for which those data are to be processed as referred to in paragraph 1. The Agency may decide to process such personal data for a different purpose which also falls under paragraph 1 only on a case-by-case basis after having determined that such processing is compatible with the initial purpose for which the data were collected and if authorised by the provider of the personal data. The Agency shall keep written records of case-by-case compatibility assessments.

3. The Agency, the Member States and their law enforcement authorities, the Commission, the EEAS, and those Union bodies, offices and agencies and international organisations ~~referred to in points (c) and (d) of paragraph 1,~~ may indicate, at the moment of transmitting personal data, any restrictions on access to those data or use of such data, in general or specific terms, including as regards the transfer, erasure or destruction of such data. Where the need for such restrictions becomes apparent after the ~~transfer~~ ⌦ transmission ⌫ of personal data, they shall inform the recipients accordingly. The recipients shall comply with such restrictions.

Article ~~88~~ 105

⌦ Categories of personal data processed ⌫ ~~Processing collected during joint operations, return operations, return interventions, pilot projects, rapid border interventions, and migration management support team deployments~~

1. Before each joint operation, return operation, return intervention, pilot project, ~~rapid~~ border intervention or migration management support team deployment, the Agency and the host Member State shall determine in a transparent manner the responsibilities for compliance with the data protection obligations. When the purpose and the means of processing are jointly determined by the Agency and the host Member State, they shall be joint controllers by means of concluding an arrangement between them.

For the purposes referred to in ~~points (a), (b), (c), (e) and (f) of~~ Article ~~87~~ ⇨ 104(1), ⇦ the Agency shall only process the following categories of personal data ~~collected by the Member States, by members of the teams, by its staff or by EASO that have been transmitted to it in the context of joint operations, return operations, return interventions, pilot projects, rapid border interventions, and migration management support team deployments~~:

~~(a) the personal data of persons who cross the external borders without authorisation ;~~

~~(b) personal data are necessary to confirm the identity and nationality of third-country nationals within the framework of the return activities, including passenger lists;~~

~~(c) licence plate numbers, vehicle identification numbers, telephone numbers or ship and aircraft identification numbers which are linked to the persons referred to in point (a), and which are necessary for analysing routes and methods used for illegal immigration.~~

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⇩ new

(a) the personal data of persons who cross or attempt to cross the external borders and the external borders of third countries, in which joint operations take place;

(b) personal data that is necessary for the purpose of performing the Agency's tasks related to return, readmission and reintegration referred to in Article 57, in compliance with Regulation (EU) 2026/2280 and Regulation (EU) 2024/1349;

(c) other categories of personal data which are linked to the persons referred to in point (a), and which are necessary for analysing routes and methods used for illegal immigration.

🡻 2019/1896
⇨ new

2. The personal data referred to in paragraph 1 may be processed by the Agency in the following cases:

(a) where the transmission of those data to the authorities of the relevant Member States which are responsible for border control, migration, asylum or return, ⇨ readmission, reintegration ⇦ or to relevant Union bodies, offices and agencies, is necessary for those authorities or Union bodies, offices and agencies to fulfil their tasks in accordance with Union and national law;

(b) where transmission of those data to the authorities of relevant Member States, relevant Union bodies, offices and agencies, third countries of return or international organisations is necessary for the purpose of identifying third-country nationals, acquiring travel documents or enabling or supporting return;

(c) where necessary for the preparation of risk analyses.

🡻 2019/1896

Article 10689

Processing of personal data in the framework of EUROSUR

⇩ new

1. Personal data may exceptionally be processed in EUROSUR for the purposes of Article 21:

(a) where identification numbers of means of transport processed for the purposes of border control relate to identifiable individuals, or

(b) where necessary to ensure the protection or saving lives of individuals in emergency situations, or

(c) where providing situational awareness in the case of an imminent threat to the integrity of the external borders.

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↓ 2019/1896 (adapted)

2~~1~~. Where the national situational picture requires the processing of personal data, those data shall be processed in accordance with Regulation (EU) 2016/679 and, where applicable, Directive (EU) 2016/680. Each Member State shall designate the authority which is to be considered as controller within the meaning of point 7 of Article 4 of Regulation (EU) 2016/679 or point (8) of Article 3 of Directive (EU) 2016/680, as applicable, and which shall have central responsibility for the processing of personal data by that Member State. Each Member State shall notify the details of that authority to the Commission.

~~2. Ship and aircraft identification numbers shall be the only personal data that are permitted to be accessed in the European situational and specific situational pictures and the EUROSUR fusion services.~~

~~3. Where the processing of information in EUROSUR exceptionally requires the processing of personal data other than ship and aircraft identification numbers, any such processing shall be strictly limited to what is necessary for the purposes of EUROSUR in accordance with Article 18.~~

~~4. Any exchange of personal data with third countries in the framework of EUROSUR shall be strictly limited to what is absolutely necessary for the purposes of this Regulation. It shall be carried out in accordance with Chapter V of Regulation (EU) 2018/1725 by the Agency, and in accordance with Chapter V of Regulation (EU) 2016/679, with Chapter V of Directive (EU) 2016/680, as applicable, and with the relevant national provisions on data protection transposing that Directive, by the Member States.~~

3~~5~~. Any exchange of information ~~under Articles 72(2), 73(3) and 74(3)~~ which provides a third country with data that could be used to identify persons or groups of persons whose request for access to international protection is under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment, or any other violation of fundamental rights, shall be prohibited.

~~6. Member States and the Agency shall keep records of processing activities in accordance with, Article 30 of Regulation (EU) 2016/679, Article 24 of Directive (EU) 2016/680, and Article 31 of Regulation (EU) 2018/1725, as applicable.~~

⇩ new

Article 107

Restriction of data subject rights

1. Where the Agency is a data controller in accordance with Union law and is competent to address a request by a data subject to exercise their rights of access to, rectification, completion, erasure of personal data and restriction of processing,, the Agency may take a decision to restrict those rights, in whole or in part to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the person concerned in accordance with paragraph 2:

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2. The Commission shall adopt a delegated act specifying the circumstances in which, and the conditions under which, the Agency may decide to restrict the rights referred to in paragraph 1.

↓ 2019/1896 (adapted)
⇨ new

Article ~~90~~ 108

Processing of operational personal data

1. Where the Agency, in the performance of its tasks under ~~point (q) of~~ Article ~~10~~11(1), point (21), of this Regulation, processes personal data ~~which it has collected while monitoring migratory flows, carrying out risk analyses or in the course of operations for the purpose of identifying suspects of cross-border crime~~, it shall process such personal data in accordance with Chapter IX of Regulation (EU) 2018/1725. Personal data processed for that purpose~~, including licence plate numbers, vehicle identification numbers, telephone numbers and ship or aircraft identification numbers which are linked to such persons,~~ shall relate to natural persons whom the competent authorities of the Member States, Europol, Eurojust, or the Agency have reasonable grounds to suspect are involved in cross-border crime. Such personal data may include personal data of victims or witnesses where those personal data supplement the personal data of suspects processed by the Agency in accordance with this Article.

2. The Agency shall only transmit personal data as referred to in paragraph 1 ~~of this Article with~~ ⌦ to ⌫ ~~:~~:

(a) Europol or Eurojust ⇨ or the EU Authority for Anti-Money Laundering and Countering the Financing of Terrorism (AMLA) ⇦ where ~~they are~~ ⌦ this is ⌫ ~~strictly~~ necessary for the performance of their ⌦ tasks ⌫ ~~respective mandates and in accordance with Article 68~~;

(b) the competent law enforcement authorities of the Member States where ~~they are strictly~~ ⌦ this is ⌫ necessary for those authorities for the purposes of preventing, detecting, investigating or prosecuting serious cross-border crime.

⇩ new

Article 109

Common provisions on indirect information exchange on the basis of a hit/no-hit system

1. The Agency shall take all appropriate measures to ensure indirect access by Europol and Eurojust, to the indexes of personal data processed by the Agency in the performance of its tasks under Article 11(1), points (14) and (21), held by the Agency, by means of an automated hit/no-hit system queried by Europol or Eurojust.

2. Indirect access to information under paragraph 1 shall not affect any restrictions indicated by the provider of that information. In case of a hit with information that is subject to restrictions to onward transmissions, the hit/no-hit system referred to in paragraph 1 shall not notify the searching agency of that hit. In that case, the Agency shall contact expeditiously the provider of the information to inquire if the information that generated the hit can be

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shared with the searching agency. Where the provider lifts those restrictions in that specific context, the Agency shall transmit the information that generated the hit to the searching agency. Where the provider of the information maintains those restrictions, the Agency shall comply with those restrictions and not transmit the information that generated the hit to the searching agency.

3. In the case of a hit, the Agency shall initiate the procedure by which the information that generated the hit is to be transmitted to the searching agency as referred to in paragraph 1, in accordance with any restrictions pursuant to this Regulation.

4. Searches of information in accordance with paragraphs 1 and 2 shall be carried out only for the purpose of identifying whether information available at Europol or Eurojust matches information processed at the Agency for the purpose of Article 11(1), points (14) and (21).

5. The Agency shall allow searches in accordance with paragraphs 1 and 2 only by persons designated by Europol or Eurojust as authorised to perform such searches.

6. The Agency, Europol, and Eurojust shall inform each other and take appropriate steps if, as a result of a hit in accordance with paragraphs 1 and 3, there are indications that data may be incorrect or may conflict with other data.

7. Where necessary for the implementation of the hit/no-hit system referred to in paragraphs 1 to 6, the technical procedure, as well as performance and availability requirements, shall be laid down by means of an implementing act.

↓ 2019/1896 (adapted)
⇨ new

Article ~~91~~ 110

Data retention

1. The Agency shall delete personal data as soon as they have been transmitted to the competent authorities of Member States, other Union bodies, offices and agencies, in particular ⌦ EUAA ⌫ , or transferred to third countries or international organisations or used for the preparation of risk analyses. The retention period shall, in any event, not exceed 90 days after the date of the collection of those data. Data shall be anonymised in the results of risk analyses.

~~2. Personal data processed for the purpose of performing return-related tasks shall be deleted as soon as the purpose for which they have been collected has been achieved, and shall be deleted no later than 30 days after the end of those tasks~~.

⇨ 2. Personal data processed for the purpose of return and readmission shall be deleted following the confirmation of return. Personal data processed for the purpose of reintegration shall be stored for two years following the confirmation of return. When a return decision is deleted or withdrawn, the corresponding data shall be deleted immediately. Personal data processed for the purpose of the development and operational management of iRCMS and RIAT shall be stored in compliance with Article [20] of Regulation (EU) …/… [Return Digitalisation Regulation]. ⇦

3. Operational personal data processed for the purposes of Article ~~90~~108 shall be deleted as soon as the purpose for which they have been collected has been achieved by the Agency.

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The Agency shall continuously review the necessity of storing such data, in particular the personal data of victims and witnesses. In any case, the Agency shall review the necessity of storing such data no later than three months after the start of initial processing of such data, and every six months thereafter. The Agency shall decide on the continued storage of personal data, in particular the personal data of victims and witnesses, until the following review, only if such storage is still necessary for the performance of the Agency's tasks under Article ~~90~~108.

4. This Article does not apply to personal data collected in the context of the FADO system.

⇩ new

5. The Agency shall delete the data referred to in Article 109 one year after the date of collection of those data.

🡻 2019/1896 (adapted)
⇨ new

Article ~~92~~ 111

Security rules ⌦ of the Agency ⌫ ~~on the protection of classified information and sensitive non-classified information~~

1. The Agency shall adopt its own security ⇨ rules covering the physical security within the Agency, including the security of the communication and information systems in the Agency and the protection of ⇦ ~~that shall be based on the principles and rules laid down in the Commission's security rules for protecting~~ European Union classified information (EUCI) and sensitive non-classified information, ⇨ including, inter alia, provisions for the exchange of such information with third countries and international organisations, and processing and storage of such information ⇦ as set out in Commission Decisions (EU, Euratom) 2015/443[81] and (EU, Euratom) 2015/444[82]. Any administrative arrangement on the exchange of classified information with the relevant authorities of a third country or ⇨ international organisation or ⇦ , in the absence of such arrangement, any exceptional *ad hoc* release of ⌦ European Union classified information ⌫ (EUCI) to those authorities, shall be subject to the Commission's prior approval.

2. The management board shall adopt the Agency's security rules following approval by the Commission. When assessing the proposed security rules, the Commission shall ensure that they are compatible with Decisions (EU, Euratom) 2015/443 and (EU, Euratom) 2015/444.

3. Classification shall not preclude information being made available to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall comply with the rules

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[81] Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41 ELI: http://data.europa.eu/eli/dec/2015/443/oj).

[82] Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53http://data.europa.eu/eli/dec/2017/46/oj).

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concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.

SECTION 3

GENERAL FRAMEWORK AND ORGANISATION OF THE AGENCY

Article ~~93~~ 112

Legal status and location

1. The Agency shall be a body of the Union. It shall have legal personality.

2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings.

3. The Agency shall be independent in implementing its technical and operational mandate.

4. The Agency shall be represented by its executive director.

5. The seat of the Agency shall be Warsaw, Poland.

Article ~~94~~ 113

Headquarters agreement

1. The necessary arrangements concerning the accommodation to be provided for the Agency in the Member State in which the Agency has its seat and the facilities to be made available by that Member State, as well as the specific rules applicable to the executive director, the deputy executive directors, the members of the management board, Agency staff and members of their families in that Member State shall be laid down in a headquarters agreement between the Agency and the Member State in which the Agency has its seat.

2. The headquarters agreement shall be concluded after obtaining the approval of the management board.

3. The Member State in which the Agency has its seat shall provide the best possible conditions to ensure the proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.

Article ~~95~~ 114

Staff

1. The Staff Regulations, the Conditions of Employment and the rules adopted ~~in~~ ⌦ by ⌫ agreement between the institutions of the Union for giving effect to those Staff Regulations and those Conditions of Employment shall apply to statutory staff.

~~2. The place of employment shall in principle be the Member State where the Agency's seat is located.~~

~~3.~~2. Statutory staff ~~who are subject to the Conditions of Employment~~ shall ~~in principle~~ be engaged ~~initially~~ for a fixed period of five years. Their contracts may in principle be renewed ~~only once,~~ for a fixed period of a maximum of five years. Any ~~further~~ ⌦ subsequent ⌫ renewal ⌦ of the contract ⌫ shall be for an indefinite period.

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⇩ new

The executive director shall inform the management board on a yearly basis of renewed contracts of an indefinite period.

3. For the statutory staff deployed as members of the teams, the place of deployment shall, as a general rule, be considered as the place of employment for the purposes of the Staff Regulations and the Conditions of Employment and Other Servants.

4. Statutory staff to be deployed as members of the teams shall be engaged under a contract referred to in Article 3a of the Conditions of Employment of Other Servants for the duration of the operational training referred to in Article 67(3).

Statutory staff can be deployed as members of the teams after having succeeded the operational training, and be engaged with a new contract under Article 3a or Article 2f of the Conditions of Employment of Other Servants.

🡻 2019/1896

45. For the purpose of implementing Articles ~~31~~36 and ~~44~~50, only statutory staff who are subject to the Staff Regulations or to Title II of the Conditions of Employment may be appointed as liaison officers or coordinating officers. For the purpose of implementing Article ~~55~~67 only statutory staff who are subject to the Staff Regulations or of the Conditions of Employment may be deployed as members of the teams.

⇩ new

6. The Agency may make use of seconded national experts.

7. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.

🡻 2019/1896 (adapted)
⇨ new

~~5~~8. The management board shall adopt implementing rules for giving effect to the Staff Regulations and Conditions of Employment in agreement with the Commission pursuant to Article 110(2) of the Staff Regulations.

~~6~~9. ~~Subject to prior approval by~~ ⇨ After receiving a positive opinion of ⇦ the Commission, the management board shall:

(a) adopt rules related to staff from Member States to be seconded to the Agency in accordance with Article ~~56~~68;

(b) ~~update~~ ⌦ amend ⌫ them as necessary.

Those rules shall include, in particular, the financial arrangements related to those secondments, including insurance, and training. Those rules shall take into account the fact that the staff are seconded to be deployed as members of the teams and are to have the tasks and powers provided for in Article ~~82~~98. Such rules shall include provisions on the conditions

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of deployment. Where relevant, the management board shall aim to ensure consistency with the rules applicable to ~~reimbursement of the mission expenses~~ ⇨ allowances ⇦ ⌦ and reimbursements ⌫ of the statutory staff ⌦ deployed as members of the teams ⌫ .

Article ~~96~~ 115

Privileges and immunities

1. Protocol No 7 on the Privileges and Immunities of the European Union annexed to the ~~Treaty on European Union (~~TEU ~~)~~ and to the TFEU shall apply to the Agency and its statutory staff.

⇩ new

2. The status agreements referred to in Article 87 shall set out the applicable privileges and immunities of persons deployed on behalf of the Agency under joint operations in third countries.

3. Bilateral or multilateral agreements of Member States with third countries that provide for the possibility of the Agency's engagement, in line with Article 87, shall set out the applicable privileges and immunities of persons deployed on behalf of the Agency in the host third country.

🡻 2019/1896 (adapted)

Article ~~97~~ 116

Liability

1. Without ⌦ affecting ⌫ ~~prejudice to~~ Articles ~~84~~ 100 and ~~85~~ 101, the Agency shall be liable for any activities it has undertaken in accordance with this Regulation.

2. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.

3. The Court of Justice ⌦ of the European Union ⌫ shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.

4. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties, including those related to the use of executive powers.

5. The Court of Justice ⌦ of the European Union ⌫ shall have jurisdiction in disputes relating to compensation for the damage referred to in paragraph 4.

6. The personal liability of statutory staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations and Conditions of Employment applicable to them.

Article ~~98~~ 117

Actions before the Court of Justice ⌦ of the European Union ⌫

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1. Proceedings may be brought before the Court of Justice ⌦ of the European Union ⌫ for the annulment of acts of the Agency that are intended to produce legal effects *vis-à-vis* third parties, in accordance with Article 263 TFEU, and for failure to act, in accordance with Article 265 TFEU, for non-contractual liability for damages caused by the Agency and, pursuant to an arbitration clause, contractual liability for damages caused by acts of the Agency, in accordance with Article 340 TFEU.

2. The Agency shall take the necessary measures to comply with judgments of the Court of Justice ⌦ of the European Union ⌫ .

Article ~~99~~ 118

Administrative and management structure of the Agency

1. The administrative and management structure of the Agency shall include:

(a) a management board;

⇩ new

(b) an executive board;

🡻 2019/1896

(c) (~~b~~) an executive director;

(d) (~~c~~) deputy executive directors; ~~and~~

(e) (~~d~~) a fundamental rights officer;

⇩ new

2. The administrative and management structure of the Agency shall be supported by:

(a) a data protection officer;

(b) an internal audit capability;

(c) an accounting officer;

(d) an inspections and control office;

(e) the Security Accreditation Authority;

(f) the Security Accreditation Board.

🡻 2019/1896 (adapted)
⇨ new

3. A consultative forum shall assist the Agency as an advisory body.

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Article ~~100~~ 119

Functions of the management board

1. The management board shall be responsible for taking the strategic decisions of the Agency in accordance with this Regulation.

2. The management board shall:

(1) ~~(a)~~ appoint the executive director on the basis of a proposal from the Commission in accordance with Article ~~107~~127;

(2) ~~(b)~~ appoint the deputy executive directors on the basis of a proposal from the Commission in accordance with Article ~~107~~127;

(3) ~~(c)~~ adopt decisions on establishing antenna offices or prolonging the duration of their operation in accordance with Article ~~60~~73(5) by a majority of two thirds of the members with a right to vote;

(4) ~~(d)~~ adopt decisions on conducting the vulnerability assessment in accordance with Article ~~32~~37(1) and (12), with the decisions setting out measures adopted ~~–~~under Article ~~32~~37(~~10~~12) being ~~-~~passed by a majority of two thirds of the members with a right to vote;

(5) ~~(e)~~ adopt decisions on the lists of mandatory information and data to be exchanged with the Agency by the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, ~~as well as the~~ national authorities responsible for return ⇨ and operational cooperation with third countries ⇦ , to enable the Agency to perform its tasks, without ~~prejudice to~~ ⌦ affecting ⌫ obligations established by this Regulation, in particular by Articles ~~49~~57 and ~~86~~102 to ~~103~~106;

(6) ~~(f)~~ adopt decisions on the establishment of a common integrated risk analysis model in accordance with Article ~~29~~34(1);

(7) ~~(g)~~ adopt decisions on the nature and terms of the deployment of liaison officers in Member States in accordance with Article ~~31~~36(2);

(8) ~~(h)~~ adopt a technical and operational strategy for ~~European integrated border management~~ ⌦ EIBM ⌫ in accordance with Article 8(~~4~~5);

(9) ~~(i)~~ adopt decisions on the profiles ~~and the numbers of operational staff~~ for the management of borders ⇨ , returns ⇦ and migration within the standing corps~~; in accordance with Article 54(4)~~;

(10) ⌦ adopt decisions on the numbers of operational staff for the management of borders, returns and migration within the standing corps, in accordance with Article 66(4); ⌫

(11) ~~(j)~~ adopt the Agency's annual activity report for the previous year and transmit it, by 1 July of each year at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;

(12) ~~(k)~~ before 30 November of each year, and after duly taking into account the opinion of the Commission, adopt, by a majority of two thirds of the members with a right to vote, a single programming document containing, inter alia, the Agency's multiannual programming and its work programme for the following year and forward it to the European Parliament, to the Council and to the Commission;

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(13) ~~(l)~~ establish procedures for the executive director to take decisions relating to the technical and operational tasks of the Agency;

(14) ~~(m)~~ adopt, by a majority of two thirds of the members with a right to vote, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Section 4 of this Chapter;

(15) ~~(n)~~ exercise disciplinary authority over the executive director ⇨ , the fundamental rights officer and the data protection officer ⇦ and, in consultation with the executive director, over the deputy executive directors ⇨ , the accounting officer and the internal audit capability officer ⇦ ;

(16) ~~(o)~~ establish its rules of procedure;

(17) ~~(p)~~ establish the organisational structure of the Agency and adopt the Agency's staff policy;

(18) ~~(q)~~ adopt an anti-fraud strategy that is proportionate to the risk of fraud, taking into account the costs and benefits of the measures to be implemented;

(19) ~~(r)~~ adopt internal rules for the prevention and management of conflicts of interest in respect of its members;

(20) ~~(s)~~ exercise, in accordance with paragraph 8, with respect to statutory staff, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment on the Authority Empowered to Conclude a Contract of Employment (the 'appointing-authority powers');

(21) ~~(t)~~ adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment in accordance with Article 110(2) of the Staff Regulations;

(22) ~~(u)~~ ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);

(23) ~~(v)~~ adopt and regularly update the communication and dissemination plans referred to in the second subparagraph of Article ~~10~~115(2);

(24) ~~(w)~~ appoint an accounting officer, subject to the Staff Regulations and the Conditions of Employment, who shall be completely independent in the performance of his or her duties;

(25) ~~(x)~~ decide on a common vulnerability assessment methodology, including the objective criteria against which the Agency shall carry out the vulnerability assessment, the frequency of such assessments and how consecutive vulnerability assessments are to be carried out;

(26) ~~(y)~~ decide on enhanced assessment and monitoring of a Member State as referred to in Article ~~32~~37(2);

(27) ~~(z)~~ appoint the fundamental rights officer and a deputy fundamental rights officer in accordance with Article ~~109~~129;

⇩ new

(28) appoint the data protection officer and a deputy data protection officer;

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(29) appoint the internal audit capability officer;

↓ 2019/1896

(30) ~~(aa)~~ establish special rules in order to guarantee the independence of the fundamental rights officer in the performance of his or her ~~-~~duties;

⇩ new

(31) establish special rules in order to guarantee the independence of the data protection officer in performance of his or her duties;

(32) authorise the negotiations for the deployment of a liaison officers of the Agency in Member States or in third countries;

↓ 2019/1896
⇨ new

(33) ~~(ab)~~ ⇨ authorise the opening of negotiations and ⇦ approve the working arrangements with third countries ⇨ and international organisations ⇦ ;

⇩ new

(34) ensure regular discussion on the Agency's third country cooperation activities to ensure alignment with the Union's policy priorities in the area of migration and return;

↓ 2019/1896 (adapted)
⇨ new

(35) ~~(ac)~~ subject to the prior approval of the Commission, adopt the security rules of the Agency on protecting ~~EUCI~~ ⌦ European Union classified information ⌫ and sensitive non-classified information as referred to in Article ~~92~~111;

(36) ~~(ad)~~ appoint a security officer, subject to the Staff Regulations and the Conditions of Employment, who shall be responsible for the security within the Agency ⇨ and act as secretary to the Security Accreditation Board ⇦ ~~, including for the protection of classified information and sensitive non-classified information~~;

⇩ new

(37) discuss the biannual report of the executive director evaluating the results of the return operations coordinated and organised by the Agency, together with the observations of the fundamental rights officer;

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(38) determine, on the basis of a proposal from the executive director, profile and number of forced-return monitors to be made available to the pool of forced-return monitors and any subsequent changes thereto;

(39) establish, in consultation with the Commission, the priority third countries for the provision of reintegration assistance for the following year, taking into account the priorities referred to in Article 56(3);

(40) decide, on the basis of a proposal of the executive director, on the *modus operandi* of the rolling operational plan ensuring the effective coordination of Member States' operational needs and available resources in the area of return, in accordance with Article 59(2);

(41) establish the rules of procedure of the Programme Management Board referred to in Article [16(4)] of Regulation (EU) …/… [Return Digitalisation Regulation];

(42) adopt the RECAMAS Model, Frontex RECAMAS, iRCMS and RIAT, as referred to in Article 55(1), point (d), as well as any future technical evolutions thereof;

(43) adopt the reports on the development and activities of Frontex RECAMAS, national RECAMAS, iRCMS and RIAT pursuant to Article [37(1)] of [Return Digitalisation Regulation];

(44) ensure the publication of the lists of authorities and points of contact referred to in Article [32] of Regulation (EU) …/… [Return Digitalisation Regulation];

(45) adopt decisions on processing of personal data and operational personal data by the Agency;

(46) define the area of competence, the tasks and the role of its working groups in line with Article 125;

↓ 2019/1896

(47) (~~ae~~) decide on any other matter where provided for in this Regulation.

⇩ new

(48) adopt, on a proposal from the executive director, the methodology and procedure referred to in Article 9(7);

(49) adopt, on a proposal from the executive director, the multiannual EIBM planning coordination scheme referred to in Article 10;

↓ 2019/1896 (adapted)
⇨ new

3. The annual activity report referred to in ⌦ paragraph 2, ⌫ point (~~j~~11), shall be made public.

~~3~~4. Proposals for decisions of the management board, as referred to in paragraph 2, on specific activities of the Agency to be carried out at, or in the immediate vicinity of, the external borders of any particular Member State or on working arrangements with third

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countries as referred to in Article ~~73(4)~~88(6) shall require a vote in favour of their adoption by the member of the management board representing that particular Member State or the Member State neighbouring that third country, respectively.

~~4~~5. The management board may advise the executive director on any matter related to the development of operational management of the external borders and training, including activities related to research.

~~5~~6. Should Ireland ~~or the United Kingdom~~ request to participate in specific activities, the management board shall decide thereon.

The management board shall take its decisions on a case-by-case basis. In its decisions, the management board shall consider whether the participation of Ireland ~~or the United Kingdom~~ contributes to the achievement of the activity in question. The decisions shall set out the financial contribution of Ireland ~~or the United Kingdom~~ to the activity for which the request for participation has been made.

~~6~~7. The management board shall forward annually to the European Parliament and to the Council ('the budgetary authority') any information relevant to the outcome of the evaluation procedures conducted by the Agency.

8. The management board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment, delegating relevant appointing-authority powers to the executive director and setting out the conditions under which this delegation of powers can be suspended. The executive director shall be authorised to sub-delegate those powers.

Where exceptional circumstances so require, the management board may by way of a decision temporarily suspend the delegation of the appointing-authority powers to the executive director and those sub-delegated by the latter. It may then exercise them itself or delegate them to one of its members or to a statutory staff member other than the executive director.

Article ~~101~~120

Composition of the management board

1. Without ~~prejudice to~~ ⌦ affecting ⌫ paragraph 3, the management board shall be composed of one representative of each Member State and two representatives of the Commission, each with a right to vote. To this effect, each Member State shall appoint a member of the management board as well as an alternate who will represent the member in his or her absence. ⇨ Both shall possess the competencies and the mandate to fulfil their responsibilities across the full range of the Agency's activities in border management and return. ⇦ The Commission shall appoint two members and two alternates. The duration of the terms of office shall be four years. The terms of office shall be ⌦ renewable ⌫ ~~extendable~~.

2. The management board members shall be appointed on the basis ~~of the degree~~ of their relevant high-level experience, their expertise in the field of operational cooperation on border management ~~and~~ ⌦ or ⌫ return, and their relevant managerial, administrative and budgetary skills. Member States and the Commission shall aim to achieve a gender-balanced representation on the management board.

3. Countries associated with the implementation, application and development of the Schengen *acquis* ~~shall participate in the Agency. They~~ shall each have one representative and one alternate on the management board ⇨ for appropriate representation in the management board for decisions which concern their participation in the work of the Agency or activities of the Agency in the field of border management and return with an impact on them.

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Paragraphs 1 and 2 shall apply to the appointment of their representatives ⇦ . The arrangements developed under the relevant provisions of their association agreements that specify the nature and extent of, and the detailed rules for, the participation by those countries in the work of the Agency, including provisions on financial contributions and staff, shall apply.

Article ~~100~~121

Executive Board

1~~7.~~ The management board ~~may~~ ⇨ shall ⇦ establish an **executive board** composed of ~~up to four~~ representatives of the management board, including its chairperson ⌦ and of the Agency ⌫ and ~~a representative~~ ⇨ the representatives ⇦ of the Commission.

2. ⌦ The executive board shall ⌫ ~~to~~ assist ⌦ the management board ⌫ ~~it and the executive director~~ with regard to the preparation of the decisions, ⇨ setting the priorities for operation and related distribution of the budget of the Agency, preparation of the ⇦ programmes and activities to be adopted by the management board.

⇩ new

3. While exercising this preparatory role, the executive board may sit in different configurations, to discuss in particular on matters related to:

(a) budget and accounts;

(b) evaluation of activities;

(c) EIBM;

(d) return.

Depending on the matter discussed, the designated member of the executive board may delegate the participation in a particular meeting when it sits in different configurations.

The rules concerning the composition, possible delegation of participation and chairing of specific configurations of the executive board shall be determined in a decision of the management board.

🡻 2019/1896 (adapted)
⇨ new

4. The management board may delegate certain clearly defined tasks to the executive board, in particular where this improves the efficiency of the Agency. It may not delegate to the executive board tasks related to decisions that must be passed by a majority of two thirds of ⌦ the members of ⌫ the management board ⌦ with a right to vote ⌫ .

⌦ The Executive Board ⌫ may take certain provisional, urgent decisions on behalf of the management board when necessary. The executive board shall not take decisions that must be

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passed by a majority of two thirds of ⌦ the members of ⌫ the management board ⌦ with a right to vote ⌫ .

Article ~~102~~122

Multiannual programming and annual work programmes

1. The management board shall, by 30 November of each year, adopt a single programming document containing, inter alia, the Agency's multiannual programming and annual programming for the following year, on the basis of a draft put forward by the executive director and endorsed by the management board. The single programming document shall be adopted taking into account a positive opinion of the Commission and, as regards the multiannual programming, after having consulted the European Parliament and the Council. If the ⇨ executive director proposes ⇦ ~~management board decides~~ not to take into account elements of the opinion of the Commission, it shall provide a thorough justification ⇨ to the Commission and shall inform the management board ⇦ . The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament and the Council during the consultation. The management board shall forward the ⌦ single programming ⌫ document to the European Parliament, to the Council and to the Commission without delay.

2. The ⌦ single programming ⌫ document referred to in paragraph 1 shall become definitive after the final adoption of the general budget. It shall be adjusted accordingly where necessary.

3. In line with the multiannual strategic policy cycle for ⌦ EIBM ⌫ ~~European integrated border management~~, the multiannual programming shall set out overall strategic programming for the medium and long term, which shall include objectives, expected results, performance indicators and resource planning, including the multiannual budget, staff and the development of the Agency's own capabilities, including indicative multiannual planning of the profiles of staff for the standing corps. ⇨ The Agency’s capability development planning shall be brought together within the multiannual programming, covering staff, training, technical equipment and the corresponding resource needs, taking into account the national capability development plans and the capability roadmap referred to in Article 9. ⇦ The multiannual programming shall set out the strategic areas of intervention and what needs to be done to achieve the objectives. It shall include strategic actions for the implementation of the fundamental rights strategy referred to in Article ~~80~~96(1) and a strategy for relations with third countries and international organisations as well as the actions linked to that strategy. ⇨ It shall also include a strategy identifying third countries of return requiring immediate and long-term actions to improve the effectiveness of return, as well as accompanying actions. ⇦

4. The multiannual programming shall be implemented by means of annual work programmes and shall, where appropriate, be updated following the outcome of an evaluation conducted pursuant to Article ~~121~~141. The conclusion of those evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.

5. The annual work programme shall contain a description of the activities to be financed, comprising detailed objectives and expected results, including performance indicators. It shall also contain an indication of the financial and human resources allocated to each activity, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be consistent with the multiannual programming. It shall clearly indicate tasks that have been added, changed or deleted compared with the previous financial year.

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6. The annual work programme shall be adopted in accordance with the Union legislative programme in relevant areas of the management of the external borders and return.

7. Where, after adoption of an annual work programme, a new task is assigned to the Agency, the management board shall amend the annual work programme.

8. Any substantial amendment to the annual work programme, especially a modification resulting in a reallocation of the budgetary resources above 2 % of the annual budget, shall be adopted by the same procedure as that applicable to adoption of the initial annual work programme. The management board may delegate to the executive director the power to make non-substantial amendments to the annual work programme.

Article ~~103~~ 123

Chair of the management board

1. The management board shall elect a chairperson and a deputy chairperson from among its members with a right to vote. The chairperson and the deputy chairperson shall be elected by a majority of two thirds of the members of the management board with a right to vote ⌦ for a period of four years, with a possibility to be re-elected once ⌫ . The deputy chairperson shall *ex officio* replace the chairperson in the event of his or her being prevented from attending to his or her duties.

2. The terms of office of the chairperson and deputy chairperson shall expire when their respective membership of the management board ceases. ~~Subject to this provision, the terms of office of the chairperson or deputy chairperson shall be four years. Those terms of office shall be extendable once.~~

Article ~~104~~ 124

Meetings of the management board

1. Meetings of the management board shall be convened by its chairperson. ⇨ In principle, the meetings of the management board shall be held at headquarters of the Agency. ⇦

2. The executive director shall take part in the deliberations without the right to vote.

3. The management board shall hold at least two ordinary meetings a year. In addition, it shall meet at the initiative of the chairperson, at the request of the Commission, or at the request of at least one third of the members of the management board. Where necessary, the management board may hold joint meetings with the management boards of ~~EASO~~ ⌦ EUAA, eu-LISA ⌫ and Europol.

4. Ireland shall be invited to attend the meetings of the management board.

~~5. The United Kingdom shall be invited to attend meetings of the management board that take place before the day on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) TEU.~~

~~6~~5. Representatives of ~~EASO~~ ⌦ EUAA, eu-LISA ⌫ and Europol shall be invited to attend the meetings of the management board. A representative of FRA shall be invited to attend meetings of the management board where points relevant to the protection of fundamental rights are on the agenda.

~~7~~6. The chairperson of the management board may also invite an expert of the European Parliament to attend the meetings of the management board. The management board may also

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invite representatives of other relevant Union institutions, bodies, offices and agencies. The management board may invite, in accordance with its rules of procedure, any other person whose opinion may be of interest to attend its meetings as an observer.

~~8. The members of the management board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.~~

~~9. The secretariat for the management board shall be provided by the Agency.~~

Article ~~105~~ 125

Voting

1. Without ~~prejudice to~~ ⌦ affecting Article ⌫ ~~100~~119(2), points (~~c~~3), (~~d~~4), (~~k~~12) and (~~m~~14), ~~of Article 100(2)~~ Article ~~103~~123(1), and Article ~~107~~127(2) and (4), the management board shall take its decisions by ~~an absolute~~ majority of its members with a right to vote.

2. Each member shall have one vote. In the absence of a member, his or her alternate shall be entitled to exercise his or her right to vote. The executive director shall not vote.

⇩ new

3. In the event that the Commission raises serious concerns on a draft decision presented to the management board on matters related to Commission Delegated Regulation (EU) 2019/715[83] or the Staff Regulations and the Conditions of Employment of Other Servants, the management board shall postpone the adoption of the decision. Within 15 days, the management board shall re-examine and adopt that decision in second reading either with a two-thirds majority of its members with a right to vote, including the Commission representatives, or by a four fifths majority of its members with a right to vote appointed by Member States.

🡻 2019/1896 (adapted)

~~3~~4. The rules of procedure shall set out the voting arrangements in greater detail. Those rules shall include the conditions for a member to act on behalf of another member as well as any quorum requirements.

~~4~~5. Representatives of countries associated with the implementation, application and development of the Schengen *acquis* shall have limited voting rights corresponding to their respective arrangements. In order to allow the associated countries to exercise their right to vote, the Agency shall detail the agenda identifying the points for which a limited voting right has been granted.

Article ~~106~~ 126

Functions and powers of the executive director

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[83] Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1, ELI: http://data.europa.eu/eli/reg_del/2019/715/oj).

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1. The Agency shall be managed by its executive director, who shall be completely independent in the performance of his or her duties. Without ⌦ affecting ⌫ ~~prejudice to~~ the respective competencies of the Union institutions and the management board, the executive director shall neither seek nor take instructions from any government or from any other body.

2. The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting on the activities of the Agency, the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming and any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested, and shall answer in writing any question put forward by a Member of the European Parliament within 15 calendar days from receipt of such question. The executive director shall report regularly to the appropriate bodies and committees of the European Parliament.

3. Except where specific deadlines are provided for in this Regulation, the executive director shall ensure that reports are transmitted to the European Parliament, to the Council and to the Commission as soon as possible, and in any event within six months of the end of the reporting period, unless the executive director duly justifies a delay in writing.

4. The executive director shall be responsible for the preparation and implementation of the strategic decisions taken by the management board and for the taking of decisions related to the operational activities of the Agency in accordance with this Regulation. The executive director shall have the following functions and powers:

(a) to propose, prepare and implement the strategic decisions and programmes and activities adopted by the management board within the limits set out in this Regulation, its implementing rules and any applicable law;

(b) to take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the day-to-day administration and functioning of the Agency in accordance with this Regulation;

(c) to prepare each year the draft single programming document and to submit it to the management board for endorsement before that draft is sent to the European Parliament, to the Council and to the Commission by 31 January;

(d) to prepare each year the annual activity report on the Agency's activities and submit it to the management board;

(e) to draw up a draft statement of estimates of the revenues and expenditure of the Agency as part of the single programming document pursuant to Article ~~115~~135(2) and implement the budget pursuant to Article ~~116~~136(1);

(f) to delegate his or her powers to other statutory staff members subject to rules to be adopted in accordance with point (o) of Article ~~100~~118(2);

(g) to adopt a recommendation on measures in accordance with Article ~~32~~37(9), including decisions proposing that Member States initiate and carry out joint operations, ~~rapid~~ border interventions or other actions referred to in Article ~~36~~41(2);

(h) to evaluate, approve and coordinate proposals made by Member States for joint operations or ~~rapid~~ border interventions in accordance with Article ~~37~~42(3);

(i) to evaluate, approve and coordinate requests made by Member States for return operations and return interventions in accordance with Articles ~~50~~ 59 and ~~53~~62;

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(j) to ensure the implementation of the operational plans referred to in Article ~~38~~43, Article ~~42~~47 and Article ~~53(3)~~62(3);

⇩ new

(a) to activate the quick reaction force in situations requiring rapid operational reinforcement at the external borders on in other locations as referred to in Article 72;

🡻 2019/1896
⇨ new

(k) to ensure the implementation of the Council decision referred to in Article ~~42~~47(1);

(l) to withdraw financing of activities in accordance with Article ~~46~~52;

(m) to assess, prior to any operational activity of the Agency, whether there are violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist in accordance with Article ~~46~~52(4) and (5)];

(n) to evaluate the results of activities in accordance with Article ~~47~~53;

(o) to identify the minimum number of items of technical equipment required to meet the Agency's needs, in particular as regards carrying out joint operations, migration management support team deployments, ~~rapid~~ border interventions, return operations and return interventions, in accordance with Article ~~64~~78(7);

(p) to propose ⇨ chain of command for the standing corps and ⇦ the establishment of antenna offices or the prolongation of the duration of their operation in accordance with Article ~~60~~73(5);

(q) to appoint the heads of the antenna offices in accordance with Article ~~60~~73(4);

(r) to prepare an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as on investigations by OLAF, and to report on progress to the Commission twice a year and to the management board on a regular basis;

(s) to protect the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities by means of effective checks and, if irregularities are detected, by recovering amounts that were wrongly paid and, where appropriate, imposing effective, proportionate and dissuasive administrative and financial penalties;

(t) to prepare an anti-fraud strategy for the Agency and present it to the management board for approval.

5. The executive director shall be accountable for his or her activities to the management board.

6. The executive director shall be the legal representative of the Agency.

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⇩ new

7. Decisions of the executive director shall be made available to the members of the management board promptly after adoption.

🡻 2019/1896 (adapted)
⇨ new

Article ~~107~~ 127

Appointment of the executive director and the deputy executive directors

1. The Commission shall propose at least three candidates for the post of executive director and for the posts of each of the deputy executive directors on the basis of a list, following the publication of the post in the *Official Journal of the European Union* and, as appropriate, other press or internet sites.

2. On the basis of a proposal from the Commission, as provided for in paragraph 1, the management board shall appoint the executive director on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external borders and return. Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members.

Following such statements, the European Parliament shall adopt an opinion setting out its views and may indicate a preferred candidate.

The management board shall appoint the executive director taking those views into account. The management board shall take its decision by a majority of two thirds of the members with a right to vote.

If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.

The power to dismiss the executive director shall lie with the management board, acting on a proposal from the Commission.

3. The executive director shall be assisted by three deputy executive directors. Each deputy executive director shall be assigned a specific area of responsibility. If the executive director is absent or indisposed, one of the deputy executive directors shall take his or her place.

4. On the basis of a proposal from the Commission, as provided for in paragraph 1, the management board shall appoint the deputy executive directors on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of management of the external borders and return. The executive director shall be involved in the selection process. The management board shall take its decision by a majority of two thirds of the members with a right to vote.

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The management board shall have the power to dismiss the deputy executive directors in accordance with the procedure set out in the first subparagraph.

5. The term of office of the executive director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the executive director's performance and the Agency's future tasks and challenges.

6. The management board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 5, may extend the term of office of the executive director once for another period of up to five years.

7. The term of office of the deputy executive directors shall be five years. The management board, acting on a proposal from the Commission, may extend that term once for another period of up to five years. ⇨ The proposal of the Commission shall take into account the performance of the deputy executive directors and the Agency's foreseen tasks and challenges. ⇦

8. The executive director and the deputy executive directors shall be engaged as temporary agents of the Agency under point (a) of Article 2 of the Conditions of Employment.

Article ~~108~~ 128

Consultative forum

1. A consultative forum shall be established by the Agency to assist it by providing independent advice in fundamental rights matters. The executive director and the management board, in coordination with the fundamental rights officer, may consult the consultative forum on any matter related to fundamental rights.

2. The Agency shall invite ~~EASO~~ ⌦ EUAA ⌫ , FRA, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the consultative forum. On the basis of a proposal from the fundamental rights officer that was made after consulting the executive director, the management board shall decide on the composition of the consultative forum and the terms of the transmission of information to the consultative forum. The consultative forum shall, after consulting the management board and the executive director, define its working methods and set up its work programme.

3. The consultative forum shall be consulted on the further development and implementation of the fundamental rights strategy, on the functioning of the complaints mechanism, on codes of conduct and on the common core curricula. The Agency shall inform the consultative forum of the follow-up to its recommendations.

4. The consultative forum shall prepare an annual report of its activities. That report shall be made publicly available.

5. Without ⌦ affecting ⌫ ~~prejudice to~~ the tasks of the fundamental rights officer, the consultative forum shall be provided with effective access in a timely and effective manner to all information concerning the respect for fundamental rights, including by carrying out on-the-spot visits to joint operations or ~~rapid~~ border interventions subject to the agreement of the host Member State or the third country, as applicable~~, to hotspot areas~~ and to return operations and return interventions, including in third countries. Where the host Member State does not agree to an on-the-spot visit by the consultative forum to a joint operation or to a ~~rapid~~ border intervention carried out on its territory, it shall provide the Agency with duly justified reasons in writing.

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Article ~~109~~ 129

Fundamental rights officer

1. A fundamental rights officer shall be appointed by the management board on the basis of a list of three candidates, after consultation with the consultative forum. The fundamental rights officer shall have the necessary qualifications, expert knowledge and professional experience in the field of fundamental rights.

2. The fundamental rights officer shall perform the following tasks:

(a) contributing to the Agency's fundamental rights strategy and the corresponding action plan, including by issuing recommendations for improving them;

(b) monitoring the Agency's compliance with fundamental rights, including by conducting investigations into any of its activities;

⇩ new

(c) liaising, where necessary, with the relevant national authorities, including by consulting them in the context of any investigation as referred to in point (b);

🡻 2019/1896 (adapted)
⇨ new

(d) promoting the Agency's respect of fundamental rights;

(e) advising the Agency where he or she deems it necessary or where requested on any activity of the Agency without delaying those activities;

(f) providing opinions on the operational plans drawn up for the operational activities of the Agency, on pilot projects and on technical assistance projects in third countries;

(g) providing opinions on working arrangements;

(h) carrying out on-the-spot visits to any joint operation, border intervention, pilot project, migration management support team deployment, return operation or return intervention, including in third countries;

(i) providing the secretariat of the consultative forum;

(j) informing the executive director about possible violations of fundamental rights ⌦ by the staff of the Agency ⌫ during activities of the Agency;

(k) selecting and managing the fundamental rights monitors;

(l) performing any other tasks, where provided for by this Regulation;

The secretariat referred to in point (i) of the first subparagraph shall receive instructions directly from the consultative forum.

⌦ The tasks performed by the Fundamental Rights Officer shall concern operational activities undertaken by the staff of the Agency. ⌫

3. For the purposes of point (j) of the first subparagraph of paragraph 2, the fundamental rights officer shall, in particular:

(a) appoint the fundamental rights monitors;

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(b) assign fundamental rights monitors to operations and activities as provided for in Article ~~110~~130(4);

(c) nominate fundamental rights monitors as forced-return monitors for the pool referred to in Article ~~51~~60;

(d) ensure that fundamental rights monitors are adequately trained;

(e) report to the executive director on possible violations of fundamental rights ~~in relation to behaviour of~~ ⇨ by the staff of the Agency ⇦ reported to him or her by the fundamental rights monitors as the fundamental rights officer deems necessary;

The executive director shall reply to the fundamental rights officer as to how concerns regarding possible violations of fundamental rights as referred to in point (e) of the first subparagraph have been addressed.

The fundamental rights officer may entrust any of the tasks provided for in points (a) to (i) and (k) of the first subparagraph of paragraph 2 to one of the fundamental rights monitors.

4. The management board shall lay down special rules applicable to the fundamental rights officer in order to guarantee that the fundamental rights officer and his or her staff are independent in the performance of their duties. The fundamental rights officer shall report directly to the management board and shall cooperate with the consultative forum. The management board shall ensure that action is taken with regard to recommendations of the fundamental rights officer. In addition, the fundamental rights officer shall publish annual reports on his or her activities and on the extent to which the activities of the Agency respect fundamental rights. Those reports shall include information on the complaints mechanism and the implementation of the fundamental rights strategy.

5. The Agency shall ensure that the fundamental rights officer is able to act autonomously and is able to be independent in the conduct of his or her duties. The fundamental rights officer shall have sufficient and adequate human and financial resources at his or her disposal necessary for the fulfilment of his or her tasks.

The fundamental rights officer shall select his or her staff, and that staff shall only report to him or her.

6. The fundamental rights officer shall be assisted by a deputy fundamental rights officer. The deputy fundamental rights officer shall be appointed by the management board from a list of at least three candidates presented by the fundamental rights officer. The deputy fundamental rights officer shall have the necessary qualifications and experience in the field of fundamental rights and shall be independent in the conduct of his or her duties. If the fundamental rights officer is absent or indisposed, the deputy fundamental rights officer shall assume the fundamental rights officer's duties and responsibilities.

7. The fundamental rights officer shall have access to all information concerning respect for fundamental rights in all the activities of the Agency.

Article ~~110~~130

Fundamental rights monitors

1. Fundamental rights monitors, employed as statutory staff, shall ~~constantly~~ assess the fundamental rights compliance of operational activities, provide advice and assistance in that regard and contribute to the promotion of fundamental rights as part of ⌦ EIBM ⌫ ~~European integrated border management~~.

2. Fundamental rights monitors shall have the following tasks:

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(a) monitoring compliance with fundamental rights and providing advice and assistance on fundamental rights in the preparation, conduct and evaluation of the operational activities of the Agency which the fundamental rights officer has assigned to them to monitor;

(b) acting as forced-return monitors;

(c) contributing to the training activities of the Agency on fundamental rights as provided for in Article ~~62~~75, including by providing training on fundamental rights.

3~~2a~~. For the purposes of paragraph 2, point (a), ~~of the first subparagraph,~~ fundamental rights monitors shall, in particular:

(a) follow the preparation of operational plans and report to the fundamental rights officer to enable him or her to fulfil his or her tasks as provided for in ~~point(e) of~~ Article ~~109(2)~~129(2), point(e);

(b) conduct visits, including long-term visits, where operational activities take place;

(c) cooperate and liaise with the coordinating officer as provided for in Article ~~44~~50 and provide advice and assistance to him or her;

(d) inform the coordinating officer and report to the fundamental rights officer on any concerns related to possible violation of fundamental rights within the Agency's operational activities; ~~and~~

(e) contribute to the evaluation of activities as referred to in Article ~~47~~53.

4~~3~~. Without prejudice to paragraph 5~~4~~, the fundamental rights officer shall assign ⇨ the fundamental rights monitors to operations based on a risk assessment. ⇦ ~~at least one fundamental rights monitor to each operation. The fundamental rights officer may also decide to assign fundamental rights monitors to monitor any other operational activity he or she considers relevant.~~

⇩ new

The risk assessment shall be prepared by the fundamental rights officer in coordination with the executive director, draw on the impact level on the external border sections attributed in accordance with Article 39 and be based on any factors identified per border section that would be relevant for the evaluation of the compliance with fundamental rights, including the geographical context and the actors involved.

🡻 2019/1896 (adapted)
⇨ new

Fundamental rights monitors shall have access to all areas in which the operational activity of the Agency takes place and to all its documents relevant for the implementation of that activity.

5~~4~~. Fundamental rights monitors may be nominated by the fundamental rights officer as forced-return monitors for the pool referred to in Article ~~51~~60. Where fundamental rights monitors act as forced-return monitors, Article ~~50(5)~~ 59(6) and Article ~~51~~60 shall apply, *mutatis mutandis*.

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6~~5~~. The fundamental rights officer shall appoint the fundamental rights monitors and they shall be under his or her hierarchical supervision. Fundamental rights monitors shall be independent in the performance of their duties. When present in an operational area, fundamental rights monitors shall wear insignia that clearly allow for their identification as fundamental rights monitors.

7~~6~~. The Agency shall ensure that ~~by 5 December 2020~~ at least 40 fundamental rights monitors are recruited by the Agency. The executive director shall assess on an annual basis whether the number of fundamental rights monitors needs to be increased in consultation with the fundamental rights officer. Following that assessment, the executive director shall, where necessary, propose an increase in the number of fundamental rights monitors to the management board for the following year depending on operational needs.

8~~7~~. Following their recruitment, fundamental rights monitors shall undergo enhanced fundamental rights training, taking into account previously acquired qualifications and professional experience in the relevant areas. Throughout their employment, the Agency shall ensure that fundamental rights monitors discharge their duties in accordance with the highest standards. Adequate training maps shall be designed for each fundamental rights monitor to ensure their continuous professional development to enable them to fulfil their role as fundamental rights monitors.

Article ~~111~~ 131

Complaints mechanism

1. The Agency shall, in cooperation with the fundamental rights officer, take the necessary measures to set up and further develop an independent and effective complaints mechanism in accordance with this Article to monitor and ensure respect for fundamental rights in all the activities of the Agency.

2. Any person who is directly affected by the actions or failure to act on the part of staff involved in a joint operation, pilot project, ~~rapid~~ border intervention, migration management support team deployment, return operation, return intervention or an operational activity of the Agency in a third country, and who considers himself or herself to have been the subject of a breach of his or her fundamental rights due to those actions or that failure to act, or any party representing such a person, may submit a complaint in writing to the Agency.

3. Only complaints that are substantiated and involve concrete fundamental rights violations shall be admissible.

4. The fundamental rights officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For that purpose, the fundamental rights officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the executive director and forward complaints concerning members of the teams to the home Member State, including the relevant authority or body competent for fundamental rights in a Member State for further action in accordance with their mandate. The fundamental rights officer shall also register and ensure the follow-up by the Agency or that Member State.

5. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that the complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. If a complaint is forwarded to national authorities or bodies, the complainant shall be provided with their contact details. If a complaint is declared inadmissible, the complainant shall be

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informed of the reasons and, if possible, provided with further options for addressing their concerns.

The Agency shall provide for an appropriate procedure in cases where a complaint is declared inadmissible or unfounded.

Any decision shall be in written form and reasoned. The fundamental rights officer shall reassess the complaint if the complainant submits new evidence in situations where the complaint has been declared inadmissible or unfounded.

6. In the case of a registered complaint concerning a staff member of the Agency, the fundamental rights officer shall recommend appropriate follow-up, including disciplinary measures, to the executive director and, where appropriate, referral for the initiation of civil or criminal justice proceedings in accordance with this Regulation and national law. The executive director shall ensure the appropriate follow-up and shall report back to the fundamental rights officer within a determined timeframe and, if necessary, at regular intervals thereafter, as to the findings, the implementation of disciplinary measures, and follow-up by the Agency in response to a complaint.

If a complaint is related to data protection issues, the executive director shall consult the data protection officer of the Agency before taking a decision on the complaint. The fundamental rights officer and the data protection officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.

7. In the case of a registered complaint concerning a member of the teams from a host Member State or from another participating Member State, including a seconded member of the teams or seconded national expert, the home Member State shall ensure appropriate follow-up, including disciplinary measures, referral for the initiation of civil or criminal justice proceedings as necessary, and other measures in accordance with national law. The relevant Member State shall report back to the fundamental rights officer within a determined time period as to the findings and follow-up to the complaint, and, if necessary, at regular intervals thereafter. The Agency shall follow up on the matter if no report is received from the relevant Member State.

Where the relevant Member State, within the determined time period, does not report back or provides only an inconclusive response, the fundamental rights officer shall inform the executive director and the management board.

8. Where a member of the teams is found to have violated fundamental rights or international protection obligations, the Agency shall request that the Member State remove that member immediately from the activity of the Agency or the standing corps.

9. The fundamental rights officer shall include information on the complaints mechanism in his or her annual report, as referred to in Article ~~109~~129(4), including specific references to the Agency's and Member States' findings and the follow-up to complaints.

10. The fundamental rights officer shall, in accordance with paragraphs 1 to 9 and after consulting the consultative forum, draw up a standardised complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The fundamental rights officer shall also draw up any further detailed rules as necessary. The fundamental rights officer shall submit that form and such further detailed rules to the executive director and to the management board.

The Agency shall ensure that information about the possibility and procedure for making a complaint is readily available, including for vulnerable persons. The standardised complaint

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form shall be made available on the Agency's website and in hardcopy during all activities of the Agency in languages that third-country nationals understand or are reasonably believed to understand. The standardised complaint form shall be easily accessible, including on mobile devices. The Agency shall ensure that further guidance and assistance on the complaints procedure is provided to complainants. Complaints shall be considered by the fundamental rights officer even when they have not been submitted in the standardised complaint form.

11. Any personal data contained in a complaint shall be handled and processed by the Agency, including the fundamental rights officer, in accordance with Regulation (EU) 2018/1725 and by Member States in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680.

Where a complainant submits a complaint, that complainant shall be understood to consent to the processing of his or her personal data by the Agency and the fundamental rights officer within the meaning of ~~point (d) of~~ Article 5(1), point (d), of Regulation (EU) 2018/1725.

In order to safeguard the interests of the complainants, complaints shall be dealt with confidentially by the fundamental rights officer in accordance with national and Union law unless the complainant explicitly waives his or her right to confidentiality. When complainants waive their right to confidentiality, it shall be understood that they consent to the fundamental rights officer or the Agency disclosing their identity to the competent authorities or bodies in relation to the matter under complaint, where necessary.

Article ~~112~~ 132

Interparliamentary cooperation

1. In order to address the specific nature of the European Border and Coast Guard, in that it is composed of national authorities and the Agency, and to ensure that the scrutiny functions of the European Parliament over the Agency and of the national parliaments over their respective national authorities are effectively exercised, as provided for in the Treaties and by national law respectively, the European Parliament and the national parliaments may cooperate in the framework of Article 9 of Protocol No 1 on the Role of National Parliaments in the European Union annexed to the TEU and to the TFEU.

2. When invited by the European Parliament and the national parliaments meeting within the context of paragraph 1, the executive director and the chairperson of the management board shall attend such meetings.

3. The Agency shall transmit its annual activity report to the national parliaments.

Article ~~113~~ 133

Language arrangements

1. Regulation No 1[84] shall apply to the Agency.

2. Without ⌦ affecting ⌫ ~~prejudice to~~ decisions taken on the basis of Article 342 TFEU, the annual activity report and the work programme shall be produced in all official languages of the Union.

3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for the Bodies of the European Union.

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[84] Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385 ELI: http://data.europa.eu/eli/reg/1958/1(1)/oj).

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Article ~~114~~ 134

Transparency and communication

1. The Agency shall be subject to Regulation (EC) No 1049/2001 when handling applications for access to documents held by it.

2. The Agency shall communicate on matters falling within the scope of its tasks on its own initiative. It shall make public relevant information, including the annual activity report, the annual work programme, the code of conduct, strategic risk analyses, and comprehensive information on past and current joint operations, ~~rapid~~ border interventions, pilot projects, technical assistance projects with third countries, migration management support team deployments, return operations or return interventions, including in third countries, and working arrangements, and shall ensure, without ⌦ affecting ⌫ ~~prejudice to~~ Article ~~92~~111, in particular that the public and any interested party are rapidly given objective, detailed, comprehensive, reliable and easily understandable information with regard to its work. It shall do so without revealing operational information which, if made public, would jeopardise attainment of the objectives of operations.

3. The management board shall lay down the practical arrangements for the application of paragraphs 1 and 2.

4. Any natural or legal person shall be entitled to address written correspondence to the Agency in any of the official languages of the Union. He or she shall have the right to receive an answer in the same language.

5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to a complaint being lodged with the European Ombudsman or to an action before the Court of Justice ⌦ of the European Union ⌫ , under the conditions laid down in Articles 228 and 263 TFEU respectively.

SECTION 4

FINANCIAL REQUIREMENTS

Article ~~115~~ 135

Budget

1. The revenue of the Agency shall consist, without ~~prejudice to~~ ⌦ affecting ⌫ other types of income, of:

(a) a contribution from the Union entered in the general budget of the European Union (Commission section);

(b) a contribution from the countries associated with the implementation, application and development of the Schengen *acquis*, as established in the respective arrangements that specify their financial contribution;

(c) Union funding in the form of contribution agreements or *ad-hoc* grants in accordance with the Agency's financial rules referred to in Article ~~120~~140 and with the provisions of the relevant instruments supporting the policies of the Union;

(d) fees for services provided;

(e) any voluntary contribution from the Member States.

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2. The expenditure of the Agency shall include its administrative, infrastructure, operational and staff-related expenses.

3. The executive director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including an establishment plan, and shall forward it to the management board.

4. Revenue and expenditure shall be balanced.

5. The management board shall, on the basis of the draft statement of estimates drawn up by the executive director, adopt a provisional draft estimate of the Agency's revenue and expenditure, including the provisional establishment plan. The management board shall forward them to the European Parliament, to the Council and to the Commission by 31 January every year, as part of the draft single programming document.

6. The management board shall send the final draft estimates of the Agency's revenue and expenditure including the draft establishment plan accompanied by the preliminary work programme to the Commission by 31 March every year.

7. The estimate shall be forwarded by the Commission to the budgetary authority together with the draft general budget of the European Union.

8. On the basis of the estimate, the Commission shall enter in the draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 TFEU.

9. The budgetary authority shall authorise appropriations for the contribution to the Agency.

10. The budgetary authority shall adopt the establishment plan for the Agency.

11. The management board shall adopt the Agency's budget. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

12. Any modification to the budget, including the establishment plan, shall follow the same procedure.

13. For any building project likely to have significant implications for the budget of the Agency, ~~the provisions of Commission~~ Delegated Regulation (EU) 2019/715[85] shall apply.

14. To finance the deployment of ~~rapid~~ border interventions and return interventions, the budget of the Agency adopted by the management board shall include a financial operational reserve amounting to at least 2 % of the allocation provided jointly for joint operations at the external borders and operational activities in the area of return. After the end of each month, the executive director may decide to reallocate a sum equivalent to one twelfth of the appropriations of the reserve to other operational activities of the Agency. In such a case, the executive director shall inform the management board.

15. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.

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85 ~~Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).~~

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Article ~~116~~ 136

Implementation and control of the budget

1. The executive director shall implement the Agency's budget.

~~2. By 1 March of a financial year N + 1, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 245 of Regulation (EU, Euratom) 2018/1046.~~

~~3~~2. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, to the Council and to the Court of Auditors by 31 March of year N + 1.

~~4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.~~

~~5~~3. On receipt of the Court of Auditors' observations on the Agency's provisional accounts for year N, pursuant to Article ~~246~~ 252 of Regulation (EU, Euratom) 2024/2509~~2018/1046~~, the executive director shall draw up the Agency's final accounts under his or her own responsibility and forward them to the management board for an opinion.

~~6~~4. The management board shall deliver an opinion on the Agency's final accounts for year N.

~~7~~5. By 1 July of year N + 1, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.

~~8~~6. The final accounts for year N shall be published in the *Official Journal of the European Union* by 15 November of year N + 1.

~~9~~7. The executive director shall send the Court of Auditors a reply to its observations by 30 September of year N + 1. He or she shall also send this reply to the management board.

~~10~~8. The executive director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, in accordance with Article ~~261~~267(3) of Regulation (EU, Euratom) 2024/2509~~2018/1046~~.

~~11~~9. On a recommendation from the Council acting by qualified majority, the European Parliament shall, before 15 May of the year N + 2, give a discharge to the executive director in respect of the implementation of the budget for the year N.

Article ~~117~~ 137

Combating fraud

1. In order to combat fraud, corruption and other illegal activities, the provisions of Regulation (EU, Euratom) No 883/2013 shall apply without restriction. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF) and shall adopt, without delay, the appropriate provisions applicable to all staff of the Agency using the template set out in the Annex to that Agreement.

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2. The Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.

3. OLAF may carry out administrative investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96[86] with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded by the Agency.

4. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371.

5. Without ⌦ affecting ⌫ ~~prejudice to~~ paragraphs 1 to 4, working arrangements with third countries and with international organisations, grant agreements, grant decisions and contracts of the Agency shall contain provisions expressly empowering the Court of Auditors, OLAF and EPPO to conduct such audits and investigations, in accordance with their respective competences.

Article ~~118~~ 138

Prevention of conflicts of interest

The Agency shall adopt internal rules requiring the members of its bodies and its staff to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.

The Agency shall ensure that there is transparency as regards lobbying by means of a transparency register and by disclosing all its meetings with third-party stakeholders. The transparency register shall include all meetings and contacts between third-party stakeholders and the executive director, deputy executive directors and heads of division in matters concerning procurements and tenders for services, equipment or outsourced projects and studies. The Agency shall keep a record of all meetings of its staff with third-party stakeholders in matters concerning procurements and tenders for services, equipment or outsourced projects and studies.

Article ~~119~~ 139

Administrative inquiries

The activities of the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 TFEU.

Article ~~120~~ 140

Financial provision

The financial rules applicable to the Agency shall be adopted by the management board after consulting the Commission. They shall not depart from Delegated Regulation (EU) 2019/715

[86] Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2 ELI: http://data.europa.eu/eli/reg/1996/2185/oj).

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~~No 1271/2013~~ unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent. In this framework, the management board shall adopt specific financial rules applicable to the Agency's activities in the area of cooperation with third countries in the field of return.

Article ~~121~~ 141

Evaluation

1. Without ~~prejudice to~~ ⌦ affecting ⌫ Article 62~~59~~, by ~~5 December 2023~~ ⌦ *48 months after entry into force of this Regulation*] at the latest, ⌫ and every four years thereafter, the Commission shall carry out an evaluation of this Regulation. The evaluation shall assess in particular:

(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 ~~the European~~ ⌦ Union ⌫ 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, as from the second evaluation, its overall number and composition;

(g) the level of training, specialised expertise and professionalism of the standing corps;

⇩ new

(h) the attractiveness of the Agency as an employer for the recruitment of statutory staff, with a view of ensuring quality of the candidates and geographical balance;

(i) overall evaluation of EUROSUR accompanied, where necessary, by appropriate proposals to improve its functioning.

🡻 2019/1896 (adapted)

The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation.

~~2. The evaluation shall also assess the attractiveness of the Agency as an employer for the recruitment of statutory staff, with a view of ensuring quality of the candidates and geographical balance.~~

2~~3~~. When carrying out the evaluation, the Commission shall seek input from relevant stakeholders, including the consultative forum and FRA.

3~~4~~. The Commission shall send the evaluation reports together with its conclusions on the reports to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the

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Commission. The evaluation reports and the conclusions on the reports shall be made public. The Member States and the Agency shall provide the Commission with the information necessary to draft the evaluation reports. Where necessary, the evaluation reports shall be accompanied by legislative proposals.

4~~5~~. The Agency shall submit a report to the European Parliament and to the Council on the functioning of EUROSUR by ~~1 December 2021~~ ⌦ [*24 months after entry into force of this Regulation*] ⌫ at the latest and every two years thereafter.

Member States shall provide the Agency with the information necessary to draft those reports.

5.~~6. As part of the evaluation referred to in paragraph 1, the Commission shall provide an overall evaluation of EUROSUR accompanied, where necessary, by appropriate proposals to improve its functioning.~~

The Member States and the Agency shall provide the Commission with the information necessary to produce the overall evaluation referred to in the first subparagraph.

When carrying out the overall evaluation referred to in the first subparagraph, the Commission shall seek input from relevant stakeholders, including the consultative forum and FRA.

CHAPTER V

FINAL PROVISIONS

Article ~~122~~142

Committee procedure

1. The Commission shall be assisted by a committee (‘the European Board and Coast Guard Committee’). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article ~~123~~143

~~Repeal and~~ ~~t~~Transitional provisions

⇩ new

1. The European Border and Coast Guard as established by this Regulation shall replace and succeed the European Border and Coast Guard established by Regulation (EU) 2019/1896.

2. The European Border and Coast Guard Agency as established by this Regulation shall replace and succeed the European Border and Coast Guard Agency established by Regulation (EU) 2019/1896.

3. The Agency shall continue the activities initiated pursuant to Regulation (EU) 2019/1896 that are not concluded before the date of application of this Regulation. Such activities shall be continued in line with this Regulation.

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4. Decisions, implementing measures, rules and arrangements adopted pursuant to Regulation (EU) 2019/1896 shall remain in force until repealed or replaced under this Regulation.

5. The Management Board shall repeal decisions and measures adopted pursuant to Regulation (EU) 2019/1896, which do not comply with this Regulation.

6. Staff employed by the Agency on the date of application of this Regulation shall retain the rights and obligations arising from their contracts of employment and appointments.

7. For the standing corps who have been deployed on a long term mission for two years at the location of the deployment which will become their place of employment at the entry into force of this regulation, it will be considered that they are already at the place of employment and that they did not have to change their place of residence to comply with the obligation set out in Article 20 of the Staff Regulations.

8. The communication network established under this Regulation shall replace and succeed the EUROSUR communication network developed in the framework of Regulation (EU) 2019/1896.

9. The executive director of the Agency shall, for the remaining period of her or his term of office, continue to exercise the duties and responsibilities of executive director under this Regulation. The other conditions of the contract shall remain unchanged.

10. The members of the management board shall continue their work and exercise their functioning until the expiry of their mandates and the appointment of the new representatives of the management board are appointed in accordance with Article 116 of this Regulation.

↓ 2019/1896 (adapted)

~~6. In order to effectively contribute the required numbers of statutory staff to the first deployments of the standing corps and the setting up of the ETIAS Central Unit, the Agency shall launch the necessary preparations, including recruitment and training, as of 4 December 2019 and in accordance with the budgetary rules.~~

~~7. Until 5 December 2021, Member States may provide information to EUROSUR on border checks and air border surveillance on a voluntary basis.~~

Article 144

⌦ Repeal ⌫

Regulation ⌦ (EU) 2019/1896 ⌫ is repealed ~~(EU) No 1052/2013 with the exception of Article 9(3), (5), (7) to (10) and Article 10(5) and (7) thereof, which are repealed with effect from the date of the entry into force of the implementing act referred to in Article 24(3) of this Regulation~~.

References to the repealed ~~acts~~ ⌦ Regulation ⌫ shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex ~~VI~~ VII ~~to this Regulation~~.

Article ~~124~~ 145

Entry into force and applicability

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1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

2. Article ~~79~~94 shall apply from the date ⌦ when the Agency confirms the takeover ⌫ ~~of the effective transfer~~ of the system referred to in that Article.

~~3. Article 12(3), Article 70 and Article 100(5), insofar as they concern the cooperation with the United Kingdom, shall apply until the day on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) TEU or, provided that a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) TEU has entered into force by that date, until the end of the transition period set in that withdrawal agreement.~~

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and the Council on the European Border and Coast Guard (recast).

1.2. Policy area(s) concerned

Policy area: Home Affairs

Activity: Home affairs, migration and border management

Budget lines: European Border and Coast Guard Agency

1.3. Objective(s)

1.3.1. General objective(s)

Ensure the development and implementation of the European integrated border management in line with Article 77(1)c) of the Treaty on the Functioning of the European Union, encompassing well-coordinated and effective management of the EU's external borders, returns, visa policy and measures at the external borders contributing to security in the EU in order to increase the effectiveness of the European Border and Coast Guard (EBCG).

1.3.2. Specific objective(s)

Specific objective 1: Ensure Frontex's effectiveness as regards supporting Member States (and Schengen Associated Countries) in managing the EU's external borders, including when it comes to cooperation with various actors (Member States authorities involved in combating cross-border crime, returns and visa, third countries, EU agencies, international organisations), and ensure that the effectiveness of returns, the prevention of illegal arrivals as well as the situational awareness via EUROSUR is enhanced.

Specific objective 2: Strengthening the EBCG's human and technical capabilities, including by improving the operational effectiveness and efficiency of the standing corps and the planning, acquisition and availability of technical equipment.

Specific objective 3: Ensure coherent design and implementation of EIBM, including management of the external borders and return, across EU Member States based on harmonised training, synergies in planning, reinforced quality control processes and increasing European Border and Coast Guards to 30 000 officers equipped with state-of-the-art equipment.

Horizontal objective 1: Ensure that the oversight mechanisms in Frontex and the EBCG remain adequate to the tasks resulting from the development and implementation of EIBM and the new legal environment set up by the implementation of the Pact on Migration and Asylum and the Return Regulation.

1.3.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

Overall impact:

The initiative concerns the revision of the Regulation (EU) 2019/1896 on the EBCG, with the objective of reinforcing the mandate, capacities, and operational

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effectiveness of the EBCG, including its standing corps, operational support functions, and cooperation with Member States and third countries. The proposal will generate direct and indirect benefits and has the capacity to affect the following stakeholders:

- Member States/Schengen Associated Countries (SAC) (public authorities responsible for border management and coast guard, police and other law enforcement authorities, authorities and services responsible for return, visa, migration and asylum);

- European Border and Coast Guard Agency (Frontex) and other relevant EU agencies (in particular Europol);

- Frontex Management Board;

- EU citizens and third-country nationals.

More specifically:

Direct benefits and impacts:

- Expected improvement in operational efficiency and effectiveness in border management;

- More strategic and more efficient support from Frontex to the Member States on returns, including greater capabilities;

- Broader mandate, including for returns from third countries, to further reinforce Frontex's role as the Union's central actor in the common system for returns;

- Expected improvements in cooperation with competent authorities as regards combatting cross-border crime and smuggling;

- Better implementation of the EU common visa policy by Member States, consulates and visa authorities;

- Expected improvements in preventing document fraud and other abuses through better identification of risks related to issuing of visa and verification of documents required for short and long term visas and residence permits;

- More comprehensive situational awareness encompassing also hybrid threats (which may lead to swifter decision-making and allocation of resources by the competent national authorities);

- Enhanced cooperation with third countries and international organisations as regards border management and returns;

- Strengthened standing corps composed of better trained staff with diversified profiles, with employment conditions adjusted to the specificity of the tasks;

- Improved planning and procedures to better deliver on pooling technical equipment;

- Modernised training architecture of the European Border and Coast Guards adjusted to the new tasks of the Agency.

- Maintaining a robust degree of oversight and monitoring of activities involving Frontex in view of the Agency's growth.

Indirect benefits and impacts:

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- Further safeguard the effective functioning of the area of freedom, security and justice;

- Strengthened public trust in the Union's capacity to ensure the safe and effective management of the external borders and guarantee the internal security of the Union.

1.3.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

Specific Objective 1:

- Coherence of the conditions across the EU for the standing corps to support border control tasks paired with increased demand for standing corps;

- Increased number of entries and reports (single events and incidents) to EUROSUR and of national authorities accessing EUROSUR;

- Increase of the number of third countries cooperating with Frontex on border management;

- Increased number of training and capacity building activities on return delivered from the EU to third countries;

- Increased cooperation of Frontex with other Union institutions, bodies, offices and agencies as well as international organisations.

- Initiation of negotiations for either new or updated international agreements allowing return-related operational support and/or reflecting new possibilities on return;

- Increase of overall percentage of effective EU returns performed with Frontex support or coordination (year to year);

- Increase of overall percentage of returns from the EU performed as voluntary returns with Frontex support or coordination.

Specific Objective 2:

- Increased recruitment of standing corps across the EU paired with the increased use of standing corps across Member States;

- Increased availability of technical equipment for Frontex operational activities, including the Agency' own equipment and Member State equipment registered in the technical equipment pool.

Specific Objective 3:

- Increased capacity and offer in Frontex training paired with necessary and comparable set of skills of standing corps;

- Increased number of national plans consulted with Frontex paired with increased number of deficiencies in border management and returns addressed at early stage.

1.4. The proposal/initiative relates to:

☐ a new action

☐ a new action following a pilot project / preparatory action[87]

☒ the extension of an existing action

[87] As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

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☐ a merger or redirection of one or more actions towards another/a new action

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The implementation of the initiative envisages a strengthened role of the European Border and Coast Guard Agency in supporting Member States, including by gradually expanding its capabilities (human and technical resources), ensuring its effectiveness and the coherent implementation of EIBM, encompassing both the management of the external borders and returns as essential components. The roll-out should start upon the entry into force and application of the Regulation and will require a gradual scaling-up of resources.

Implementation will notably require: (1) the increase of Frontex capabilities, including the recruitment of new category 1 officers and the establishment of a new European border and return reserve, (2) setting up a comprehensive training framework for all categories of standing corps, including developing a training curriculum for the new reserve and having in place all infrastructure and materials required to support its development, (3) the implementation of the new elements in the Agency's multiannual acquisition strategy of technical equipment, (4) the negotiation of appropriate cooperation frameworks in the form of working arrangements, status agreements or other international agreements with partner third countries, EU entities and international organisations, (5) reinforcement of Frontex's role and tools in the area of return, with strengthened governance (6) the development of the digital solutions entrusted to Frontex under the Regulation (EU) …/… [Return Digitalisation Regulation], as well as support with training and implementation of these tools.

Indicative milestones are counted from the year of entry into application of the new Regulation, and referred to Y.

Commission:

- Y+1 and subsequent years: adoption of tertiary legislation, notably on the financial support for the contributions to the standing corps.

Frontex:

- Y+3; Y+5; Y+7: reach the set milestones for the recruitment of category 1 staff and training of the European border and return reserve;

- Y+1 and subsequent years: development and regular review of a training framework for all standing corps officers, including the European border and return reserve;

- Y to Y+7 (continuous): ensure the continuous delivery of the appropriate training to all standing corps officers, including basic, pre-deployment and specialised training;

- Y to Y+7 (continuous): implementation of the multiannual strategy for the acquisition, leasing and development of the Agency's technical equipment, together with the annual planning of the technical equipment pool through the Management Board decision on minimum numbers and the annual bilateral negotiations with Member States;

- Y to Y+7 (continuous): implementation of agreed working arrangements, status agreements as well as international agreements in the area of border management and

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return in the partner third countries, with the partner EU entities and international organisations for the purposes of technical assistance and operational support, as relevant;

- Y to Y+7 (continuous): implementation of the Agency's coordinating role in strategically planning of return activities, including the pooling and matching of operational needs and available resources within the common system for returns;

- Y to Y+7 (continuous): coordination and roll out of wider range of return-related support to Member States covering the entirety of return, readmission and reintegration stages;

- Y + 4: development of digital components for return case management in line with the Regulation (EU) …/… [Return Digitalisation Regulation] and support with the implementation /training in the Member States;

- Y to Y+7 (continuous): increase and optimisation of standing corps officers with a return-related profile.

Member States:

- Y+3; Y+5; Y+7: reach the set quotas for the number of national officers to be trained by Frontex and become part of the European border and return reserve;

- Y to Y+7 (continuous): align relevant Union funded acquisitions with Frontex operational needs and technical standards, register the equipment in the technical equipment pool and make it available to the Agency in accordance with Article 78(15).

1.5.2. Added value of EU involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this section 'added value of EU involvement' is the value resulting from EU action, that is additional to the value that would have been otherwise created by Member States alone.

The challenges addressed by this proposal are inherently transnational and cannot be effectively tackled by Member States acting alone. The management of the Union's external borders is a shared European responsibility, and shortcomings in one part of the external border may have consequences for the functioning, security and integrity of the Schengen area as a whole. Geopolitical developments, pressure, hybrid threats, increasingly sophisticated criminal and smuggling networks, and the growing need for digital and operational capabilities have further highlighted the need for a coordinated Union response. Fragmented national approaches limit the effectiveness of border management, return operations and crisis preparedness, and cannot adequately address challenges that extend beyond the territory or capacities of individual Member States. Action at Union level is, therefore, both necessary and more effective.

The effective management and control of the Union's external borders is in the interest of all Member States. The abolition of internal border controls within the Schengen area means that external border management directly affects the functioning, security, and integrity of the Union as a whole. Perceived deficiencies in the management of external borders, combined with migratory challenges and security risks, have led in the past to the reintroduction of internal border controls undermining trust between Member States. Abuses of visa to the Union also place strain on that trust. All these elements underscore the need for greater resilience and

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coordination of current border management systems. To that end, effective European integrated border management and an effective Union return policy are mutually reinforcing and indispensable for the area of freedom, security and justice and the functioning of the Schengen area.

Furthermore, the full implementation of the Pact on Migration and Asylum[88] and the new Return Regulation[89] come at a time where the Union needs to increase the effectiveness of returns. Despite sustained efforts by Member States and Union agencies, a substantial proportion of third-country nationals subject to a return decision does not effectively return to their country of origin. The return rate, together with differences in Member State's capacities, operational practices and varying levels of cooperations with third countries, call for a stronger coordination at Union level.

The common European system for returns, established by the Return Regulation, is intended to address these long-standing challenges: reduce fragmentation of national practices, improve enforcement of return decisions and recognise them mutually, enhance cooperation on readmission and reintegration, and ensure that return procedures are carried out more efficiency and consistently across the Union, in full respect of fundamental rights. Its implementation, based on common rules, strengthened operational cooperation and a more coordinated approach among Member States, will require effective operational capacity and coordination at Union level.

In this context, while Member States remain responsible for issuing and enforcing return decisions, the ambition of the common system for returns requires a stronger Union-level operational framework, based on enhanced coordination, common planning, information exchange and the efficient mobilisation of available resources. In addition, the new procedures and tools made available to the Member States by the Pact on Migration and Asylum, and particularly the objective to swiftly process third-country nationals arriving at external borders and to return those with no right to stay in the EU through a newly established 'return border procedure', will further increase the operational demands on Member States and the need for effective strategic planning and coordination across the Union.

Against this background, the role of Frontex should be adapted and further strengthened in the area of return, so that the Agency can fulfil its potential as the central Union actor in the common system for returns. Within this framework, the Agency should have a stronger role in the strategic planning, prioritisation, coordination and implementation of return-related activities, including voluntary and forced return operations, ensuring a coherent Union approach aligned with the Union's migration policy priorities and responsive to the operational needs identified together by Frontex and Member States.

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88 Communication on a New Pact on Migration and Asylum COM(2020) 609 final (23 September 2020)

89 On 16 October 2026, the Regulation establishing a common system for the return of third-country nationals staying illegally in the Union, replacing the Return Directive entered into force. The Regulation marks a major step towards a more effective, coherent and coordinated Union return policy, based on common rules, strengthened operational cooperation and a shared approach among Member States. It addresses longstanding challenges linked to fragmented national practices, improves the enforcement and mutual recognition of return decisions, enhances cooperation on readmission and reintegration, and ensures that return procedures are carried out more efficiently and consistently across the Union, in full respect of fundamental rights.

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To this end, the Agency should be equipped with the capabilities needed to translate identified operational needs into coordinated action, e.g. by pooling and matching available resources and capabilities. The implementation of the Common European System for Return should be complemented by a reinforced governance structure and the external dimension should be strengthened. Close cooperation with third countries of origin and transit on return, readmission, and reintegration, can significantly facilitate effective return processes. The Union's capacity to support and coordinate such cooperation therefore contributes to the overall effectiveness of the return system. In line with the whole-of-route approach to migration management and the broader objectives of the 2026 European Asylum and Migration Management Strategy, the Agency should assume a stronger operational role in cooperation with third countries in the area of return. It is therefore proposed that Frontex should be able to carry out return-related activities in, or from, third countries where this contributes to the Union's migration objectives and policy priorities, including the organisation and coordination of return operations, cooperation on identification, and other operational return needs identified by the Agency and Member States. Operational activities involving the exercise of executive powers should, however, be conducted only when provided for in the relevant status agreements, which should establish the conditions for such cooperation, including the respective responsibilities of the parties and the necessary safeguards.

As per Article 7 of the EBCG Regulation, implementing EIBM is a shared responsibility of Member State and Frontex. In this spirit, it is necessary to take action to reinforce the capabilities of the EBCG, both in terms of human and technical resources. In particular, the involvement of the European Border and Coast Guard Agency allows for pooling of expertise and techncial assets, common risk analysis and situational awarness, interoperability of systems, and enabling the rapid deployment of personnel and equipment where needed. It also reinforces the coordination of return operations, promotes the consistent application of common standards, and enhances cooperation with third countries, thereby increasing the effectiveness of national authorities while fully respecting their operational responsibilities.

The added value of EU-level coordination has been demonstrated in practice through joint operations, border interventions, and coordinated responses to sudden migratory or security-related developments. The Agency's role in supporting return operations, training, vulnerability assessments, and cooperation with third countries has further shown that Union action enhances consistency, mutual trust, and solidarity among Member States, while contributing to the uniform application of EU law.

1.5.3. Lessons learned from similar experiences in the past

On 2 February 2024, the Commission published a report on the evaluation of the current EBCG Regulation, including a review of the Stading Corps.

The evaluation found that:

- Operational support provided by Frontex was valued by Member States and has contributed to achieving the objectives of the EBCG Regulation;

- Frontex has become an essential actor in the common EU system for return, effectively supporting Member States through all phases of the return procedures;

- Common training standards provided by Frontex contributed to improving the training of national border guards;

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- Frontex contributed to improved situational awereness at external borders;

- Frontex provided added value by offering additional human resources to Member States and third countries facing migratory challenges;

- Frontex cooperation with third countries was well regarded by key stakeholders;

- Frontex effectively cooperated with other EU Agencies;

- Frontex has well established oversight structure.

At the same time, the evaluation also identified that the effectiveness of the Regulation was impacted by a number of factors:

- Uncertainties concerning the extent of Frontex's role in preventing, detecting and countering cross border crime;

- Shortfalls and capacity gaps in Frontex' mandate, its ability to cover deployment needs on returns, and gaps in the return governance;

- Lack of Frontex's own training facilities, reliance on Member States' training infrastructures and unavailability of trainers;

- Challenges for the implementation of EIBM due to divergent operational procedures across Member States and weak alignment on EIBM standards;

- Limitations in providing up to date and comprehensive situational monitoring;

- Challenges deriving from the application of the Staff Regulation to Frontex operational staff;

- Challenges linked to cooperation with other Agencies, international organisations and third countries.

Overall, the evaluation concluded that the EBCG Regulation is relevant to address the current needs and challenges at the external borders and that it provides a clear EU added value, as its objectives could not have been achieved sufficiently by Member States acting alone.

At the same time, the current framework does not allow to fully respond to the operational needs of the Member States as regards the involvement of the Agency in border management and in returns. Additionally, the new procedures and tools made available to the Member States by the Pact on Migration and Asylum, and particularly the objective to swiftly process third-country nationals arriving at external borders and to return those with no right to stay in the EU, may require additional capacity to support Member States in these areas.

The proposed measures are therefore intended to reflect the results of the 2024 evaluation of the EBCG Regulation and address obstacles in the development of Frontex capabilities (i.e. human resources and technical assets available to Frontex), ambiguities and gaps in the current mandate of Frontex as well as unused opportunities affecting the efficiency of EBCG community in border management, return, and cooperation with third countries.

1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments

Frontex has been explicitly mentioned in the President's political guidelines (2024-2029) as a key component of the EU's border management priorities, highlighting the need to strengthen the Agency "notably to equip it with state-of-the-art

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technology for surveillance and situational awareness, along with its own equipment and personnel to ensure it can protect our borders in all circumstances with strong governance and the full respect of fundamental rights", and to increase "the number of European Border and Coast Guards to 30 000". Furthermore, the political guidelines refer to putting in place "new common approach on returns, with a new legislative framework to speed up and simplify the process, ensure that returns take place in a dignified manner, digitalise case management [...]" as well as the Union's aim to "continue strategic relations on migration and security with non-EU countries, especially countries of origin and transit" and the "step up our work on returns, preventing illegal immigration and fighting human smuggling".

On 16 July 2025, the Commission presented its proposal for the Multiannual Financial Framework ("MFF") for 2028-2034, with a financial envelope of EUR 11.888 billion allocated to the European Border and Coast Guard Agency.

The figures presented in the LFDS concern the human and financial resources needed for the Agency to continue to perform its current tasks, as well as to be able to implement the new measures introduced by the proposal compared to the current EBCG Regulation. The measures with the most significant impact on resources are, in particular, the strengthening of the Agency's human and technical capabilities, the enhancement of Frontex' role in return, and the scope of its foreseen cooperation with third countries.

The impact on human and financial resources is estimated as follows:

Human resources

Overall, the Agency's staff is expected to increase by 1 650 staff in the next MFF period 2028-2034.

European Border and Coast Guard standing corps category 1 staff *(Frontex's own operational staff):*

The standing corps category 1 are expected to reach 3 000 staff by 2027 under the current mandate. In order to strengthen the European Border and Coast Guard standing corps, this number is expected to double over time. In the next Multiannual Financial Framework period (2028-2034), 1 500 new staff will be allocated to the Agency, gradually reaching a total of 4 500 by 2034. The increase of category 1 reflects the expansion of the Agency's mandate, also in view of the needs linked to different profiles of operational staff. These include, in particular:

- A continued need to maintain a substantial proportion of border and coast guardsthat can be deployed flexibly across border checks and surveillance, including tasks to support national authorities in accordance with the Screening Regulation[90] (currently estimated at over 50% of the standing corps).

- A significant increase in the share of standing corps with return profiles (currently estimated just over 10% of the standing corps[91]) to respond to the enhanced role of the Agency as the Union actor in the common system for returns, including implementation of support to Member States for the return border procedure under

[90] Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817

[91] Management Board Decision 8/2025 of 26 March 2025 adopting the European Border and Coast Guard standing corps annual planning for 2026 and indicative multiannual planning of profiles.

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Regulation (EU) 2024/1349, the new Return Regulation, as well as returns from third countries, and the estimated increase in the share of returns supported or coordinated by Frontex.

Additionally, the following functions will be needed to ensure adequate support in performing the Agency's tasks:

- Growing needs for operational trainers, both matching the increase in category 1 staff to be trained, need to ensure uniform as well as specialised training for all categories of standing corps and the development of a new European border and return reserve,

- Needs linked to measures for supporting operations in the field from the headquarters,

- Increased support to Member States on detecting fraudulent documents and identifying visa fraud cases,

- Needs linked to increased level of cooperation and support, on border management and return, with third countries of origin and transit,

- Increased role of the Agency in strategically planning and coordinating return-related activities,

- Where the Agency operates maritime assets under its control, needs linked to the appropriately qualified crew members who can be required for their operation,

- Continued needs for the ETIAS's Central Unit staff,

- The possibility to recruit a limited number of staff to enable monitoring and support of the daily management and deployment of the standing corps.[92]

Administrative staff (headquarters):

For the period 2021-2027, the Agency's administrative staff remained stable at 1 000 while the standing corps gradually grew to reach 10 000. However, and in order to support the Agency's significant growth, the Agency will be allocated 150 additional administrative staff, therefore progressively reaching 1 150 by 2034. The overall financial cost for Frontex' administrative staff is estimated at EUR 1.057 billion.

Financial resources

- The strengthening of European Border and Coast Guard standing corps:

Overall, the maintenance and strengthening of the European Border and Coast Guard standing corps in the period of 2028-2034, including staffing costs of category 1, will amount to EUR 5.89 billion.

Under the current mandate, the European Border and Coast Guard standing corps is expected to reach 10 000 staff in 2027. In addition to Frontex's own staff, the standing corps consists of border management and return staff of Member States seconded to Frontex on a long-term basis (category 2) and deployed at Frontex on a short-term basis (category 3).

The revised mandate envisages the strengthening European Border and Coast Guards to 30 000 over time, with the following impact on the MFF 2028-2034:

- *Increase of category 1 staff to 6 000 over time, reaching 4.500 by 2034;*

[92] For the purposes of the costs, this is assumed at 4% of the standing corps categories 1, 2 and 3.

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Some measures are proposed to address the specificities of the standing corps operational staff and improve their effectiveness and cost-efficiency:

- Category 1 officers will be engaged as contract agents for the duration of their mandatory basic training. If they succeed the training, they will be recruited as contract agent in a higher function group or as temporary agent depending on their profile;

- The place of deployment of the standing corps will not any longer be tied to the Agency's seat as a default rule and therefore administered in line with the mission system but it will be considered in most cases as their place of employment for the purposes of the Staff Regulations and the Conditions of Employment (long-term deployments in Member States). This will rationalise the system of financial allocations for standing corps category 1, making it better tailored for long-term operational service, and reducing its financial and administrative impact. The amount of savings will be dependent on the deployment/employment locations of the category 1 officers and on the relevant allowances applicable when relocating to a different place of employment. When comparing the deployment costs under the currently applicable mission system and the costs estimated under the revised approach to deployments, the average annual savings for the next MFF period are estimated at EUR 122 million[93].

- The Commission will propose that standing corps officers will be eligible for additional allowances linked to shiftwork patterns and arduous working conditions by means of delegated acts to be adopted under Articles 56a and 56c of the Staff Regulations.

Overall, the financial resources for category 1 take these changes into account, and include staffing costs, mission costs for deployment in third countries, allowances linked to arduous working conditions[94] and basic and specialised training costs, assuming that the basic training will take place in a training centre located in Warsaw.

- No increase in category 2, with its capacity remaining stable at 1.500;

Seconded staff is considered to be deployed in the different operational areas (including headquarters). The main costs will be therefore related to deployments, ensuring consistency with the rules applicable to allowances and reimbursements of the deployable statutory staff. These include relevant allowances linked to working conditions (e.g. shift work, standby duties, arduous conditions) and mission costs for deployments in third countries. Additionally, financial resources are taken into account to cover training needs.

- No increase in category 3, with its numbers remaining stable at 5.500 and a budgeted capacity of 35%[95];

The main costs of this part of the European Border and Coast Guard standing corps are related to their deployments, which are considered for a duration of up to four

[93] The estimates only take into account the difference between the deployment costs for category 1 based on the current system and the revised deployment costs based on missions to third countries (subject to long-term mission reductions) and arduous allowance, not the impact on staffing costs.

[94] The estimates for this allowance are based on the currently applicable cumulative ceiling between shift work and arduous work.

[95] This remains in line with the current budgeted capacity.

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months per year. Additionally, financial resources are taken into account to cover training needs.

- The development of a new European border and return reserve, expected to increase to 17 000 over time, reaching 6 000 by 2034.

The European border and return reserve is composed of officers coming from the EBCG national authorities, who would remain at the disposal of the Member States. They would undergo a tailored EIBM training programme provided by Frontex and would contribute to the tasks of the Agency through subsequent potential deployments in emergency situation and/or when joining categories 2 and 3 of the standing corps.

The financial resources envisaged for this reserve are training costs, under the assumption that the training will take place in a training centre in Warsaw, and deployment costs in cases of exceptional, short-term deployments. The number of the European border and return reserve is expected to gradually grow to 6 000 by 2034 as set out in the new Annex I of the EBCG Regulation proposal (*capacity of the standing corps and category beyond 2027 in accordance with Article 66*). The growth is estimated to be slower in the first years, allowing the Agency to build its training capabilities, with the first batch of European border and return reserve officers trained in 2030.

Financial support for the contribution to the standing corps Article 74

The contributions of Member States to the standing corps and, in line with the proposal, to the new European border and return reserve continue to be linked to a financial support system. The type of contribution under Frontex budget is linked to (1) the effective long-term secondment or short-term deployment to the standing corps and (2) a one-off support for the possible impact on the national services linked to the recruitment of new statutory staff granted unpaid leave from their national services to join the Agency, assumed at 50% of the new recruits in 2028, and gradually growing to 70% by 2034.

Technical equipment

Overall, the budget envisaged for strengthening the Agency's technical capabilities is EUR 1.886 billion.

The estimated budget covers the Agency's operational needs and assets and services assumed to be acquired, leased or chartered. This includes terrestrial assets, linked where relevant to the growth of the standing corps, the purchase of a limited number of small maritime assets (e.g. coastal patrol boats), and access to bigger maritime assets (e.g. coastal patrol vessels and offshore patrol vessels), through leasing or chartering arrangements considered as of 2030, subject to confirmation of their legal and operational feasibility, including registration, command, crewing and the exercise of border control tasks by standing corps on board[96]. The budget also covers stable aerial surveillance needs through framework contracts and investments to modernise equipment (e.g. innovative state-of-the-art equipment).

The approach envisages therefore only a limited increase of equipment that is under the Agency's effective control. For large assets, Frontex will continue to rely on

[96] Any such vessel would need to be registered in a Member State and operated under arrangements ensuring compliance with the applicable maritime rules, Member State responsibility and the lawful performance of border surveillance activities.

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Member States' equipment that is made available through voluntary pledging, equipment financed or co-financed with Union funding and subject to the obligations stemming from Article 78(15), and chartering options.

- The Agency's role in the area of return

Overall, the budget envisaged for the Agency's support in return activities is EUR 2.029 billion.

The proposal envisages an expanded role and new tasks for Frontex in the area of return, responding as well to the tasks assigned to Frontex in view of the Screening Regulation and the Return Border Procedure Regulation, as well as the new Return Regulation. The assumption is that the share of return operations supported by Frontex will grow in the next MFF period (2028-2034), starting with 65 000 returnees in 2028, in line with Frontex past data. While the growth is envisaged to be higher in the first years, taking into account the start of the implementation of the return border procedure and an increased uptake of Frontex support by Member States, the extent of the growth would gradually reduce over time.

Financial impacts are also expected to derive from the new measures linked to Frontex role in supporting returns from third countries, both technically and operationally. The share of this support, as well as the number of third countries concerned, is expected to gradually grow over time.

Additional costs are linked to the expansion of the EU Reintegration Programme (EURP), taking into account growing needs and a broadened geographical coverage, the setting up of a SIRENE office, and the costs associated with supporting the initiatives foreseen by Regulation (EU) …/… [Return Digitalisation Regulation], particularly for the development and maintenance of digital tools to be covered by Frontex[97].

At the same time, savings are expected due to improved coordination and increased efficiency of Frontex-managed returns (e.g. better seat-fill and pooling), as well as positive financial effects deriving from an expected increase of voluntary returns over forced ones.

- Expanded cooperation with third countries, international organisations and EU entities in the area of border management

Overall, the budget envisaged for the Agency's expanded cooperation with third countries, international organisations and EU entities is EUR 112.79 million. It does not include any form of cooperation with third countries on return matters, as this is addressed in the previous section on the Agency's role in the area of return.

To reflect the increased ambition of the role of Frontex in cooperation in the external dimension on border management, with a strong focus on cooperation with third countries of origin and transit for migration, it is assumed that the annual cost, based on Frontex past expenditure, is increased by 100%. This derives from the assumption that Frontex will support an increased number of third country partners with technical and operational support that requires adequate resources (financial, technical and human resources) for implementation.

[97] Legislative Financial and Digital Statement accompanying the proposal on the digitalisation of case management in the area of return, readmission and reintegration, amending Regulation (EU) 2018/1726, Regulation (EU) 2019/817, Regulation (EU) 2019/818 and Regulation (EU) 2018/1861 (Return Digitalisation Act).

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- Continuation of the Agency's existing activities

The Agency is expected to continue to perform additional operational activities in line with the current mandate. Therefore, the remaining costs linked to the Agency's operational budget haven been considered at EUR 859.64 million. These include information and data analytics (continued operation, maintenance and necessary upgrades to EUROSUR and associated communication network, including requirements for 24/7 availability, interoperability and exchange of classified information), operation of ETIAS, strengthening of existing capacities, digitalisation and operational support, and oversight activities. These costs are based on the 2027 annual budget projected over seven years with a 2% annual inflation rate.

When summed, these amount to a global envelope of EUR 11.837 billion over the next MFF and 5.650 staff at the end of 2034, which align with the Commission legislative proposal for the 2028-2034 MFF.

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the 2028-2034 MFF and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

1.5.5. Assessment of the different available financing options, including scope for redeployment

Achieving the intended operational impact requires substantial investments in human and technical resources for the Agency to effectively continue to perform its activities and be able to act in line with the new tasks and strengthened mandate envisaged in the proposal.

The envisaged activities are expected to be covered by the budget assigned to Frontex under the Commission legislative proposal for the 2028-2034 MFF (EUR 11.88 billion).

Incoming revenue can also be considered. This includes the fee generated by the operation of the European Travel Information and Authorisation System, expected to cover costs related to ETIAS operational expenditures[98], and could include, in the course of the next MFF period (2028-2034), additional revenues from fees generated from Frontex-run services, including for instance by providing services linked to carrying out compliance checks of travel and identity documents (Article 94) and other fees to be further defined as appropriate.[99]

Additionally, it is necessary to ensure Member States' operational and capability readiness for European Integrated Border Management, including return-related capacities, in line with their responsibilities within the European Border and Coast Guard. This includes sufficient and adequately trained staff, up to standards technical and digital capacities for border checks, border surveillance, screening, EUROSUR and secure information exchange, as well as interoperable return case-management capacities.

Experience with the technical equipment pool has also shown that voluntary contributions do not always fully cover Frontex's operational needs, particularly for

98 Article 86 of Regulation (EU) 2018/1240 and Commission Delegated Regulation (EU) 2025/1411.

99 These fees could not be quantified at this stage.

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maritime and aerial assets. The equipment that has been co-financed under the ISF/BMVI specific actions has provided significant operational capacity. This supports maintaining targeted Union funding linked to Frontex operational needs and technical standards, registration in the technical equipment pool and clear availability obligations.

Therefore, with a view to ensure operational readiness and the capacity to fulfil Member States' obligations to provide contributions to the European Border and Coast Guard standing corps and technical equipment pool, two additional aspects are considered under the border management funds, within the appropriations provided in the Commission proposal for the 2028-2034 MFF (EUR 15.4 billion):

- The salaries of national staff performing border management and return that would become part of the European border and return reserve may be supported under the National and Regional Partnership Plans (provided that such salaries are part of a measure that is associated to a reform or an investment in the scope of the BMV Regulation).

- The technical equipment acquired, leased or chartered by Frontex may be complemented by large scale equipment purchased by Member States under the National and Regional Partnership Plans (NRPPs). Where such equipment is financed or co-financed with Union funding with the clear objective of increasing the operational capacity of the Agency or of the European Border and Coast Guard, it should be registered in the technical equipment pool and made available to the Agency in accordance with the EBCG Regulation.

The implementation of the proposal will also entail additional activities for the Commission services, notably the Directorate-General for Migration and Home Affairs (DG HOME), in relation to governance, oversight, policy coordination and the preparation and adoption of implementing acts.

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1.6. Duration of the proposal/initiative and of its financial impact

☐ **limited duration**

– ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☒ **unlimited duration**

– Implementation with a start-up period from YYYY to YYYY,

– followed by full-scale operation.

1.7. Method(s) of budget implementation planned

☐ **Direct management** by the Commission

– ☐ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

☐ **Shared management** with the Member States

☒ **Indirect management** by entrusting budget implementation tasks to:

– ☐ third countries or the bodies they have designated

– ☐ international organisations and their agencies (to be specified)

– ☐ the European Investment Bank and the European Investment Fund

– ☒ bodies referred to in Articles 70 and 71 of the Financial Regulation

– ☐ public law bodies

– ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees

– ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees

– ☐ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act

– ☐ bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

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2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

The monitoring and reporting of activities implemented by Frontex under indirect management will follow the provisions laid down in Frontex's new Regulation, the Financial Regulation[100] and in line with the Common Approach on decentralised agencies[101].

The Agency is subject to regular monitoring and reporting requirements. The Management Board of the Agency shall adopt each year a consolidated annual activity report of the Agency for the previous year and forward it by 1 July at the latest to the European Parliament, the Council, the Commission and the Court of Auditors. This report shall be made public. Every four years, the Commission shall conduct an evaluation in accordance with the evaluation criteria of the Commission guidelines to assess particularly the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification

Frontex will submit a Single Programming Document (SPD) annually to the Commission, the European Parliament, and the Council, setting out its multiannual and annual work programmes, objectives, expected results, and performance indicators. This document is prepared taking into account the opinion of the Commission, the European Parliament and the Council. Additionally, Frontex will adopt a Consolidated Annual Activity Report (CAAR), which assesses progress against the SPD's objectives. The Management Board approves this report before it is transmitted to the Commission, the European Parliament, the Council, the Court of Auditors, and national parliaments by 1 July each year. This report shall be made public.

In line with Article 141 of the revised European Border and Coast Guard Regulation, the Commission will conduct an evaluation of the Regulation 48 months after entry into force at the latest and every four years, assessing its added value, impact, effectiveness, efficiency, and working methods. The evaluation may propose structural or operational modifications, including financial implications. The Commission submits the evaluation report together with its conclusions to the European Parliament, the Council and to the Management Board, which can issue recommendations to the Commission. The evaluation report and its conclusions are made public.

2.2. Management and control system(s)

2.2.1. Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

Indirect management

Considering that the proposal impacts the annual EU contribution to Frontex, the EU budget will be implemented via indirect management.

100 Financial regulation applicable to the general budget of the Union

101 Joint Statement on decentralised agencies.

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Pursuant to the principle of sound financial management, the budget of Frontex shall be implemented in compliance with effective and efficient internal control. Frontex is therefore bound to implement an appropriate control strategy coordinated among appropriate actors involved in the control chain.

Regarding ex-post controls, Frontex, as a decentralised agency, is notably subject to:

- internal audit by the Internal Audit Service of the Commission

- annual reports by the European Court of Auditors, giving a statement of assurance as to the reliability of the annual accounts and the legality and regularity of the underlying transactions

- annual discharge granted by the European Parliament

- possible investigations conducted by OLAF to ensure, in particular, that the resources allocated to agencies are put to proper use.

- As partner DG to Frontex, DG HOME will implement its Control Strategy on decentralised agencies to ensure reliable reporting in the framework of its Annual Activity Report (AAR). While decentralised agencies have full responsibility for the implementation of their budget, DG HOME is responsible for regular payment of annual contributions established by the Budgetary Authority.

- Finally, the European Ombudsman provides a further layer of control and accountability at Frontex.

Based on the evaluation of the current legal framework, the Impact Assessment accompanying the proposal for a new European Border and Coast Guard Regulation, and the significant increase in financial and human resources expected to support the implementation of the proposal, the existing governance and control framework should be maintained to ensure the continuity of the existing robust setup, including by also allocating adequate human and financial resources to its components in a forward-looking manner in order to preserve the existing degree of financial oversight, accountability, good governance and compliance with principles of sound financial management:

- The existing internal framework for good governance (in particular the Agency's independent and control bodies) should remain unchanged, and continue to apply to all of the Agency's activities

- The entities within this framework should receive adequate human and financial resources to carry out their tasks

- The proposal provides a clearer overview of the Agency's structure including its independent and control bodies, to ensure their independence and their involvement in relevant Agency processes

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

For the budget implemented by the European Border and Coast Guard Agency, the Single Programming Document must provide information on the internal control systems, while the Consolidated Annual Activity Report (CAAR) must assess the progress against the Single Programming Documents' objectives, including as regards risk assessment. The Agency needs to ensure a continuous improvement of these systems through effective risk assessment and management processes.

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Additionally, as partner DG of the European Border and Coast Guard Agency, DG HOME runs an annual risk management exercise to identify and assess potential high risks related to agencies' operations. Risks considered as critical are reported annually in DG HOME management plan and are accompanied by an action plan stating the mitigating action. In this respect, DG HOME will continue follow-up on risks concerning elevated security threats, including cyber incidents, resources and capabilities shortages which impede the fulfilment of the Agency's growing mandate and increased regulatory complexity which impacts operational delivery.

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio between the control costs and the value of the related funds managed), and assessment of the expected levels of risk of error (at payment & at closure)

The ratio of "control costs/value of payments" is reported on by the Commission. The 2025 AAR of DG HOME reports 0.10% for this ratio in relation to Indirect Management Entrusted Entities and Decentralised Agencies, including the European Border and Coast Guard Agency.

The European Court of Auditors confirmed the legality and regularity of Frontex' annual accounts for 2024.

2.3. Measures to prevent fraud and irregularities

Within this legal framework, the Management Board of Frontex is required to adopt and regularly update an internal anti-fraud strategy. Frontex adopted an updated anti-fraud strategy 2025-2027 and its action plan on 20 November 2024. In accordance with that framework, Frontex will continue enhancing anti-fraud controls and culture, reinforce anti-corruption measures, such as control and inspections in areas vulnerable to corruption, raise awareness on negligence which may be linked to irregularities and potential fraud. It will ensure a proactive approach via controls, investigations and inspections, timely implementation of recommendations and enhance internal, external and inter-agency anti-fraud networks. Frontex will continue to participate in fraud prevention activities carried out by OLAF and report suspected fraud and financial irregularities to the Commission without delay.

The proposal also strengthens internal governance and financial oversight of the Agency, including by setting up different configurations of the executive board. This may lead to formalising the management board working group for budget and accounts currently being responsible for monitoring audit findings and ensuring follow-up of recommendations issued by audit and scrutiny bodies.

In addition, the Commission retains powers to object to Management Board decisions that may give rise to risks of financial mismanagement or non-compliance with Union law. Frontex' activities will remain subject to the applicable Union financial, audit, data protection and accountability frameworks, including oversight and investigations by OLAF, EPPO, the Court of Auditors, Internal Audit Service as well as the Agency's Internal Audit Capability.

DG HOME will continue to apply its Anti-Fraud Strategy in line with the Commission's Anti-Fraud Strategy (CAFS), which also covers decentralised agencies within its remit, including Frontex.

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3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	1: Economic, social and territorial cohesion, agriculture, rural and maritime prosperity and security	Diff./Non-diff.[102]	from EFTA countries [103]	from candidate countries[104]	From other third countries 105	other assigned revenue[106]
1	[XX.YY.YY.YY] Decentralised agencies European Border and Coast Guard (Frontex)	Non-diff.	NO	NO	YES	YES

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries	from other third countries	other assigned revenue
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

102 Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

103 EFTA: European Free Trade Association.

104 Candidate countries including third countries with whom preliminarily negotiations have been initiated in view of future opening of the accession process.

105 Frontex receives contributions from the countries associated with the Schengen Agreement (NO, IS, CH, LI)

106 Earmarked Revenue: Specific external funds designated for special projects or joint external programs (like the deployment of specific surveillance tech) are occasionally received from other Commission services and managed by the agency as earmarked or ad-hoc grants.

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3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☒ The proposal/initiative requires the use of operational appropriations, as explained below

3.2.1.1. Appropriations from voted budget [the operational budget and the related overall EU contributions still need to be subject to review, to align with the MFF ceilings]

EUR million (to three decimal places)

Heading of multiannual financial framework	1	Economic, Social and territorial cohesion, agriculture, rural and maritime prosperity and security

European Border and Coast Guard Agency (FRONTEX)	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
Budget line: <…….> / EU Budget contribution to the agency[107]	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the MFF 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

EUR million (to three decimal places)

			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
TOTAL operational appropriations	Commitments	(4)	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**

[107] Commitments and payments are identical.

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(including contribution to decentralised agency)	Payments	(5)	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0	0	0	0	0	0	0	**0**
TOTAL appropriations under HEADING 1	Commitments	=4+6	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**
of the multiannual financial framework	Payments	=5+6	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**

			Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028-2034**
			2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	
• TOTAL operational appropriations (all operational headings)	Commitments	(4)	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**
	Payments	(5)	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)	0	0	0	0	0	0	0	**0**
TOTAL	Commitments	=4+6	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**

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appropriations Under Heading 1 to 3 of the multiannual financial framework (Reference amount)	Payments	=5+6	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**

EUR million (to three decimal places)

DG: HOME		Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028-2034**
		2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	
• Human resources		0,814	1,202	1,202	1,396	1,396	1,396	1,590	**8,996**
• Other administrative expenditure		0,225	0,225	0,225	0,225	0,225	0,225	0,225	**1,575**
TOTAL DG HOME		**1,039**	**1,427**	**1,427**	**1,621**	**1,621**	**1,621**	**1,815**	**10,571**

TOTAL appropriations under HEADING 4 of the multiannual financial framework	(Total commitments = Total payments)	**1,039**	**1,427**	**1,427**	**1,621**	**1,621**	**1,621**	**1,815**	**10,571**

EUR million (to three decimal places)

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		Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028-2034**
		2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	
TOTAL appropriations under HEADINGS 1 to 4	Commitments	1.435,594	1.465,185	1.586,930	1.689,662	1.794,806	1.887,135	1.989,070	**11.848,383**
of the multiannual financial framework	Payments	1.435,594	1.465,185	1.586,930	1.689,662	1.794,806	1.887,135	1.989,070	**11.848,383**

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3.2.3. Summary of estimated impact on administrative appropriations

– ☐ The proposal/initiative does not require the use of appropriations of an administrative nature

– ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below

3.2.3.1. Appropriations from voted budget

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the MFF 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

VOTED APPROPRIATIONS	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL 2028 - 2034**
HEADING 4								
Human resources	0,814	1,202	1,202	1,396	1,396	1,396	1,590	**8,996**
Other administrative expenditure	0,225	0,225	0,225	0,225	0,225	0,225	0,225	**1,575**
Subtotal HEADING 4	**1,039**	**1,427**	**1,427**	**1,621**	**1,621**	**1,621**	**1,815**	**10,571**
Outside HEADING 4								
Human resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Subtotal outside HEADING 4	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
TOTAL	**1,039**	**1,427**	**1,427**	**1,621**	**1,621**	**1,621**	**1,815**	**10,571**

3.2.4. Estimated requirements of human resources

– ☐ The proposal/initiative does not require the use of human resources

– ☒ The proposal/initiative requires the use of human resources, as explained below

3.2.4.1. Financed from voted budget

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the MFF 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

Estimate to be expressed in full-time equivalent units (FTEs)[108]

VOTED APPROPRIATIONS	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**

[108] Please specify below the table how many FTEs within the number indicated are already assigned to the management of the action and/or can be redeployed within your DG and what are your net needs.

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Establishment plan posts (officials and temporary staff)								
20 01 02 01 (Headquarters and Commission's Representation Offices)		2	4	4	5	5	5	6
20 01 02 03 (EU Delegations)		0	0	0	0	0	0	0
(Indirect research)		0	0	0	0	0	0	0
(Direct research)		0	0	0	0	0	0	0
Other budget lines (specify)		0	0	0	0	0	0	0
• External staff (in FTEs)								
20 02 01 (AC, END from the 'global envelope')		4	4	4	4	4	4	4
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0	0	0	0
Admin. Support line [XX.01.YY.YY]	• at Headquarters	0	0	0	0	0	0	0
	• in EU Delegations	0	0	0	0	0	0	0
(AC, END - Indirect research)		0	0	0	0	0	0	0
(AC, END - Direct research)		0	0	0	0	0	0	0
Other budget lines (specify) - Heading 4		0	0	0	0	0	0	0
Other budget lines (specify) - Outside Heading 4		0	0	0	0	0	0	0
TOTAL		**6**	**8**	**8**	**9**	**9**	**9**	**10**

DG HOME needs a total of 10 FTEs to ensure the implementation of the proposal in full. In line with the stable staffing principle, the human resources required for this proposal will be covered by internal redeployment within the Commission. At this stage, of the 10 FTEs needed, DG HOME is in the position to repurpose 3 available permanent posts.[109]

The DG HOME staff required to implement the proposal (in FTEs):

	To be covered by current staff available in the Commission services	**Exceptional additional staff**		
		To be financed under Heading 4 or Research	**To be financed from BA line**	**To be financed from fees**
Establishment	6		N/A	

[109] These redeployment efforts – while fully respecting the stable staffing principle – will likely require deprioritisation of tasks within the Commission services. The Commission will revisit the needs and the scope for redeployment within the indicated number of staff, following an agreement on the next MFF.

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plan posts				
External staff (CA, SNEs, INT)	4			

Description of tasks to be carried out by:

Officials and temporary staff	- 2 ADs: for the preparation of the secondary legislation, the oversight and policy coordination of the implementation of the Regulation, especially regarding the Agency's new tasks (e.g. training capacities for the border reserve), and for preparation of the Management Board and the Executive Board in its different configurations. - 1 AD: with skills in relation to communication and social media monitoring to support, tasked with overseeing the work with Frontex's new monitoring unit. - 1 AD: to manage, coordinate and oversee the tasks related to the expanded mandate of the Agency in the area of return particularly to cover the increased need in the mandate for the Agency to coordinate with the Commission, including the need for reinforced governance and representation as the Agency mandate for return is substantially increased and enhanced strategic alignment with overall EU priorities. The tasks would also involve overseeing the work to set up the Return Coordination centre. This task would also involve following the reinforced role of Frontex to provide support on return from third countries including where relevant preparing for and negotiating return (status) agreements which need to be negotiated by the Commission. There will also be a need to coordinate the deployment, especially to third countries, of different (return) liaison officers of the Agency and of the Union in general. - 1 AST: with budgetary skills to support the management of the new EBCG regulation and the revision of the implementing act linked to Article 74 on the financial support for the contributions to the standing corps and to support the financial and budget management for the recruitment and increase of standing corps, managing the EU facility and overall coordination of the NRPPs in relation to the funding support for the implementation of the new mandate. - 1 AST: to support functions for the overall reinforced mandate on return, including ensuring presence of the policy officer in relevant Frontex networks, follow up on rolling requests. Support for governance (management board, executive board), and legislative process (status agreements).
External staff	- 1 CA: with budgetary skills to reinforce the capacity of the DG to follow up specifically on the budgetary increase for return as well as to oversee and manage the increase of the Standing Corps for return and reintegration coordination. - 1 CA: to monitor and follow-up on the external dimension of the Union policy on managing the external borders, including the relevant activities of the European Border and Coast Guard Agency (Frontex), support international relations by contributing to negotiations with third countries, status agreements and working arrangements. Contribute to the internal security policy of the EU from the perspective of border management, and manage the increase of the Standing Corps for border management. - 1 SNE: to advise and coordinate the tasks related to the expansion of the Agency's mandate on reintegration support which will require regular alignment with the European Commission to ensure that the expansion is in line with relevant priorities. - 1 SNE: to support functions related to acquisition of technical equipment by coordinating with the Member States and Frontex on the

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	procurement process as well as to coordinate the recruitment and training of standing corps in the border reserve. Support the implementation of the Technical and Operational Strategy for European Integrated Border Management (TO-EIBM).

3.2.8. Estimated human resources and the use of appropriations required in a decentralised agency

Staff requirements for administrative staff (full-time equivalent units)

Agency: FRONTEX	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**
Temporary agents (AD Grades)	275	289	289	303	303	317	317
Temporary agents (AST grades)	275	289	289	302	302	316	316
Temporary agents (AD+AST) subtotal	***550***	***578***	***578***	***605***	***605***	***633***	***633***
Contract agents	230	241	241	253	253	264	264
Seconded national experts	220	231	231	242	242	253	253
Contract agents and seconded national experts subtotal	***450***	***472***	***472***	***495***	***495***	***517***	***517***
TOTAL staff	***1000***	***1050***	***1050***	***1100***	***1100***	***1150***	***1150***

The development of the statutory staff as part of the European Border and Coast Guard standing corps (full-time equivalent units)

Agency: FRONTEX	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**
Temporary agents (AD Grades)	750	753	815	878	940	1003	1065
Temporary agents (AST grades)	750	752	815	877	940	1002	1065
Temporary agents (AD+AST) subtotal	***1500***	***1505***	***1630***	***1755***	***1880***	***2005***	***2130***
Contract agents	***1500***	***1745***	***1870***	***1995***	***2120***	***2245***	***2370***
TOTAL staff	***3000***	***3250***	***3500***	***3750***	***4000***	***4250***	***4500***

Appropriations covered by the EU budget contribution in EUR million (to three decimal places)

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Agency: FRONTEX	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL 2028 - 2034**
Title 1: Staff expenditure	587,99	614,07	670,73	726,23	788,08 €	850,61	914,13	**5.151,85**
Title 2: Infrastructure and operating expenditure								**0.00**
Title 3: Operational expenditure	846,56	849,69	914,77	961,81	1.005,11	1.034,90	1.073,12	**6.685,96**
TOTAL of appropriations covered by the EU budget	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**

Overview/summary of human resources and appropriations (in EUR million) required by the proposal/initiative in a decentralised agency

Agency: FRONTEX	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL 2028 - 2034**
Temporary agents (AD+AST)	2050	2083	2208	2360	2485	2638	2763	-
Contract agents	1730	1986	2111	2248	2373	2509	2634	-
Seconded national experts	220	231	231	242	242	253	253	-
Total staff	**4000**	**4300**	**4550**	**4850**	**5100**	**5400**	**5650**	-
Appropriations covered by the EU budget	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**
Appropriations covered by fees (if applicable)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Appropriations co-financed (if applicable)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations	1.434,56	1.463,76	1.585,50	1.688,04	1.793,19	1.885,51	1.987,26	**11.837,81**

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EUROPEAN
COMMISSION

Brussels, 27.10.2026
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ANNEXES 1 to 7

ANNEXES

to the

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard

{SEC(2026) 1030 final} - {SWD(2026) 1030 final} - {SWD(2026) 1031 final}

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↓ 2019/1896

ANNEX I

Capacity of the standing corps per year and category in accordance with Article ~~54~~66

⇩ new

Category/Year	**Category 1** **Statutory staff**	**European border and return reserve**	**Total for the standing corps**
2030	**3 500**	**500**	**11 000**
2032	**4 000**	**3 000**	**14 000**
2034	**4 500**	**6 000**	**17 500**

↓ 2019/1896

~~Category/Year~~	~~Category 1~~ ~~Statutory staff~~	~~Category 2~~ ~~Operational staff for long-term secondments~~	~~Category 3~~ ~~Operational staff for short-term deployments~~	~~Category 4~~ ~~Reserve for rapid reaction~~	~~Total for the standing corps~~
~~2021~~	~~1000~~	~~400~~	~~3600~~	~~1500~~	~~6500~~
~~2022~~	~~1000~~	~~500~~	~~3500~~	~~1500~~	~~6500~~
~~2023~~	~~1500~~	~~500~~	~~4000~~	~~1500~~	~~7500~~
~~2024~~	~~1500~~	~~750~~	~~4250~~	~~1500~~	~~8000~~
~~2025~~	~~2000~~	~~1000~~	~~5000~~	~~0~~	~~8000~~
~~2026~~	~~2500~~	~~1250~~	~~5250~~	~~0~~	~~9000~~
~~2027 and beyond~~	~~3000~~	~~1500~~	~~5500~~	~~0~~	~~10000~~

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ANNEX II

ANNUAL CONTRIBUTIONS TO BE PROVIDED BY MEMBER STATES TO THE STANDING CORPS THROUGH THE LONG-TERM SECONDMENT OF STAFF IN ACCORDANCE WITH ARTICLE ~~56~~68

Country/Year	2021	2022	2023	2024	2025	2026	2027 and beyond
Belgium	8	10	10	15	20	25	30
Bulgaria	11	13	13	20	27	33	40
Czech Republic	5	7	7	10	13	17	20
Denmark	8	10	10	15	19	24	29
Germany	61	73	73	110	152	187	225
Estonia	5	6	6	9	12	15	18
Greece	13	17	17	25	33	42	50
Spain	30	37	37	56	74	93	111
France	46	56	56	83	114	141	170
Croatia	17	22	22	33	43	54	65
Italy	33	42	42	63	83	104	125
Cyprus	2	3	3	4	5	7	8
Latvia	8	10	10	15	20	25	30
Lithuania	10	13	13	20	26	33	39
Luxembourg	2	3	3	4	5	7	8
Hungary	17	22	22	33	43	54	65
Malta	2	2	2	3	4	5	6
Netherlands	13	17	17	25	33	42	50
Austria	9	11	11	17	23	28	34
Poland	27	33	33	50	67	83	100

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Portugal	8	10	10	15	20	25	30
Romania	20	25	25	38	50	63	75
Slovenia	9	12	12	18	23	29	35
Slovakia	9	12	12	18	23	29	35
Finland	8	10	10	15	20	25	30
Sweden	9	11	11	17	23	28	34
Switzerland	4	5	5	8	11	13	16
Iceland	1	1	1	1	1	2	2
Liechtenstein[1]	0	0	0	0	0	0	0
Norway	5	7	7	10	13	17	20
TOTAL	400	500	500	750	1000	1250	1500

[1] Liechtenstein will contribute through proportional financial support.

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↓ 2019/1896

ANNEX III

ANNUAL CONTRIBUTIONS TO BE PROVIDED BY MEMBER STATES TO THE STANDING CORPS FOR SHORT-TERM DEPLOYMENTS OF STAFF IN ACCORDANCE WITH ARTICLE ~~57~~69

Country/Year	2021	2022	2023	2024	2025	2026	2027 and beyond
Belgium	72	70	80	85	100	105	110
Bulgaria	96	93	107	113	133	140	147
Czech Republic	48	47	53	57	67	70	73
Denmark	70	68	77	82	97	102	106
Germany	540	523	602	637	748	785	827
Estonia	43	42	48	51	60	63	66
Greece	120	117	133	142	167	175	183
Spain	266	259	296	315	370	389	407
France	408	396	454	481	566	593	624
Croatia	156	152	173	184	217	228	238
Italy	300	292	333	354	417	438	458
Cyprus	19	19	21	23	27	28	29
Latvia	72	70	80	85	100	105	110
Lithuania	94	91	104	111	130	137	143
Luxembourg	19	19	21	23	27	28	29
Hungary	156	152	173	184	217	228	238
Malta	14	14	16	17	20	21	22
Netherlands	120	117	133	142	167	175	183
Austria	82	79	91	96	113	119	125
Poland	240	233	267	283	333	350	367

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Portugal	72	0	80	85	100	105	110
Romania	180	175	200	213	250	263	275
Slovenia	84	82	93	99	117	123	128
Slovakia	84	82	93	99	117	123	128
Finland	72	70	80	85	100	105	110
Sweden	82	79	91	96	113	119	125
Switzerland	38	37	43	45	53	56	59
Iceland	5	5	5	6	7	7	7
Liechtenstein[1]	0	0	0	0	0	0	0
Norway	48	47	53	57	67	70	73
TOTAL	3600	3500	4000	4250	5000	5250	5500

[1] Liechtenstein will contribute through proportional financial support.

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↓ 2019/1896
⇨ new

ANNEX IV

Contributions to be provided by Member States to ~~the standing corps through the reserve for rapid reaction~~ ⇨ European border and return reserve ⇦ in accordance with Article 70~~58~~

⇩ new

Country	**2030**	**2032**	**2034**
Belgium	10	60	120
Bulgaria	13	80	160
Czech Republic	7	40	80
Denmark	10	58	116
Germany	75	450	900
Estonia	6	36	72
Greece	17	100	200
Spain	37	222	444
France	57	340	680
Croatia	22	130	260
Italy	42	250	500
Cyprus	3	16	32
Latvia	10	60	120
Lithuania	13	78	156
Luxembourg	3	16	32
Hungary	22	130	260
Malta	2	12	24
Netherlands	17	100	200

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Austria	11	68	136
Poland	33	200	400
Portugal	10	60	120
Romania	25	150	300
Slovenia	12	70	140
Slovakia	12	70	140
Finland	10	60	120
Sweden	11	68	136
Switzerland	5	32	64
Iceland	1	4	8
Liechtenstein*	0	0	0
Norway	7	40	80
TOTAL	**503***	**3.000**	**6.000**

🡻 2019/1896

~~Country~~	~~Number~~
~~Belgium~~	~~30~~
~~Bulgaria~~	~~40~~
~~Czech Republic~~	~~20~~
~~Denmark~~	~~29~~
~~Germany~~	~~225~~
~~Estonia~~	~~18~~
~~Greece~~	~~50~~
~~Spain~~	~~111~~
~~France~~	~~170~~

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~~Croatia~~	~~65~~
~~Italy~~	~~125~~
~~Cyprus~~	~~8~~
~~Latvia~~	~~30~~
~~Lithuania~~	~~39~~
~~Luxembourg~~	~~8~~
~~Hungary~~	~~65~~
~~Malta~~	~~6~~
~~Netherlands~~	~~50~~
~~Austria~~	~~34~~
~~Poland~~	~~100~~
~~Portugal~~	~~30~~
~~Romania~~	~~75~~
~~Slovenia~~	~~35~~
~~Slovakia~~	~~35~~
~~Finland~~	~~30~~
~~Sweden~~	~~34~~
~~Switzerland~~	~~16~~
~~Iceland~~	~~2~~
~~Liechtenstein~~[1]	~~0~~
~~Norway~~	~~20~~
~~TOTAL~~	~~1500~~

[1] ~~Liechtenstein will contribute through proportional financial support.~~

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↓ 2019/1896 (adapted)

ANNEX V

⌦ GENERAL ⌫ RULES ON THE USE OF FORCE, INCLUDING ~~TRAINING AND THE SUPPLY, CONTROL AND~~ USE OF SERVICE WEAPONS ⌦ , AMMUNITION ⌫ AND ~~NON-LETHAL~~ EQUIPMENT, APPLICABLE TO STATUTORY STAFF DEPLOYED AS MEMBERS OF THE TEAMS

⇩ new

1. DEFINITION OF THE USE OF FORCE

For the purposes of this Annex, 'use of force' means the recourse by statutory staff deployed as members of the teams to any physical constraint imposed on a person necessary for achieving the legitimate law enforcement objective or ensuring legitimate self-defence and defence of others in the performance of their functions, which may include the use of hands and body, service weapons, including firearms, or equipment.

↓ 2019/1896 (adapted)
⇨ new

2. GENERAL PRINCIPLES GOVERNING THE USE OF FORCE AND WEAPONS

~~For the purposes of this Regulation, 'use of force' refers to recourse by statutory staff deployed as members of the teams to physical means for the purposes of performing their functions or ensuring self-defence, which includes the use of hands and body and the use of any instruments, weapons, including firearms, or equipment.~~

~~Weapons, ammunition and equipment shall only be carried and used during operations. Carrying or using weapons, ammunition and equipment during off-duty periods shall be prohibited.~~

In accordance with Article ~~82~~98(8) ⇨ and the relevant provisions of the respective status agreements ⇦ , the use of force ~~and weapons~~ by statutory staff deployed as members of the teams shall be exercised in accordance with the national law of the host Member State ⇨ or third country, ⇦ in the presence of border guards of the host Member State ⇨ or third country ⇦ .

⌦ Weapons, ammunition and equipment shall only be carried and used during ⌫ ⇨ operational activities in the Member States or in third countries ⇦. ⌦ Carrying or using weapons, ammunition and equipment during off duty periods shall be prohibited ⌫.

Without prejudice to the authorisation by the host Member State ⇨ or third country ⇦ and the applicability of its national law to the use of force during ~~operations~~ ⌦ operational activities, ⌫ the use of force ~~and weapons~~ by statutory staff deployed as members of the teams shall comply with the principles of ⇨ legality, ⇦ necessity, proportionality and ⌦ duty of ⌫ precaution (the 'core principles') as set out below.

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The operational plan agreed between the executive director and the host Member State ⇨ or third country ⇦ shall define the conditions for carrying and using weapons in accordance with national law or operating procedures during ~~operations~~ ⌦ operational activities ⌫ .

⇩ new

The principle of Legality

All circumstances related to use of force shall be regulated by a legal and administrative framework of the host Member States and third countries, specified in the operational plans of the operational activities.

🡻 2019/1896 (adapted)
⇨ new

The Principle of Necessity

The use of force~~, whether through direct physical contact or by the use of weapons or equipment,~~ shall be exceptional and shall only take place where it is strictly necessary to ⇨ achieve the legitimate law enforcement objective or ⇦ ensure ~~the performance of the Agency's duties or in~~ ⇨ legitimate ⇦ self-defence ⇨ and defence of others ⇦ . Force shall only be used as a last resort, after every reasonable effort has been made to resolve a situation using non-violent means, including by means of persuasion, negotiation, or mediation. The use of force or coercive measures shall never be arbitrary or abusive.

The Principle of Proportionality

Whenever the lawful use of force ~~or firearms~~ is unavoidable, statutory staff deployed as members of the teams shall act in proportion to the seriousness of the situation and the legitimate objective to be achieved. During operational activities, the proportionality principle shall guide both the nature of the force used (e.g. the need for the use of weapons) as well as the extent of the force applied. Statutory staff deployed as members of the teams shall not use more force than is absolutely necessary to achieve the legitimate law enforcement objective. ⇨ The Agency shall provide equipment to statutory staff deployed as members of the teams which is necessary to enable the appropriate level of force to be applied. ⇦ If a ~~firearm~~ ⇨ weapon ⇦ is used, statutory staff deployed as members of the teams shall ensure that such use causes the least possible injury and minimises injury and damage to the greatest possible extent. Where the measures lead to an unacceptable result, statutory staff deployed as members of the teams may waive the measure. ~~The principle of proportionality requires the Agency to provide equipment and self-defensive tools to statutory staff deployed as members of the teams which are necessary to enable the appropriate level of force to be applied.~~

The Duty of Precaution

Operational activities carried out statutory staff deployed as members of the teams shall fully respect and aim to preserve human life and human dignity. All necessary steps that can minimise the risk of injury and damage during operations shall be taken. This obligation includes a general obligation for statutory staff deployed as members of the teams to give clear warnings of their intention to use force, unless giving such a warning would unduly place the members of the teams at risk or would create a risk of death or serious harm to others, or would be clearly inappropriate or ineffective in the particular circumstances.

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3.2 ***SPECIFIC RULES FOR THE MOST COMMONLY USED ~~INSTRUMENTS OF FORCE~~ ⌦ WEAPONS AND ⌫ (EQUIPMENT OF STATUTORY STAFF DEPLOYED AS MEMBERS OF THE TEAMS)***

In accordance with the core principles, the use of force shall only be permissible to the extent that the use of force is necessary for achieving the ~~immediate~~ ⇨ legitimate ⇦ law enforcement ~~aim~~ ⌦ objective, ⌫ and only after:

– attempts to resolve a potentially violent confrontation by means of persuasion, negotiation, mediation have been exhausted and failed;

– a warning of the intention to use force has been given.

Where it is necessary to escalate the level of intervention (for example, using a ~~weapon~~ ⇨ firearm ⇦ or a different kind of weapon), clear warning of such an escalation shall also be given unless giving such a warning would unduly place members of teams at risk or would create a risk of death or serious harm to others, or would be clearly inappropriate or ineffective in the particular circumstances.

⌦ (A) Weapons ⌫

Firearms

⇨ To protect the right to life, statutory staff deployed as members of the teams should make every reasonable effort to exclude the use of firearms. ⇦

Statutory staff deployed as members of the teams shall not use firearms against persons, except in the following circumstances, and only when less extreme means are insufficient to achieve the necessary objectives:

– the use of firearms ~~by statutory staff deployed as members of the teams~~ is a last resort in an extreme emergency, especially if there is any risk that bystanders might be endangered;

– the use of firearms ~~by statutory staff deployed as members of the teams~~ is necessary to defend themselves or others against an imminent threat of death or serious injury;

– the use of firearms ~~by statutory staff deployed as members of the teams~~ is to prevent an imminent threat of death or serious injury.

~~– the use of firearms by statutory staff deployed as members of the teams is to repel an actual attack or prevent an impending dangerous attack on essential institutions, services or facilities.~~

Prior to the use of firearms, statutory staff deployed as members of the teams must give a clear warning of their intention to use such firearms. Warnings may be given orally or by the firing of warning shots.

~~***Non-lethal weapons***~~

Baton

~~Approved~~ Batons may be used ~~as a means of defence or as a weapon, as appropriate,~~ in line with the core principles ⌦ as defined in Section 2 of this Annex. ⌫ ~~, as follows:~~

~~when lesser use of force is considered clearly unsuitable for the purpose,~~

~~to avert an actual or impending attack on property.~~

Prior to the use of batons, statutory staff deployed as members of the teams must give a clear warning of their intention to use ~~batons~~ ⌦ them ⌫ . In using batons, statutory staff deployed

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as members of the teams shall always aim to minimise the risk of injury suffered and avoid contact with the head ⇨ or body parts with vital organs, including the kidney, or the groin area ⇦ .

Lachrymatory agents (e.g. pepper spray)

~~Approved~~Lachrymatory agents may be used ~~as a means of defence or as a weapon, as appropriate,~~ in line with the core principles ⌦ as defined in Section 2 of this Annex. ⌫ ~~, as follows:~~

– ~~when lesser use of force is considered clearly unsuitable for the purpose,~~

– ~~to avert an actual or impending attack.~~

⇩ new

Prior to the use of lachrymatory agents, statutory staff deployed as members of the teams shall give a clear warning of their intention to use them.

Service dogs

Only service dogs and their handler specifically trained for use of force, may be used, in line with the core principles, as defined in Section 2 of this Annex.

Prior to the use of service dogs, statutory staff deployed as members of the teams shall give a clear warning of their intention to use them.

🡻 2019/1896 (adapted)
⇨ new

(B) Other equipment

Handcuffs

Handcuffs ~~shall only be placed on persons who are considered to present a danger to themselves or to others, in order to ensure their safe detention or transportation and to ensure the safety of statutory staff deployed as members of the teams and other members of the teams~~ ⌦ may be used, in line with the core principles, as defined in Section 2 of this Annex ⌫ .

Handcuffs shall only be used for the shortest time possible and only where strictly necessary.

~~3~~4. ***PRACTICAL RULES ON THE USE OF FORCE, SERVICE WEAPONS, AMMUNITION AND EQUIPMENT DURING OPERATIONS***

General practical rules on the use of force, weapons and other equipment during operations

~~In accordance with Article 82(8),~~ ⌦ The ⌫ statutory staff deployed as members of the teams ~~are to exercise their executive power, including the~~ ⌦ shall ⌫ use ~~of~~force ⌦ in accordance with the provisions of Article 98 ⌫ . ~~, under the command and control of the host Member State, and shall only use force, including using weapons, ammunition and equipment, in the presence of the border guards of the host Member State following the authorisation of the competent authorities of the host Member State. Nevertheless, the competent authorities of the host Member State may authorise statutory staff deployed as~~

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~~members of the teams, with the consent of the Agency, to use force in the absence of officers of the host Member State.~~

~~The host Member State may prohibit the carrying of certain service weapons, ammunition and equipment in accordance with the second subparagraph of Article 82(8).~~

Without prejudice to ~~the authorisation by the host Member State and~~ the applicability of ~~its~~ ⌦ host Member State ⌫ ⇨ and third country ⇦ national law to the use of force during ~~operations~~ ⌦ operational activities ⌫ , the use of force ~~and weapons~~ by statutory staff deployed as members of the teams shall:

(a) comply with the core principles and specific rules referred to in ~~Part~~ ⌦ Section ⌫ 2;

(b) respect fundamental rights as guaranteed under international and Union law, including, in particular, under the Charter, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the United Nations Code of Conduct for Law Enforcement Officials;

(c) comply with the Agency's code of conduct.

~~45~~. ***CONTROL MECHANISM***

The Agency shall provide the following safeguards in relation to the use of force, weapons, ammunition and equipment, and shall provide a stocktaking in its annual report.

Training

The training provided in accordance with Article ~~62~~75(2) shall cover theoretical and practical aspects in relation to the prevention of and use of force. The theoretical training shall incorporate psychological training, including training in resilience and working in situations of high pressure, as well as techniques for avoiding the use of force, such as negotiation and mediation. The theoretical training shall be followed by obligatory and adequate ~~theoretical and~~ practical training on the use of force, weapons, ammunition and equipment and on applicable fundamental rights safeguards. In order to ensure a common practical understanding and approach, the practical training shall end with a simulation relevant to the activities to be carried out during the deployment and shall include a practical simulation involving the operationalisation of fundamental rights safeguards.

The Agency shall provide statutory staff deployed as members of the teams with annual ~~ongoing~~ training on the use of force. Such training shall take place as per the training provided for in Article 75~~62~~(2). In order for statutory staff deployed as members of the teams to be permitted to carry service weapons and to use force, they shall be required to have successfully completed the annual ~~ongoing~~ training. The annual ~~ongoing~~ training shall cover theoretical and practical aspects as described in the first paragraph. The annual ~~ongoing~~ training shall last at least 24 hours in total, with the theoretical training taking at least 8 hours and the practical training taking at least 16 hours. The practical training shall be divided into at least 8 hours for physical training, using physical restraint techniques, and at least 8 hours for the use of firearms.

Use of narcotics, drugs and alcohol consumption

Statutory staff deployed as members of the teams shall not consume or be under the influence of alcohol while on duty.

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Statutory staff deployed as members of the teams shall not possess or use narcotics or drugs, unless prescribed on medical grounds. Statutory staff deployed as members of the teams requiring drugs for medical purposes shall immediately inform their immediate superior of such a requirement. Their participation in operational activities may be reviewed having regard to potential effects and side-effects associated with the use of the substance.

The Agency shall establish a control mechanism to ensure that its statutory staff deployed as members of the teams do not carry out their functions under the influence of narcotics, drugs or alcohol. That mechanism shall be based on regular medical testing of statutory staff deployed as members of the teams in order to identify any possible consumption of narcotics, drugs or alcohol. Any positive test results shall be immediately reported to the executive director.

Reporting

Any incidents involving the use of force shall be immediately reported through the chain of command ~~to the coordination structure relevant~~ ⌦ responsible ⌫ for each ~~operation~~ ⌦ operational activity ⌫ and to the fundamental rights officer and the executive director. The report shall provide full details of the circumstances in which such use arose.

⇨ The above reporting is without prejudice to the reporting mechanism defined by the national law of the host Member State or third country. ⇦

~~***Duty to cooperate and inform***~~

Statutory staff deployed as members of the teams ~~and any other participants in operations~~ shall cooperate in the gathering of facts related to any incident which was reported during an operational activity.

~~***Supervisory mechanism***~~

~~The Agency shall establish a supervisory mechanism as referred to in point (a) of Article 55(5).~~

~~***Complaints mechanism***~~

~~Any person may report suspected breaches by statutory staff deployed as members of the teams of the rules on the use of force applicable under this Annex through the complaints mechanism provided for in Article 111.~~

~~***Sanctions***~~

~~Without prejudice to Article 85, where the Agency establishes that a member of its statutory staff deployed as a member of the teams has performed activities in breach of the rules applicable under this Regulation, including fundamental rights protected under the Charter, the European Convention for the Protection of Human Rights and Fundamental Freedoms and international law, the executive director shall take adequate measures, which may include the immediate recall of that statutory staff member from the operational activity, and any disciplinary measures in accordance with the Staff Regulations, including the removal of the statutory staff member from the Agency.~~

~~***Role of the fundamental rights officer***~~

~~The fundamental rights officer shall verify and provide feedback on the content of induction and refresher training paying special regard to aspects relating to fundamental rights and how fundamental rights can be protected in situations where the use of force is necessary, and ensure relevant preventive techniques are included.~~

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~~The fundamental rights officer shall report on the respect for fundamental rights within the law enforcement practices of the host Member State or host third country. That report shall be submitted to the executive director and shall be taken into account in the design of the operational plan.~~

~~The fundamental rights officer shall ensure that incidents related to the use of force and use of weapons, ammunition and equipment are thoroughly investigated and reported without delay to the executive director. The results of such investigations shall be transmitted to the consultative forum.~~

~~All activities related to the use of force, weapons, ammunition and equipment shall be regularly monitored by the fundamental rights officer, and all incidents shall be reported in the fundamental rights officer's reports as well in the annual report of the Agency.~~

~~5~~6. ~~***PROVISION OF SERVICE***~~ ***WEAPONS*** ⌦ **,** ***AMMUNITIONS AND EQUIPMENT OF STATUTORY STAFF DEPLOYED AS MEMBERS OF THE TEAMS*** ⌫

~~***Authorisation of weapons***~~

For the purposes of determining the exact service weapons, ammunition and other equipment to be used by statutory staff deployed as members of the teams, the Agency shall establish an exhaustive list of items to be included in personal equipment sets.

Personal equipment sets shall be used by all statutory staff deployed as members of the teams. The Agency may also complement personal equipment sets with additional weapons, ammunition or other equipment specific for the purpose of carrying out specific tasks within one or two types of teams.

The Agency shall ensure that all weapons, including firearms, ammunition and equipment provided to statutory staff deployed as members of the teams comply with all the necessary technical standards.

⌦ ***Authorisation of weapons,*** **ammunitions and equipment** ⌫

⇩ new

In accordance with Article 43(3), point (d), the operational plans shall include the weapons, ammunition and equipment authorised by the host Member State and third country to be used by statutory deployed as members of the teams.

🡻 2019/1896

~~weapons, ammunition and equipment that are authorised for use shall be listed in the operational plan in line with the requirements on admissible and prohibited weapons of the host Member State.~~

~~***Instructions for duty period***~~

~~Weapons, ammunition and equipment may be carried during operations and shall be used only as measures of last resort. Carrying or using weapons, ammunition and equipment during off-duty periods shall not be allowed. The Agency shall establish specific rules and measures to facilitate the storage of weapons, ammunition and other equipment of statutory staff~~

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~~deployed as members of the teams during off-duty periods in secured facilities as referred to in point (c) of Article 55(5).~~

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↓ 2019/1896 (adapted)

~~ANNEX VI~~

~~CORRELATION TABLE~~

~~Regulation (EU) 2016/1624~~	~~Regulation (EU) No 1052/2013~~	~~This Regulation~~
~~Article 1, first sentence~~	~~—~~	~~Article 1, first paragraph~~
~~Article 1, second sentence~~	~~—~~	~~Article 1, second paragraph~~
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~~—~~	~~Article 3, points (b), (e), (d), (f) and (g)~~	~~Article 2, points (7), (8), (10), (11), and (13)~~
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~~Article 2, points (5) to (7)~~	~~—~~	~~Article 2, points (20) to (22)~~
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~~Article 4, points (a) to (d)~~	~~—~~	~~Article 3(1), points (a) to (d)~~
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~~—~~	~~—~~	~~Article 10(1), point (b)~~
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~~—~~	~~—~~	~~Article 10(1), point (e)~~
~~Article 8(1), point (s)~~	~~—~~	~~Article 10(1), point (f)~~
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~~Article 8(1), point (g)~~	~~—~~	~~Article 10(1), point (j)~~
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~~Article 8(1), point (i)~~	~~—~~	~~Article 10(1), point (m)~~
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ANNEX VI

Repealed Regulation with the amendment thereto

Regulation (EU) 2019/1896 of the European Parliament and of the Council (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj)

Regulation (EU) 2021/1134 of the European Parliament and of the Council (OJ L 248, 13.7.2021, p. 11, ELI: http://data.europa.eu/eli/reg/2021/1134/oj) — only Article 9

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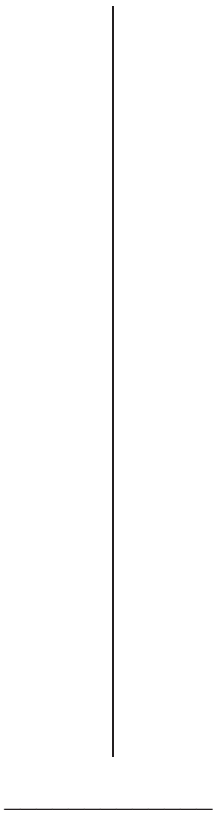
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