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EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Accompanying the document

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

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Executive Summary Sheet

Impact assessment for a proposal for the revision of the Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard

A. Need for action

What is the problem and why is it a problem at EU level?

The EU faces complex challenges at its external borders: it remains subject to significant migratory pressure, resulting in oftentimes unpredictable developments requiring urgent and flexible responses. Recent geopolitical developments have also created a hostile geopolitical context at the EU's Eastern border, resulting in hybrid threats and attempts by non-EU countries to instrumentalise migration to undermine the EU and its Member States.

Border management is a shared competence of the EU, operationally spearheaded by the European Border and Coast Guard Agency (Frontex) and the relevant authorities of the Member States, operating together as the European Border and Coast Guard. In responding to this complex environment, the overarching challenges are the following:

1) the **efficiency of the EBCG** in border management and **return is undermined** by ambiguities, gaps and unused opportunities;
2) the **capabilities of Frontex are not able to sufficiently develop to respond to increasing needs** and to the objectives of European Integrated Border Management (EIBM);
3) the **development and implementation of EIBM is undermined by deficiencies** in training, planning and Frontex quality control mechanisms.

These problems materialise in various interconnected ways. The efficiency losses of the EBCG are driven primarily by the lack of clarity on key tasks, gaps in Frontex's mandate, challenges related to the implementation and architecture of the European Border Surveillance System (EUROSUR) and the limited role of Frontex in the external dimension. They are also driven by limitations in Frontex's mandate in the area of return, including relevant governance aspects, which no longer matches the needs and ambitions of EU return policy.

Frontex's ability to develop capabilities to respond to operational needs is limited by challenges in the size and overall structure of the standing corps, as well as insufficient technical equipment and logistic support structures. Lastly, the effective implementation of EIBM is limited by the lack of a framework to train European border guards uniformly according to EIBM standards, and the fact that strategic planning, integrated planning and quality assurance remain fragmented, which limits their role in achieving EIBM objectives.

Objectives: What should be achieved?

The **general objective** is to 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, to increase the effectiveness of the EBCG to be able to respond to the fluid and challenging situation at the EU external border, and in the area of return.

The **specific objectives** aim to:

- Enhance Frontex's effectiveness across the spectrum of its competencies, namely in its support for the Member States (and Schengen Associated Countries) in managing the EU's external borders, in the effectiveness of its contribution to return activities, in the prevention of illegal arrivals, and in terms of the situational awareness provided to the EBCG via EUROSUR;
- Strengthen the EBCG human and technical capabilities and enhance effectiveness of their deployment in Frontex's operational activities;
- Ensure the coherent design and implementation of EIBM across EU Member States, based on harmonised training, synergies in planning, reinforced quality control processes, and an overall standing corps of 30 000 officers equipped with the state-of-the-art equipment.

What is the value added of action at the EU level (subsidiarity)?

Given the cross-border and cross-sector nature of managing external borders, as well as the significant synergies that can be unlocked through better coordination in the area of return, the identified objectives **cannot be achieved by Member States acting alone or in an uncoordinated way**.

The effective management and control of the Union's **external borders** is in the interest of all Member States. Emerging cross-border risks require constant planning and harmonised standards that only EU-level coordination can provide. Recent geopolitical developments have further increased the existing need for a reinforced, flexible, and adapted Union response in the management of external borders.

Despite progress, the number of effective **returns** to external countries remains low, with many of the current shortcomings in the operationalisation of the EU's return policy stemming from limited coordination between national systems. This is a challenge that requires a focused, collective response at the EU level, as part of the common return system.

In particular, the involvement of the European Border and Coast Guard Agency allows for pooling of expertise, common risk analysis, interoperability of systems, and rapid deployment of technical and human resources, which individual Member States may not be able to mobilise in a timely manner on their own.

B. Solutions

What are the various options to achieve the objectives? Is there a preferred option?

The impact assessment evaluates three identified policy options, all of which encompass both legislative and non-legislative measures and aim to deliver on the identified Specific Objectives, albeit to varying extents, reflecting different levels of ambition regarding the General Objective to develop and implement EIBM to increase the effectiveness of the EBCG.

- **Policy Option 1** aims to enhance the effectiveness of the EBCG by addressing issues identified in the 2024 evaluation of the EBCG Regulation and other shortcomings identified in the implementation of the Regulation. It reflects the need to increase the overall preparedness of the EBCG to face emergency and crisis situations that may develop quickly at the border. Under this option, the current pace of developing and implementing EIBM is to be maintained.
- **Policy Option 2** largely builds on measures proposed under Option 1 and goes a step further by proposing measures to seize various unused opportunities and match the level of ambition in other policy areas, in particular return. By introducing a new category within the standing corps, paired with a reinforced emphasis on training, it significantly changes the approach to EBCG shared responsibility for border management and return. It gives foundations to transform the EBCG from fragmented and reactive systems to a more harmonised and EIBM-based structure that is better equipped to respond to the volatile geopolitical situation it faces.
- **Policy Option 3** represents the most ambitious approach, proposing the largest scope of modifications in the EBCG Regulation. It envisages, where appropriate, an expansion of the EBCG's mandate and further reinforcement of capabilities, with a view to exploiting to the maximum the potential of Frontex in border management and return and delivering on EIBM objectives.

The proposed measures touch upon different areas, from border management to return, from training to technical equipment, featuring different realities and contexts. Accordingly, the preferred approach is not to select one preferred option but rather to select the most appropriate policy measures under different policy options, responding to different problems and problem drivers. This approach is expected to deliver the most positive impact on achieving the aforementioned objectives while ensuring high effectiveness, consistency, and proportionality across the board.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise of main ones)?

The expected benefits result from specific policy measures under different policy options, where the selected policy measures can be grouped in the following manner:

- **Border control and combating cross border crime**: the preferred option should provide a level-playing field across the EBCG allowing standing corps officers to perform tasks in the first and second line of border controls at the external borders. This, in turn, should increase operational efficiency, with benefits for EU citizens through increased security, better use of resources and smoother border procedures.
- **Support in exceptional situations**: the preferred option should improve the timeliness and quality of data provided by Member States in EUROSUR and complement the situational picture by adding aggregated and anonymised information from social media monitoring and data on threats of hybrid nature affecting the management of the external borders, which in the end will contribute to improved situational awareness and lead to enhanced prevention of and response to potential emergency or crisis situations.
- **Cooperation with external partners**: the preferred option should facilitate the development of operational cooperation with non-EU countries in the area of border management and return.
- **Return**: the preferred measure should ensure more efficient returns based on better use of Frontex resources and assets.
- **Standing corps and training architecture**: the preferred measures should provide

foundations for a stronger, more agile, and uniform EU force, consisting of border guards and return specialists operating based on the same understanding of their tasks and objectives.

- **Conditions applicable to employment and technical equipment**: the preferred measures should allow for reinforcing the human and technical capabilities at the disposal of Frontex and Member States to respond to current and foreseeable needs in border management and return.
- **Measures supporting the implementation of EIBM**: the preferred measures should improve planning coherence, strategic coordination and quality assurance, as the prerequisites for the efficient use of human and technical resources, in a more proactive manner and adjusted to operational needs.