DG Home

Study on the feasibility of the creation of a European System of Border Guards to control the external borders of the Union

ESBG

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Abstract

The final report presents the results of the study on the feasibility of the creation of a European System of Border Guards to control the external borders of the Union carried out by Unisys for the Directorate General Home Affairs of the European Commission. The purpose of the study was to identify three models of what a European System of Border Guards could be composed of, when assessing the expert views in EU Member States, Schengen Associated Member States and at the EU level. After a thorough evaluation of the existing challenges and future opportunities, different options were proposed for improved cooperation at the external borders of the EU, including the increased role of the Frontex Agency.

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1 Executive summary

The question of common standards and a single governance structure for the management of EU external borders first occurred on the European agenda a few decades ago. Due to increasing challenges related to irregular migration and internal security threats, continuous debate on the forms of an enhanced cooperation model within the Schengen area took place. A number of initiatives were launched at EU level, including the establishment of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex) in 2004. In 2006, the Justice and Home Affairs Council defined the main components of the integrated border management concept (IBM). Nonetheless, the question of an appropriate governance structure has remained open. Considering the change in legal framework and new competences granted to the EU by the Lisbon Treaty, a review of the situation was initiated in the scope of the Stockholm programme. The present study, launched by the European Commission, aims to evaluate the feasibility of the creation of a European System of Border Guards (ESBG) for improved management of the external borders of the Union, and to address the future role of the Frontex Agency.

Three initial options (*Support scenario*, *Participation scenario* and *Delegation & Accountability scenario*) were tested against the views of a wide range of experts at national and EU level. The interviewees were invited to provide their reflections with an open, forward looking perspective. The feedback received was consolidated into the present final report, which recommends different governance models for future external border management and a roadmap for implementation.

The study recommendations were built on further to incorporate the recent achievements in the field of EU external border management. These include the successful integration of the IBM concept and progress made in regulating surveillance operations at the external sea borders. The possibility to deploy seconded border guards during Frontex operations introduced through the last revision of its mandate marks an important endorsement of its operational capacity. It constitutes the basis for reflection on the form that a future European border guard force could take, which is further elaborated in the study conclusions. Other recent achievements, such as the increased role of the European Commission in the Schengen evaluation mechanism or the European Border Surveillance System (Eurosur), go in line with the idea of further integration and shared responsibility, which form the cornerstone of the proposed models. Further implementation of the Smart Border Package and the new financial instrument, the Internal Security Fund (ISF), will support the practical implementation of the suggested approach.

During the consultation process, Member States identified several opportunities for the future roles and activities within the future ESBG mechanism, taking into account current gaps. A strengthened role for the Seconded Guest Officers (SGO) was favored, with regard to first line checks. A more active role for Frontex in supporting joint return operations, performing rapid interventions, conducting risk analysis and training activities was requested. Common standards and harmonised liability provisions were reported as necessary. Furthermore, the need to strictly adhere to human rights standards while at the same time increasing EU's internal security capabilities was stressed.

Half of the Member States responded positively as to the feasibility of a certain form of a border guard force established at EU level. While the idea of direct delegation of responsibility was received with caution, there were clear indications that some border

management authorities support further involvement of the EU, in the management of the EU external borders. Member States authorities seem to be in favour of a bottom-up approach, particularly with regard to third country relations and readmission agreement negotiation. They consider that EU institutions or bodies should support priorities determined from the ground up, based on concrete operational needs and risks.

In addition, further opportunities for enhancing the EU's role in the external borders control area were referred to by representatives of Frontex. Their suggestions ranged from enhancing the Agency's supportive role in return operations to acquiring responsibility to manage increased pressure situations. The legal framework was considered as enabling further development of border controls towards more integration at EU level. Such an approach received support at the European Parliament. Regardless of the adopted governance structure, the role of an independent evaluator was seen as one of crucial importance for the observance of fundamental rights. Similarly, the European Parliament's engagement in the accountability process was considered as a must by representatives of all political groups.

The analysis of the different views expressed by stakeholders resulted in the development of the three possible models. The proposed measures and new structures were introduced as subsequent steps towards the ultimate form of an ESBG in the final model. They should be thus seen as constituent parts of a phased approach, the implementation process being determined by successful completion of precedent steps. It is suggested to first fully exploit the current situation in order to further increase the solidarity and burden sharing in the Schengen Area (Model 1: *'Optimal use of existing instruments'*). The Agency should make better use of its supportive role, when performing short-term planning of operations, joint procurement and common training programs. This model will pave the way for adequate preparation towards more integrated cooperation, defined in Model 2.

Based on the assessment of the implementation status of the measures proposed in Model 1, a decision will be taken whether Model 2: *'Shared responsibility'* could be introduced. This model is considered as an intermediary step towards achieving full integration of external border management at EU level. It implies delegation of responsibility to the EU level for so called 'hot spots' operations, being subject to an evaluation, conducted by the Coordinating Officer. The operations would be performed by the European Border Corps (EBC), composed of SGO currently forming part of the European Border Guards Team (EBGT). Both the number of SGO and their service period would be extended. Detailed rules on accountability, liability, decision process, executive powers and evaluation will have to be adopted, enabling EU intervention in such high pressure areas.

The successful output of Model 2 would lead to an extension of the hot spots mechanism towards an EU permanent structure for the daily management of Schengen borders. This would mean the development of a true EU system of border management (Model 3: *'Full integration at EU level'*). The EBC would comprise border guards of all Schengen States who would perform their duties under the command and control of the newly established EU Body – the Committee on Schengen Border Management (CSBM). An Independent Evaluator would assess the work carried out by both the EBC and the Frontex Agency which would continue supporting the executive role.

While in the case of the second model, no changes to the TFEU are likely to be necessary due to the open scope of Article 77 of the Treaty on the Functioning of the EU (TFEU),

Model 3 will necessitate changes, external borders currently falling under the shared competence. Due to the integration of resources and centralisation of activities, Member States will however benefit from significant cost savings. Joint procurement is another example where delegation could bring significant benefits.

In conclusion, the proposed approach will allow for an integrated border management in the Schengen area, based on common structures and activities. This form of enhanced co-operation will provide adequate means to tackle emergency situations and will ensure consistency in the application of border control policy. The three models will be implemented in sequence, each step being conditioned by the assessment of the results of previous ones; thus ensuring a smooth and steady transition towards EU led external border control.

2 Introduction

2.1 Study context and objective

The idea of a European System of Border Guards has emerged in the late 1990s because of the need for solidarity and the fair sharing of responsibility in the context of the Schengen area. A number of intergovernmental cooperation initiatives were launched, such as joint operations at the EU external borders, a risk analysis centre and an ad hoc training centre. Subsequently, the European Agency for the Management of Operational Cooperation at the External Borders (Frontex)[1] was established in 2004 and became operational in 2005.

Regardless of the positive developments, irregular migration and internal security threats kept increasing, issues that were difficult to handle within the limits of the initial network mechanism. Therefore, two enhancements of the Frontex mandate were introduced (in 2007[2] and 2011[3]). Furthermore, in the Stockholm Programme[4], the Commission was invited to "initiate a debate on the long-term development of Frontex. This debate should include, as was envisaged in the Hague Programme, the feasibility of the creation of a European system of border guards".

To respond to this call and to deliver on the Declaration made at the adoption of the aforementioned 2011 amendment of the Frontex Regulation, the Commission contracted Unisys in June 2013 to conduct the present study on the feasibility of the creation of a ESBG to control the external borders of the Union, in order to collect and update ideas in an open, forward looking manner.

The main study objective is to propose three possible organisational models for the future ESBG and a possible roadmap for its implementation, based on the findings collected throughout the study.

2.2 Methodology

The methodology used to conduct the feasibility study on the ESBG included four different steps.[5]

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[1] Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 349/1 of 25.11.2004

[2] Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, OJ L 199/30 of 31.07.2007

[3] Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 304/1 of 22.11.2011

[4] The Stockholm Programme - An open and secure Europe serving and protecting citizens, 5731/10, 10.03.2010

[5] A comprehensive description of the methodology and the work performed can be found in Annex 6.3.

2.2.1 **Desktop research**

This method included the review of the current legal framework (both EU and national legislation), as well as relevant studies and other documentation in the field. During this phase, the initial scenarios were developed to be tested during the Member States' visits. These are briefly presented further below.

2.2.1.1 Model 1 - Support scenario

This model is the continuation of the current situation with some improvements. Each Member State maintains full control and autonomy and remains the centre of decision when dealing with border control. An EU organisation is responsible for capacity management when supporting Member States with the control of external borders of the EU. Both the EU organisation and Member States ensure solidarity and effectiveness across all common space activities. The capacity management in this context refers mainly to the management of a pool of technical and human resources, the coordination of training activities and the information gathering at borders.

2.2.1.2 Model 2 - Participation scenario

Participation scenario is a hybrid option where a higher degree of interaction at EU level exists and where Member States share a part of the decision-making process with other Member States or EU organisations. EU organisations participate to the management of the borders (ad-hoc authorisations to perform specific activities). In this option, the centres of decision may exist both at EU level and Member States level (joint operations, delegations to perform activities). This option also foresees a degree of delegation of the capacity management and operational management of borders to an EU organisation, while Member States are responsible for the remaining activities and functions.

2.2.1.3 Model 3 - Delegation & Accountability scenario

According to this model, certain (formally listed) tasks (operational activities) and decision-making processes are delegated to a common organisation. Support is given and provided by all Member States to all Member States, but the centre of decision is situated at EU level for the relevant (expressly delegated) border control components. Accountability mechanism ensures the respect of fundamental rights, the Schengen Borders Code and the contents of agreements with third countries.

2.2.2 **Use of the questionnaires**

Questionnaires were sent to participating countries that agreed to be part of this study (twenty six questionnaires sent in total) for collecting relevant information[6]. Through the Single Points of Contact (SPOCs)[7], Member States were invited to fill in the questionnaires disseminated by email.

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[6] Please see Annex 6.4.1 of the report.
[7] The contacted authorities that were part of the study are enlisted in Annex 6.2

2.2.3 **Visits and interviews**

Visits and interviews were organised at the premises of the participating Member States and other relevant stakeholders (i.e. Frontex and the European Parliament). The visits were aimed at collecting views from subject matter experts and validating answers provided in the questionnaires. An Interview Guide was used during the meetings to clarify questionnaire findings and discuss the possible scenarios of the ESBG. It also comprised a table on different dimensions of border control[8] to support the discussions on opportunities for deepening EU integration.

2.2.4 **Consolidation and analysis**

This method represented the analysis of the information collected during the study, which included answers to the study questionnaire, feedback received during the visits to Member States and discussions with Frontex, the European Parliament and the European Commission. In addition, results of the conference organised by the Academy of European Law (ERA) and Frontex in October 2013 in Warsaw[9] and all the current legislative developments were taken into account.

2.3 Contextual issues

During the study, several difficulties were encountered which are briefly summarised below:

- Due to the difficulties in defining the responsible competent authority, the nomination of a SPOC for the purpose of the present study was delayed in several cases. Such situations implied additional efforts of the study team to ensure the continuity of the communication on the subject matter.
- Because of high workload, several Member States (Ireland, Iceland and United Kingdom) requested to be left outside the scope of the present study.
- Tight schedules imposed time constraints; therefore, strong efforts were required to manage the mission planning in order to have twenty four Member States visited within the agreed timeframe. When a mission could not be planned, a conference call was established (with Italy and Malta).
- According to the approved methodology, the study primarily targeted to collect the Member States' opinion and the feedback of experts representing their national administration. This is the right way for assessing the evolution rate of opinions inside the "Member States community" but is not likely to produce "clear cut" or really innovative propositions.
- A considerable number of Member States' experts were not able to provide quantitative responses per task performed by border guard officials. However, in most cases, the total number of available human resources and the total budget allocated for the overall border management activities were provided.

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[8] Please see Annex 6.4.2 of the report.
[9] The Feasibility of a European System of Border Guards: A practitioner's perspective, Academy of European Law (ERA) & Frontex, Warsaw, 28-29 October 2013

- Participants to focus groups meetings repeatedly insisted that the answers for some of the questions imply making political statements. The study team took their observation into consideration while remaining neutral in providing the results of the study.
- Flexibility was required from the study team to adapt the methodology to the evolving mission objectives throughout the course of the study within the boundaries of the contract.

3 Progress made

The present section provides a brief overview of the progress made in the field of the external border management when describing both existing mechanisms and most relevant measures that are foreseen to be put in place in the coming years. For this purpose, the assessment was carried out with regard to:

- The integration of the IBM Strategy[10] into national policies;
- The revision of the Schengen Borders Code (SBC)[11];
- The strengthening of the Frontex mandate;
- The establishment of Eurosur;
- The introduction of the new Schengen evaluation mechanism;
- The envisaged implementation of the "smart border" package;
- The finalisation of financial framework for border financing 2014-2020.

The aim of the overview is to describe the progress status of the enlisted developments and provide, where relevant, Member States' feedback collected throughout the study. These developments were the starting point for the analysis on the possible models presented in Section 5 of this report.

3.1 Existing instruments

3.1.1 IBM Strategy

In 2006, the Justice and Home Affairs Council of the EU defined main components of the IBM concept. These included coordination and coherence (same standards on border surveillance, border checks, and risk analysis), inter-agency cooperation (to better combat cross-border crime and illegal immigration) and international cooperation (cooperation with both neighbouring and third countries)[12]. Twenty three countries who participated in the present study are reported to have integrated the IBM concept into their national legislation. The examples of developing the national IBM strategy include the establishment of a nationwide network for coordination, exchange of information and training purposes or delegation of experts to advise relevant staff in strategic departments or their representations abroad[13]. Such practices resulted in the increase of apprehended irregular residents and significant savings due to prevention of a high number of irregular entries.

3.1.2 Revised Schengen Borders Code

During the early phase of the EU borders management strategy (so-called 'First Generation of the EU IBM'), the SBC, which consolidated and further developed the Schengen *acquis,*

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[10] Informal JHA Ministerial Meeting Tampere, 20-22 September 2006, Development of the EU's Integrated Management System for External Borders: Border Management Strategy, Finland's EU Presidency, 07.09.2006
[11] Council Regulation establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 105/1 of 13.4.2006
[12] Guidelines for Integrated Border Management in EC External Cooperation, (11-2009)
[13] Final Report of the "Integrated Border Management" Strategy Group, Federal Office for Migration, Switzerland, 01.2012

was adopted. The Code provided a single set of rules that govern external border checks across the Schengen Area.

As concerns the surveillance of external sea borders, a new Regulation has recently been adopted to replace a Council Decision of 2010 establishing more detailed rules for surveillance in the course of Frontex operations[14].

3.1.3 **Frontex mandate**

Another important component of IBM concept is a common institutional mechanism for the operational coordination at EU level. The central role is granted to the Frontex Agency established already in 2004 with the aim to coordinate and assist EU Member States in joint operations based on risk analysis. The Agency's mandate was enhanced at several occasions, through the creation of Rapid Border Intervention Teams (RABIT) and introduction of the EBGT. Differently from RABIT teams, the purpose of the EBGT was to be always kept in full readiness to provide a rapid response to requests for intervention in crisis situations. This last amendment is of particular significance as it gave the possibility for Frontex to deploy SGO. This mechanism allows the Agency to have seconded border guards from the Member States for a maximum period of six months within twelve months. Subsequent to their secondment to Frontex, these border guards are deployed in different joint operations, together with Guest Officers (GO) from participating Member States, as members of the EBGT. This mechanism marks an important step towards a more integrated border management. The Agency was not only empowered to use Member States' resources for joint operations, rapid interventions and pilot projects but was given a possibility to have its own technical equipment.

Apart from the improvements, related to the Agency's operational capacity, the last revision of the Frontex mandate increased protection regarding the respect of fundamental rights. Frontex was also enabled to process personal data under defined conditions, to appoint a Coordinating Officer and to evaluate all operations. Furthermore, enhanced cooperation with third countries was foreseen through the possibility of providing technical assistance and appointing liaison officers. Finally, exchange programmes for training of national border guards were introduced. Member States reported positive feedback on the quality of training (the mandatory Common Core Curriculum (CCC) and specialised training) and welcomed further initiatives (e.g. on a common language, user needs aspect, evaluation, etc.).

3.1.4 **Eurosur**

An additional development which significantly contributed to strengthening of Frontex operational capacity was the establishment of the Eurosur[15]. This new permanent framework

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[14] Proposal for a Regulation of the European Parliament and of the Council 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, (COM(2013) 197 final of 12.4.2013), adopted by LIBE Committee of the European Parliament on 20.02.2014. The Regulation will replaces Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the Agency which was annulled by the Court of Justice of the European Union ('the Court') by its judgment of 5 September 2012 in Case C-355/10.

of cooperation has the purpose of facilitating the exchange of information between Member States and Frontex in order to improve situational awareness and to increase reaction capability at the EU external borders.

The Eurosur Regulation has entered into force on 02/12/2013 and needs to be properly integrated and assessed; however, some Member States having had more experience due to their participation in the pilot project since 2008[16] were already convinced of the added value of the tool.

3.1.5 New Schengen Evaluation Mechanism

In October 2013, a new Regulation on the establishment of the Schengen evaluation mechanism[17] was adopted. The new system will be coordinated by the Commission in close cooperation with the Member States and introduces the possibility of unannounced (or so-called 'surprise') expert visits to Schengen external borders and strengthens the follow-up of the evaluation results. In exceptional situations, temporary controls at the internal border of the evaluated Member States will be possibly introduced under strictly defined conditions. It is expected that the new mechanism will assist Member States in fulfilling the recommendations adopted as part of the evaluation process while at the same time encouraging them to fully comply with their obligations under the Schengen rules and guidelines.

3.2 Measures under way

3.2.1 Smart Border package implementation

The European Commission's legislative proposals on an entry/exit system allowing Member States to record dates of entry and exit of third country nationals (EES)[18] and on a registered traveller programme (RTP)[19] form part of the "next generation of border checks" package, referred to in the Stockholm Programme and endorsed by the European Council at several other occasions. The 'Smart Borders' package is an innovative project built around a highly technical integrated border management architecture which aims to facilitate and speed-up border check procedures for third country nationals entering the EU while reinforcing the internal security.

Member States interviewed during the study acknowledged its advantages; however, the implementation was perceived as challenging due to an important financial effort and the need for interoperability. The legislative process for the adoption of the Smart Borders

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[15] 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 295/11 of 06.11.2013

[16] http://btn.frontex.europa.eu/projects/internal/eurosur-network-pilot-project

[17] Council Regulation (EU) No 1053/2013, establishing an evaluation and monitoring mechanism to verify the 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 of 06.11.2013

[18] Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data of third country nationals crossing the external borders of the Member States of the European Union, COM(2013) of 28.2.2013

[19] Proposal for a Regulation of the European Parliament and of the Council establishing a Registered Traveller Programme, COM(2013) 97 of 28.02.2013

package should, on the basis of the results of the pilot project and the progress made in negotiations on the legislative proposals, be continued with the aim of reaching agreement in first reading by mid- 2016.

3.2.2 **Financial framework for border financing 2014-2020**

Within the scope of 2014-2020 EU Multiannual Financial Programme, a stronger framework for border financing is foreseen. Based on the 2011 Commission's Proposal[20], Member States can access the funding opportunities through their national programmes when focusing on projects that address the priorities defined at EU level. The new instrument, the Internal Security Fund (ISF), will, among other things, finance the development of the Smart Border package and the introduction of Eurosur, reinforce national capabilities in the area of border control, strengthen the Schengen evaluation and monitoring mechanism and support adequate resources to provide emergency assistance. The new financial framework will not only support actions in EU Member States, but also in third countries. This will thus significantly contribute to the implementation of the integrated border management concept while supporting the four-tier access control model. It is welcomed by Member States which expect EU funding to facilitate the practical implementation of fair burden sharing and financial solidarity when using transparent and adequate criteria indicators (e.g. length, complexity of external border or probability of an emergency situation).

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[20] Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, COM(2011) 750 final of 15.11.2011

4 Opportunities identified with regard to ESBG

This section provides a summary of relevant needs/suggestions with regard to the possible establishment of the ESBG expressed by different stakeholders: Member States, Frontex and the European Parliament. A detailed overview of the study findings may be found in Annex 0 of the report.

4.1 Member States' views

When asked to define possible components of the future ESBG, no clear views were received on what such a structure could entail. Member States argued that it is too early at this stage to draw the elements of the possible centralised system. However, several concrete suggestions on the roles and activities were made referring to the currently existing shortcomings. Such feedback was highly valuable as it provided the necessary ground to further elaborate the possible roles and governance models for the ESBG.

First of all, it appeared from the discussions that Member States favour the existence of the SGO mechanism in joint operations. This mechanism is seen as a forum for the exchange of best practises, therefore allowing for a more homogeneous border guard culture across Europe. Furthermore, some of the Member States are of the opinion that SGO should be able to act on equal terms when performing border control activities (e.g. first line checks in booths, verifying documents and stamping) together with the national border guards according to the SBC[21].

Secondly, the possibility of having the EU more aware of human rights standards while at the same time improving its internal security capabilities was expressed as a desired ambition. Member States expressed the need of defined training programmes and further development of the Frontex Partnership Academy concept. The need for continuous harmonisation of the code of conduct (e.g. defining common tactics and procedures) and common standards when performing different activities (liability rules on joint return operations) was referred to. According to the interviewees, these would support the increase of a common border guard's culture and would allow for an easier integration of SGO when performing their duties in host Member States. Standardised ICT specifications and minimum requirements at EU level, providing for interoperability, were asked for; there was an interest shown in having Frontex developing a pool of resources for small pieces of equipment available to the Member States during joint operations (e.g. night vision goggles).

Finally, Member States largely supported further involvement of the EU in cooperation with third countries (partnerships, agreements or training activities). The work developed by Frontex with regard to the Immigration Liaison Officer (ILO) network was also considered of significant relevance.

In general, the majority of the Member States considered the Frontex Agency as a key player in the operational cooperation, and thus advocated for its growing involvement in the external border management field. There was a clear preference expressed for its increased role, in

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[21] Art 5 of the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 105/1 of 13.04.2006

particular in facilitating return operations, supporting the Member States in negotiation of the readmission agreements and procurement activities. Member States also considered that risk analysis could be enhanced by the use of common indicators; moreover, Frontex could define training programmes based on national needs. The below figure provides an overview of the Member States' views on the future role of Frontex. The trend line depicts the average preferences when attributing a score ranging from -2 to 2 to the mentioned activities.
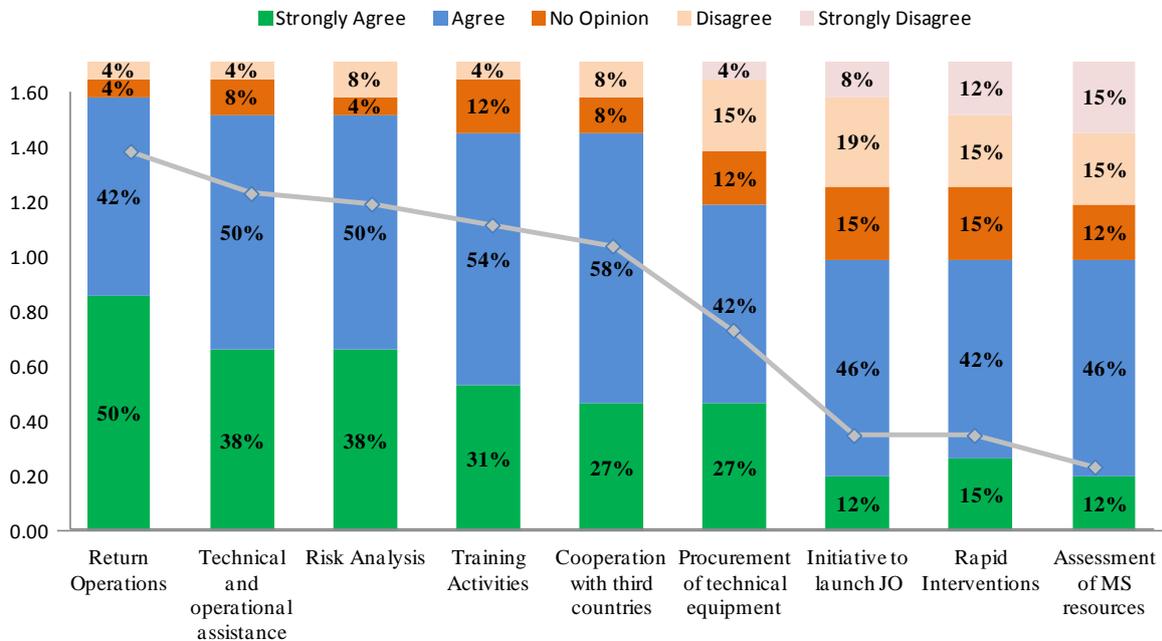
Figure 1: Frontex future role in EU external border management

4.2 Frontex feedback

In addition to Member States views, Frontex representatives expressed opinions that contributed in building different elements of the possible architecture for the future ESBG.

When asked on existing practises and the possibilities to improve them, the Agency referred to return operations since coordinated returns (third country nationals are gathered from different Member States and returned in one flight) were considered as bringing cost savings.

During the increased pressure at borders, delegation of responsibilities was seen as a possible scenario. Frontex claimed that it could asses more into detail Member States' capacity to perform border control activities in accordance with the Frontex Regulation.

The Frontex Regulation mandated the Agency to develop a risk analysis methodology, which resulted in the establishment of the Common Integrated Risk Analysis Model (CIRAM). However, the effectiveness of CIRAM could be enhanced if it was imposed as binding. Member States should also be obliged to provide common indicators.

Furthermore, due to budget restrictions, Frontex may not be in a position to purchase equipment to be used during joint operations. Among alternative solutions, a possibility of the co-ownership of the equipment was therefore assessed.

In addition, the need for improved coordination of procurement activities was addressed. It was suggested that Member States could take over technical equipment which is no longer used by other Member States. Frontex could thus have the possibility of facilitating this process being able to assess Member States' capacity. Common procurement of specific technical equipment (e.g. thermovision equipment) could also lead to significant savings at national level.

Finally, a proposal to harmonise the level of training received by border guards in the Schengen Area was made (in addition to standards provided by the CCC training).

When addressing the question on the legal possibilities, the representatives of the Agency considered the legal framework enabling further integration of border control:

- Existing possibility to cooperate with third countries;
- Possible development of rules of conduct based on current regulations;
- Article 77 of the TFEU[22] provides opportunities to develop the integrated management system.

4.3 European Parliament's position

The interviews at the European Parliament took place at the later stage of the study; therefore the discussions could focus on more elaborated models of the future ESBG. The interviewees showed great interest in the subject matter which is closely related to the fact that the idea of establishing such a European system was supported by the European Parliament[23].

A general observation was made that the Schengen rules are enforced differently at national level. However external borders should acquire a wide response from the whole Europe. Moreover, Schengen evaluations should be considered as a positive development enabling future improvement.

Thus, the majority of the questioned interviewees opted for a more integrated border management approach. A fully fledged EU system with both decision making and executive powers was strongly supported under the assumption that adequate legal framework is put in place. It was agreed unanimously that Frontex should be one of the key actors if/once the decision to have an EU border management body is taken. The idea of having a force in the form of "European Border Corps" acting under command and control of the EU authority in emergency situations was largely supported as an intermediary solution towards a fully-fledged ESBG.

As to the Frontex role, full use of its mandate was reported as necessary, including the short-term risk assessment, ownership/co-ownership of equipment, processing of personal data and initiation of joint operations. It was stressed that Frontex should suspend or terminate operations in case of violations of human rights. The role of independent evaluator was perceived as crucial. Even though no clear views on who could carry out such a role were

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[22] Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJ C 306 of 17.12.2007
[23] In his report on the review of the 2004 legislation setting up Frontex, the former MEP Simon Busuttil proposed to study the establishment of a European Union Border Guard System.

provided, some ideas were expressed that pointed to the possible establishment of a consultative forum and the involvement of relevant NGOs. More public evaluation was reported as necessary. The need for clear liability and accountability rules was expressed. The latter observation is related to the requirement mentioned by all political parties to grant more control powers to the European Parliament.

In summary, the prevailing position at the European Parliament is the gradual integration of border management towards the creation of the ESBG in the long run. Frontex mandate would need to be expanded for this purpose and adequate legal change is necessary.

5 Recommendations

The study recommendations result from the consolidated analysis of the main findings. They provide suggestions for the establishment of the ESBG in the form of different models. The proposal is valid when considered in the process of a phased implementation. Therefore, rather than recommending one preferred model, the focus lies on a solution that implies gradual progression towards the final objective. It is assumed that the current number of EU Member States will remain the same in the proposed timeframe.

5.1 Why a phased approach?

As illustrated in Section 4 of the report, stakeholders provided different views on the possible establishment of the ESBG and the roles of the institutions involved. Whereas both Frontex and members of the European Parliament advocated for a more integrated border management of external Schengen borders with more powers acquired at EU level, Member States were supporting a more careful approach. Most of them agreed that the current opportunities provide a number of measures to improve the border control activities and should thus be fully exhausted before taking new initiatives towards further integration. In their view, Frontex should perform the supportive and coordination role in joint return operations, training activities and negotiation of readmission agreements. They however feel that there is currently neither immediate need nor legal possibilities to shift the responsibility for external EU borders from national to EU level.

A more open approach was observed during the meetings with Frontex representatives which referred to its possible role in co-ownership and common procurement of border guard equipment. A similar view was reflected in the European Parliament's position which argued for a wide response from the whole Europe to the external border control issues. Positive feedback was received regarding the idea of having border guard teams acting under command and control of the EU authority in case an emergency situation occurs. Initial steps towards the possible creation of a European border guard force have been already introduced with the creation of the SGO mechanism and the possibility to deploy the EBGT. Further evolutions are possible and seem welcome taking into account recent legislative developments and increased challenges that the EU common area faces. Once adequate legal changes (regarding primary and secondary EU law) take place, a permanent structure could be established to take over the strategic and operational management of the external borders.

The proposed models will take into account the developments in the border control domain of the last decade. As defined in section 3 of the report, the new Schengen Evaluation mechanism will enable the European Commission to support Member States on the basis of increased knowledge of their needs and better identification of possible gaps. The Frontex' situational awareness and capacity to react in a timely manner will further be strengthened through the use of the Eurosur. The currently discussed Entry /Exit System will complement the existing tools and prepare the ground for further harmonisation at EU-level. The new financial framework will support the harmonisation of relevant national programmes with EU objectives, and assist Member States to remedy identified short-comings as a result of Schengen Evaluations.

In order to take on board all the challenges and opportunities identified during of the study[24], a progressive step by step model implementation has been chosen. This seems to be the optimal solution in the current context. Therefore, an alternative approach, initially considered by the study team, to present the three models as isolated and independent systems was dismissed as irrelevant. Even though the phased approach poses risks to timely implementation process, it is currently seen as the only realist scenario for achieving European solidarity in the border management field.

5.2 Proposed Models

The recommended solutions are presented when defining a suggested governance structure (relevant for Models 2 and 3, as new actors are proposed), legal considerations as well as an added value of the proposed models. An overview of the different models is given for comparison purposes.

The Schengen area consists of the majority of the EU Member States and associated non-EU countries. Therefore, for clarity purposes, a new notion – the Schengen Border Management (SBM) – is used when referring to external border control activities in this area.

5.2.1 Model 1 – Optimal use of existing instruments

5.2.1.1 Governance

Based on the feedback received from different stakeholders, it appears that the current decision making and executive powers of the Frontex Agency should be fully exhausted before a further step towards a more integrated SBM can be taken. The proposed Model 1 therefore suggests improvements to the functioning of the Agency while preserving the same governance structure in use today.

The proposals took into account concerns expressed by the interviewees during the study. The reported shortcomings included the responsiveness capacity in emergency situations, protection of human rights and efficient training management. Advancements that have already been agreed upon were also considered, including the increased role of the European Commission in the Schengen Evaluation or the use of the Eurosur. Similarly, it has been assumed that Member States will continue integrating the IBM concept and CIRAM 2.0 model into their national legislations.

It is proposed that the Agency's role is strengthened when exercising its powers with regard to the following activities:

- Short-term and flexible planning of operational activities for enhancing its response capability; the planning should be based on timely reports provided by Member States within strictly defined time-spans to support risk analysis;
- Advising on harmonisation of SBM related matters;
- Monitoring the respect for human rights during the operations when the EBGT are deployed and during return operations; joint operations should be immediately

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[24] A detailed overview of the study findings can be found in Annex 6.8 of the report.

terminated or suspended if such violations are considered of a serious nature or are likely to persist, as defined in the Frontex Regulation.

- Defining training programs (tailored to Member States' needs) and providing training to border guards (through the Partnership Academies in the Schengen States);
- Enhancing synergies when assessing Member States' capacity (available staff, equipment and infrastructure) and improving interoperability of border-specific IT systems (e.g. EES, Automated Border Control Gates, …).
- Supporting the implementation of agreements with third countries through the Frontex ILO network, in cooperation with Member Sates' ILOs and EEAS;
- Procuring technical and operational equipment through joining awarded procurement contracts[25].

5.2.1.2 Legal considerations

The key focus of the proposed model is the optimisation of the currently existing possibilities; therefore, no major changes in the existing legislation are needed.

5.2.1.3 Added value

The added value of the proposed Model 1 is determined by the following advancements:

- Gradual improvements of collaboration and coordination;
- Progressive convergence of European border management policies;
- Approximation of best practices;
- Low impact on costs and legislative framework.

The proposed model with the strengthened role of the Frontex Agency within the existing governance structure provides for a solid common foundation, broad legitimacy and sufficient checks and balances. It is suggested that an assessment is carried out within three to four year period. Such an approach can realise a sufficiently effective border management and adequate preparation towards more integrated cooperation, defined in Model 2 (Section 5.2.2).

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[25] See further details in Section 5.4.2 of the report.
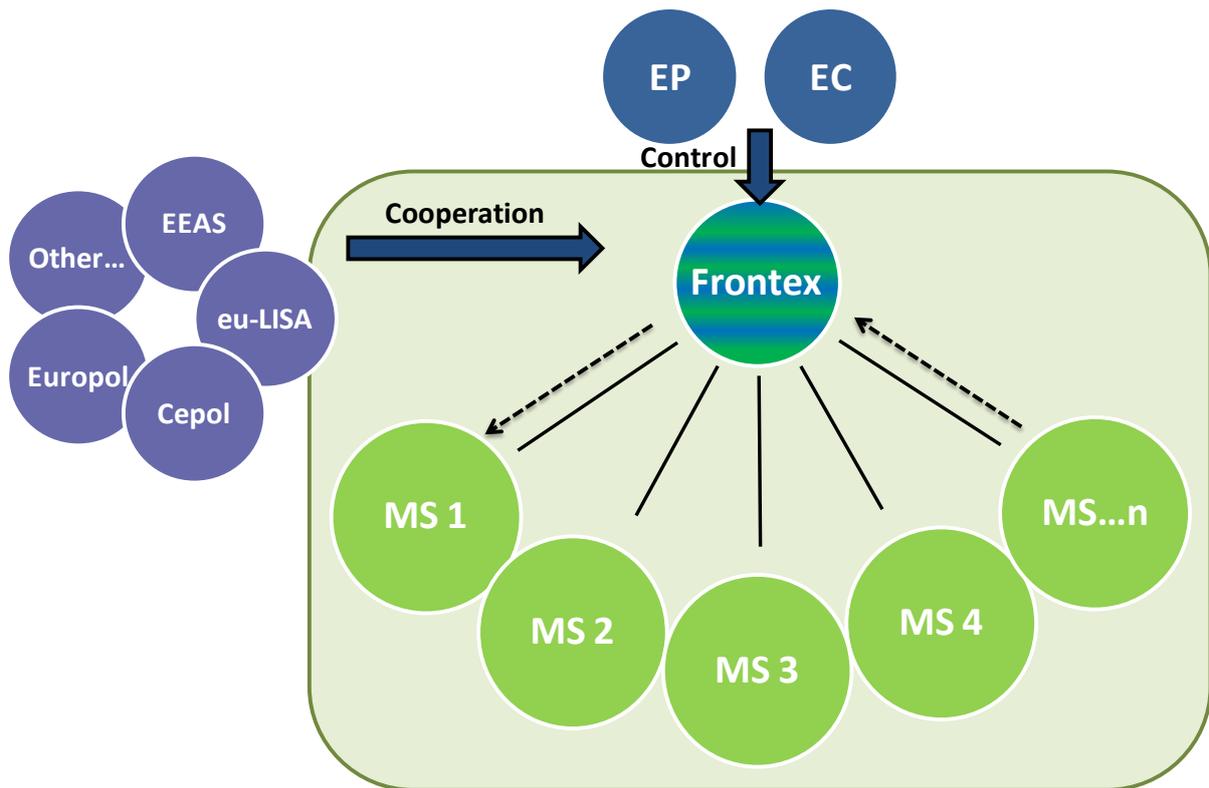
Figure 2: Model 1 - Optimal use of existing instruments

5.2.2 Model 2 – Shared responsibility

5.2.2.1 Governance

According to this model, a shared responsibility for the SBM between the EU and the Schengen States is proposed. Such division implies that while the daily border management activities (checks and surveillance, according to the SBC) remain within the competence of the Schengen States and are performed by national border guards, the decision-making and executive powers shift towards more EU integration during hot spot situations.

For this particular purpose, new elements with regard to the governance structure are proposed, which are described further below.

5.2.2.1.1 Frontex Agency

In order to authorise operations in defined hot spots, a definition of such situations will need to be established. It is proposed that a definition is based on the existing formula provided in Article 8(a) of the Frontex Regulation which refers to cases of urgent and exceptional pressure. Risk analysis performed by the Frontex Agency and the information collected in the framework of the Schengen Evaluation should play a key role for describing the threshold levels. It is suggested that the Executive Director of the Agency should be given the decision power to launch an operation in a particular Schengen State when these levels are exceeded. The decision is communicated to the Frontex Management Board and the Schengen State where the operation is to take place. In case the latter does not agree with such a decision, the

Executive Director should have the right to escalate the issue to the European Commission which in turn informs the Council of the EU and the European Parliament.

The Agency would continue specialising in risk analysis and intelligence gathering as well as providing training programmes, as favoured by Member States. Moreover, it is proposed that the Agency would conduct the procurement of the equipment used during hot spot operations which could be carried out through a Joint Procurement Body[26].

The hot spots operations should be performed under the command and control of the Agency while using its own equipment. This marks an important change both in terms of responsibility and liability when centralising the competence for such specific operations exclusively at EU level.

5.2.2.1.2 European Border Corps

Following the Agency's decision to launch hot spot operations, these should be performed by an EU force, the European Border Corps (EBC). The EBC is considered as a successor to the EBGT currently composed of SGO and GO with similar powers for joint operations and pilot projects. The temporary secondment of resources will not prevent Member States from executing their daily border control activities when responding to the security needs and coping with passenger flows. It is suggested that a number of border guards from all Schengen States would form part of a pool of border guards at EU level. They would be selected upon the proposal of the Frontex Executive Director. The border guards would be seconded to the Agency for a maximum period of three years.

During a specific hot spot operation, a commanding officer would be assigned to lead an operation under the command and control of the Frontex Executive Director. The commanding officer would conduct the operation in cooperation with the relevant authorities and the local community of the Schengen State.

The Agency should provide members of the EBC with advanced training relevant to their tasks and powers and should conduct regular exercises. Through training activities, border guards will also get familiar with relevant Union and international law, including fundamental rights and access to international protection and guidelines for the purpose of identifying persons seeking protection and directing them towards the appropriate facilities.

During the periods of lower intensity members of the EBC could be given the opportunity to return to their home Member States, until recalled. In this way, the efficient use of both Member States' and Agency's resources would be ensured. Once the decision of the Frontex Executive Director to launch an operation is taken, the readiness of resources to be called on duty within three days should be ensured.

5.2.2.1.3 Coordinating Officer

Evaluation of the activities performed by the EBC would be conducted by the coordinating officer nominated for the specific operation, as defined in the Frontex Regulation. His activities would include:

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[26] See further details in Section 5.4.2 of the report.

- Monitoring the performance of the operations in accordance with the established operational plans, including the respect for fundamental rights and Frontex Code of Conduct;
- Assisting in resolving any disagreement on the accomplishment of the operation and deployment of the resources;
- Promoting best practices and knowledge-sharing in the field of operational activities performed by the EBC, in particular related to border control services at the external Sea Borders.

When conducting the evaluation, the Coordinating Officer would cooperate with the Frontex FRO and inform him/her of alleged violations of human rights; in such a case, a decision to suspend or terminate the operation in question could be taken. In this way, concerns expressed by various stakeholders with regard to the protection of human rights, are taken into account.

5.2.2.1.4 European Parliament

Apart from the existing control powers on SBM, the European Parliament's LIBE Committee should be informed of the outcomes of the evaluation of hot spots operations. Such information should be submitted following the confidentiality rules defined in the Council Decision 2013/488/EU[27].

5.2.2.2 Legal considerations

The implementation of the suggested model for responding to emergency situation would be governed by the principle of solidarity and fair sharing of responsibility in accordance with Art 80 of the TFEU. Necessary amendments to the SBC and the Frontex Regulation will need to be made in order to define the powers of the EBC and the Agency. Compliance with the EU data protection framework will have to be ensured, taking into account the 2012 Commission's proposals[28] on the new approach.

Similarly as in the previous scenario, it is expected that the border guards forming part of the EBC will act in accordance with the EU and international law provisions as well as fundamental rights and the national law of the Member State. Introduction into the most important national law provisions should be provided to EBC team members within a reasonable delay.

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[27] Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information, OJ L 274/1 of 15.10.2013

[28] Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), COM/2012/011 final of 25.1.2012 and Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, COM(2012) 10 final, of 25.1.2012

EU liability rules shall apply (contractual and non-contractual liability rules) with the possibility to lodge a complaint before the European Court of Justice (ECJ) for damage caused to/by the border guards participating to hot spots operations. The EBC shall meet costs related to damage caused to the equipment during the deployment, except in cases of gross negligence or wilful misconduct. The personal liability of the border guards towards the EBC shall be governed by the provisions laid down in the Staff Regulations or Conditions of employment applicable to them.

5.2.2.3 Added value

The below defined improvements prove the added value of the proposed Model 2:

- A more uniform, consistent and systematic approach in high priority areas while linking in with Member State' border expertise;
- More flexible joint planning and rapid deployment;
- Ability to deploy extra capacity alongside the existing border management capacities in the first stage of a crisis management operation;
- The possibility to act under a joint chain of command;
- The possibility to assure the transition from the Member States led to jointly led operations in critical areas and vice versa will allow synergy of efforts and consistency of action;
- The enforced capability to bring together specialised expertise and resources.
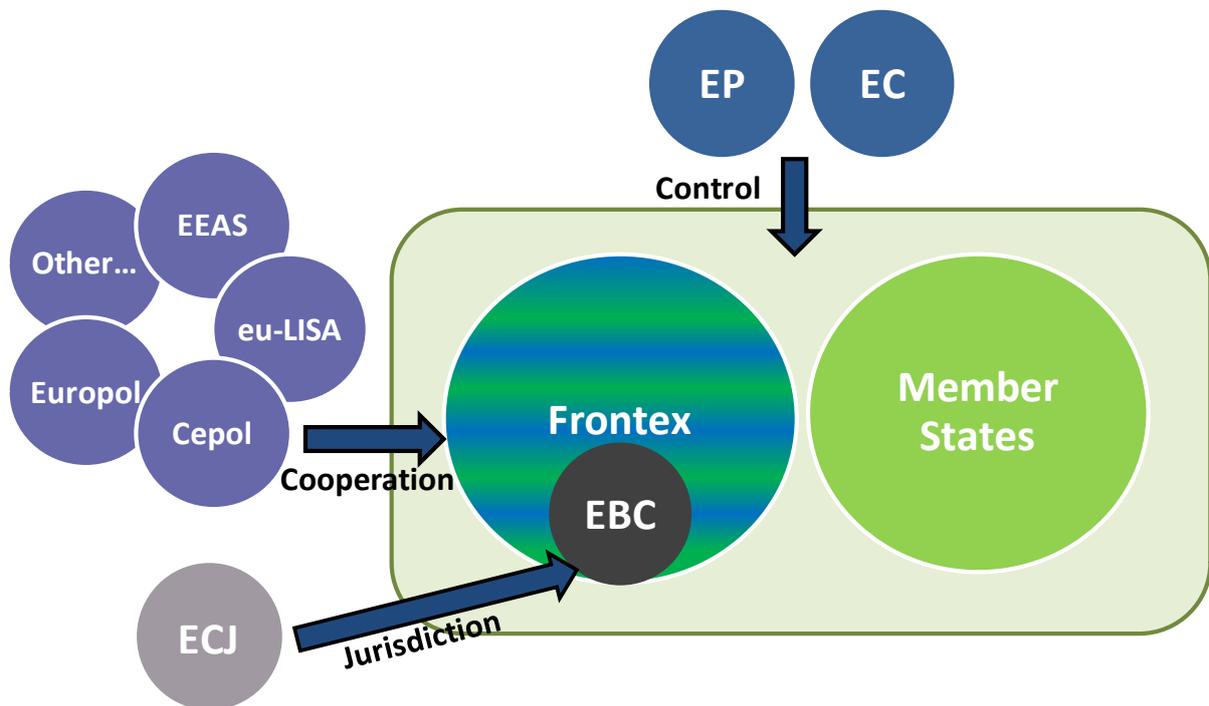
Figure 3: Model 2 – Shared responsibility

5.2.3 **Model 3 - Full integration at EU level**

5.2.3.1 Governance

This model proposes that SBM is carried out in a centralised way, both the decision making as well as the executive power (both operational and supportive activities) being exercised at EU level on a permanent basis.

According to the proposed approach, the responsibilities are distributed to different organisations, considering transparency, independency and accountability principles.

5.2.3.1.1 Committee on Schengen Border Management

The reality of the freedom of movement area and the complex interaction of causes and effects of migration streams at external borders evoke the need for a more consistent follow up and common actions. There is a clear interest in performing the SBM activities in an efficient and uniform manner, on the basis of joint responsibility, solidarity and greater practical cooperation.

In Model 3, it is therefore proposed that the primary responsibility for the decision making in the field of SBM should lie within a Committee on Schengen Border Management (CSBM), to be established at EU level. This is seen as a response to constantly shifting border control challenges and opportunities.

Such Regulatory Committee having its seat in Brussels would be composed of experts representing all Schengen States and chaired by the European Commission in accordance with the established Comitology procedure. The composition of experts can change depending on the subject matter of the discussions. The CSBM would meet once a week or more often, if necessary. Moreover, Frontex Executive Director and European Border Corps Commander-in-Chief could be invited to take part in the weekly discussions. Voting rules foreseen by the established Comitology procedure would apply.

5.2.3.1.2 European Border Corps

It is proposed that the executive authority is vested in the EU force, the European Border Corps (EBC). Unlike in Model 2, the EBC would be responsible for the field operations at all times and is thus seen as a significant evolution towards integrated border management. All border guards, previously acting under the command and control of the Schengen States' authorities, would now form part of the EBC.

This EU force would be a three-level governance structure representing:

- Central level (where the headquarters are located);
- Regional level;
- Local level.

It is suggested that the EBC would be chaired by the Commander-in-Chief appointed by the Council of the EU in agreement with the European Parliament from high-ranking officers representing Schengen States for a period of five years.

The headquarters of the EBC could host a command and control centre where operational plans for regional and local levels would be defined and activities would be coordinated.

At regional level (per defined region, e.g. Nordic Countries, Baltic Countries), the EBC regional centres would be established. They would be responsible for coordinating return operations and for managing available equipment to be used at local level. Furthermore, the regional centres would be responsible for the deployment of Task Forces in case of increased pressure or emergency situations. Such deployment would need authorisation at central level. Each Task Force would have its commanding officer in charge of the operation for which it would be deployed.

At local level, day-to-day border control activities would be carried out through the EBC local national centres. Each local national centre would have one commanding officer and several mid-ranking officers stationed at different border crossing points. The local level teams would comprise national border guards who would ensure border control activities in cooperation with national police, custom authorities and local communities.

While performing their tasks and exercising their powers, the border guards forming part of the EBC shall comply with Union and international law, and shall observe fundamental rights and the national law of Member States. Since EBC will act on behalf of the EU, the EU liability rules shall apply (contractual and non-contractual liability rules) with the possibility to challenge the decisions of the command and control centres and the actions by the border guards before the European Court of Justice. The EBC shall meet costs related to damage caused to the equipment during the deployment, except in cases of gross negligence or wilful misconduct. The personal liability of the border guards towards the EBC shall be governed by the provisions laid down in the Staff Regulations or Conditions of employment applicable to them.

5.2.3.1.3 Frontex Agency

The proposed approach implies that the Frontex Agency would remain to play an important role in the new SBM governance model while supporting an executive role. The main focus of the Agency's activities would be intelligence gathering and resource management, both human and equipment.

The Agency would collect the relevant information for strategic analysis through surveillance tools (i.e. Eurosur) and daily border control activities performed by the EBC. Such information would be analysed and consolidated. Risk analysis reports would be disseminated to both the CSBM and the EBC to allow the definition of strategic priorities and operational plans.

Other tasks dealt with by the Agency in its supportive role would be defining and coordinating the provision of training (through the Partnership Academies in the Schengen States), implementing agreements with third countries (in cooperation with EEAS) as well as procuring technical and operational equipment, through the joint procurement body.

5.2.3.1.4 Evaluator

In order to monitor the work carried out by both the EBC and the Agency, evaluation will be performed focusing on:

- Effectiveness of operational activities of the EBC and Frontex;
- Compliance with human rights obligations according to the Charter of Fundamental Rights, the European Convention of Human Rights and the relevant case law.
-

Such an assessment would be possible if the Schengen evaluation mechanism would be extended to cater for the functioning of the EBC including the respect of fundamental rights. As foreseen in the Council Regulation on the revised Schengen evaluation and monitoring mechanism, based on the relevant evaluation reports, an action plan to rectify any deficiencies will need to be adopted in accordance with the institutional recommendations. In the framework of the evaluation, issues related to the overall performance regarding human rights will be examined by the Fundamental Rights Agency (FRA). Possible implications on the FRA mandate will need to be considered.

Based on the cooperation mechanism between the Coordinating Officer and Frontex FRO proposed in Model 2 (5.2.2.1.3), further developments will be necessary to provide for an individual complaints instrument related to the operational activities of the EBC. The mandate of the Frontex FRO could be further elaborated towards the setting up of a specialised team dealing with such complaints.

Moreover, the European Commission could trigger an evaluation process by means of *public consultation.* This process would allow more transparency and European citizens' involvement in the control mechanism as regards the implementation of the Schengen Border Management policy.

5.2.3.1.5 European Parliament

In order to ensure effective parliamentary oversight of the SBM, the Frontex FRO and the Independent Evaluator should inform the European Parliament's LIBE Committee of the status of the work carried out. Amongst others, the reports would provide information on the gaps and shortcomings in relation to the planned and performed activities. It is suggested to grant the European Parliament the right to request for ad hoc reports and meetings with the Chair of the CSBM. Apart from the power to approve the assignment of the Independent Evaluator, The Parliament continues to enjoy its right to withhold part of the budget allocated to Frontex and the EBC due to unsound financial management and other shortcomings detected during internal controls.

5.2.3.2 Legal considerations

Contrary to the previous scenario, where the shared responsibility mechanism could be established under the current TFEU provisions, the Delegation model would necessitate a substantial legal change. Art 77 (1)(c) TFEU mentions the objective of "the gradual introduction of an integrated management system for external borders." It is doubtful however whether such provisions could cater for a European System of Border Guards fully

controlled and managed by the EU. Besides, the delegation model would imply the existence of 'external' EU borders' whereas, according to the Treaty, these are national borders of the EU Member States.

Furthermore, a number of secondary law provisions will need to be adopted under Article 77 (2)(d) of the TFEU, similarly to what was suggested in Model 2. In order to ensure the direct applicability of the measures proposed, the new rules should be embedded into the EU Regulation(s). Existing legal instruments, such as Frontex Regulation and the SBC, will need to be amended to reflect the changes in decision process, executive powers, accountability and liability.

While performing their tasks and exercising their powers, the border guards forming part of the EBC shall comply with Union and international law, and shall observe fundamental rights and the national law of Member States. Since EBC will act on behalf of the EU, the EU liability rules shall apply (contractual and non-contractual liability rules) with the possibility to challenge the decisions of the command and control centres and the actions by the border guards before the European Court of Justice. The EBC shall meet costs related to damage caused to the equipment during the deployment, except in cases of gross negligence or wilful misconduct. The personal liability of the border guards towards the EBC shall be governed by the provisions laid down in the Staff Regulations or Conditions of employment applicable to them.

5.2.3.3 Added value

The added value of the proposed Model 3 is witnessed by the following improvements:

- Genuine European border policy;
- Uniform, consistent and systematic approach that is sufficiently independent from potentially conflicting short term interests from Member States;
- Stronger deterrence and prevention effect;
- Stronger consistency when it comes to the facilitation of border migration flows;
- Strengthened mechanism for the protection of human rights;
- Cost savings by avoiding duplication and increased specialisation;
- No consent from a Member State would be needed for the ESBG system to initiate an activity in its territory;
- Command of operations would be situated at EU level; capable of initiating and terminating operations;
- EBC do not need to receive instructions by the host Member State;
- Refusal of entry can be decided by EBC;
- The ESBG system can recruit EBC directly and acquire own equipment.
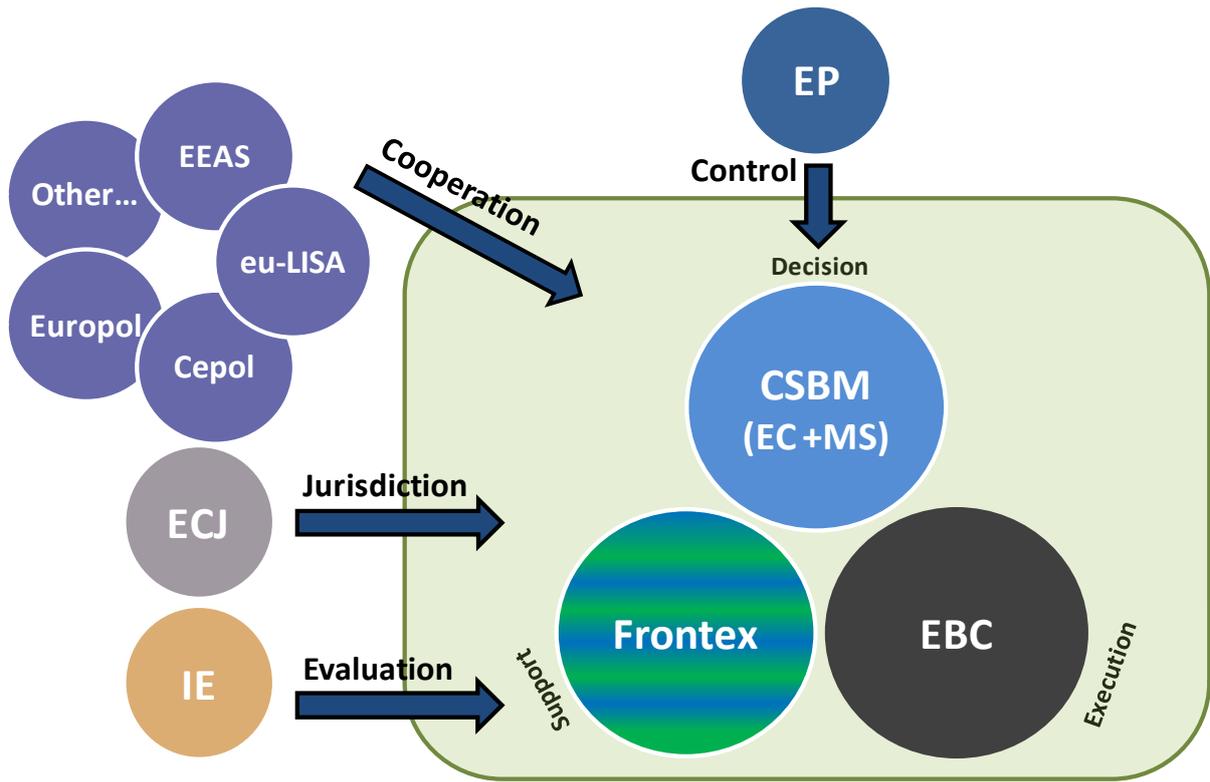
Figure 4: Model 3 – Full integration at EU level

5.3 Comparison of the three models

The table below provides a comparative overview of the different models described above:

Key considerations	Model 1	Model 2	Model 3
Governance	• Increased Frontex Agency's engagement in SBM ensuring the application of Frontex mandate • MS remain responsible for border control	• MS and EU share responsibility for border control • Decision making and executive powers at EU level during hot spot operations	• CSBM responsible for external border control • EU force (EBC) has executive command and control powers; Frontex exercises the support role • Activities evaluated by an Evaluator and controlled by the EP
Legal aspects	• No legal changes to the current framework.	• Necessary amendments to the SBC and the Frontex Regulation to define the powers of the EBC and the Agency.	• Possible Treaty amendments • Necessary amendments to the SBC and the Frontex Regulation and new provisions under Article 77 (2)(d) of the TFEU to define the powers of the CSBM, EBC, the Agency and the evaluator.
Added Value	• Full exploitation of existing mechanism allowing future evolutions • Low implementation costs	• Empowering EU intervention in high pressure areas	• Uniform, consistent and systematic response capabilities at EU level • Significant cost savings at MS level

Table 1: Comparison overview

5.4 Cost and benefits analysis

5.4.1 **General considerations**

Estimating the impact, costs and benefits of setting up a centralised ESBG system at this stage is challenging both from a legal and practical point of view. The costs related to the centralised external Schengen border management depend on the future set-up of the organisation, purchase of equipment and existing systems' integration.

This section aims at providing a general indication on:

- The benefits of the purchase of equipment in a joint manner. This exercise can be successfully applied in all of the governance models presented above. The joint procurement can provide Frontex with the opportunity of creating its pool of equipment.
- The cost and benefits of an integrated border management system, taking into account the costs of human resources.

5.4.2 **Procurement of equipment and services**

5.4.2.1 Legal basis

Important improvements regarding joint procurement are provided in the new Directive of the European Parliament and Council on Public Procurement[29]. Once in force, the Directive will open new ways for Member States and European institutions (including EU Agencies, such as Frontex and EU Agency for Large Scale IT Systems (eu-LISA)) to collaborate in the procurement contracts.

5.4.2.2 Application

There are four possible scenarios[30] on how joint procurement between Member States and European institutions could be effectively achieved:

- Accession by one or several Member States to a framework contract awarded by another Member States or by an European institution;
- Several Member States launching a joint procurement contract;
- Member States using a purchasing body established under another contracting authority;
- A "club" of contracting authorities creating a Joint Procurement Body (JPB).

The first and second scenarios are typical cases of multi-lateral cooperation. Especially in the second option where several MS launch together, based on a specific agreement, a joint procurement process. However, as soon as the process gains some sustainability with the

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[29] Proposal for a Directive of the European Parliament and Council on Public Procurement, COM(2011) 896 final of Brussels, 20.12.2011
[30] For more details, see Annex 6.9.

setting up of a legal body, a certain form of a delegation is achieved (even when the common body stays closely controlled by its members). This is especially true for the third scenario, where a MS uses a purchasing body established under another contracting authority (i.e. by Frontex) and in the fourth option where a sustainable organisation is set up in a common agreement.

The JPB can have different possible legal forms; however the Directive provides one example: the European Grouping of Territorial Cooperation (EGTC). Several contracting authorities may set up a joint procurement entity or a joint purchasing body (a common "procurement body" or a "central market").

Procurement is therefore one possibility where a limited controlled delegation could efficiently generate rapid costs savings. Economy of scales is achieved by purchasing 1000 items instead of a handful. In addition to direct savings on the unit price (of equipment goods, of services), other savings may be obtained due to the contracting authorities' operations and other quality improvements:

- Launching a unique procurement process for a specific category of goods (important time savings compared to the time spent launching multiple "one shot" processes);
- In case of neutral procurement, where tender evaluation and contract management monitoring processes are in place, it is easier to prevent and control any form of improper use of public money;
- Purchasing equipment goods and services in common (including the development of software components, access to information, databases etc.) has a direct impact on reducing training costs (same training for all persons with a specific profile), on facilitating the exchange of staff and on the possibility of concentrating resources where useful.

It is difficult to predict precise figures on savings that could result from joint procurement actions. However, the joined-up approach could allow benefiting from savings of 15% or more[31].

5.4.3 Centralisation of structures and activities

5.4.3.1 Method used

Due to a limited amount of data received by the study team during the visits to the Schengen States, extrapolations were used to conduct a high-level analysis. In addition, calculations were based on a number of assumptions (e.g. types of border control activities performed; personnel involved in local or central structures).

Figures on the yearly border management budget were provided by thirteen out of twenty six interviewed countries. Moreover, twenty-three Member States have provided figures on the personnel involved in border control structures as well as per activity performed (as Full

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[31] Similar exercise was performed by the NATO's Consultation, Command and Control Agency (NC3A). The conclusions of the NC3A were that the joined-up approach will allow Nations to benefit from savings of 15% or more.

Time Equivalent (FTE)). By using extrapolation, the average annual cost per FTE was calculated[32].

More details on the calculations performed can be found in Annex 6.10 of the report.

5.4.3.2 Outcome of the analysis

According to the results of the analysis, progressive shift of border management responsibilities towards EU level will generate savings at national level, with most significant impact to be achieved in the final phase of the proposed approach (i.e. full integration - Model 3).
In Model 2, Member States will obtain some savings related to purchase of equipment, training and transportation as those costs will be covered by Frontex during the period of secondment. In comparison to the current situation, Frontex will meet increased costs due to the higher number and the extended period of border guards' secondment (three years instead of six months).

Model 3, on the other hand, implies substantial savings due to delegation of competence to a central management body, the Committee on Schengen Border Management. Approximately 7.9% of cost reduction is achieved when replacing the central management structures of the twenty six Member States by a more integrated EU structure. This amounts to 270 million euro annually.

Furthermore, an increased level of centralisation of activities (where relevant) would require only partial allocation of resources at national level, namely with regard to:

- Return operations;
- Training activities;
- Risk analysis;
- Building Partnerships with third countries.

Such a shift would lead to approximately 8.3% of savings accounting for 285 million euro.

In total, taking into account the above calculations, a reduction of 16.2% spending on human resources can be obtained. This accounts for approximately 555 million euro per year.

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[32] Approximately 30.000 €

5.5 Roadmap for Implementation

Based on the study findings and the team's analysis, it appears that the full integration of the external border management in the Schengen Area is currently not possible. Therefore, a gradual, three-phased approach is proposed.

The **Phase 1** constitutes the first step where the activities proposed to optimise the use of instruments that are already in place are carried out. This entails the period up until early 2020s, as illustrated in Figure 5 further below. The proposed activities include performance of short term operational planning, the use of the joint awarded contracts, definition of tailored training programmes and observance of human rights integrity.

The completion of the above actions and their evaluation within the first four years paves the way for **Phase 2** (early 2020s to 2025) of the proposed approach, the implementation of Model 2. This model suggests the governance structure and processes supporting further integration of external border management.

New legal provisions should be enacted allowing the creation of the EBC to act in hot spot areas under the command and control of Frontex. Furthermore, Member States and Frontex would be able to test the possibility of joint procurement through a joint procurement body.

Upon the assessment of the Model 2, the final step - **Phase 3** (as from 2030) - of the gradual border management integration process could take place. The responsibility delegated to the EU during the hot spots situations is now extended to daily border management activities. The permanent EU body - the CSBM - will be set up to define the strategy and priorities for the EU external borders area. The EBC will be responsible for the border control operations at all times, according to the amended SBC. Frontex will remain a key stakeholder, having changed its role from a MS support and coordinating agency to a true EU and Schengen border control support and coordination Agency.

The shift in responsibility (external border control becomes a competence of the EU) will necessitate amendments of the TFEU; in addition, new secondary law provisions will be needed to define the new structures (including the role of an independent evaluator) and to enable harmonised border management activities. The smooth transition will be possible due to achievements occurred in phase 2 (common training programs, centralised risk analysis, Frontex owned equipment and EBC operations in hot spots). This model could go even further with regard to the purchase of equipment and related services due to the establishment of a permanent JPB.

The proposed roadmap is reflected in the suggested illustrative timeline:
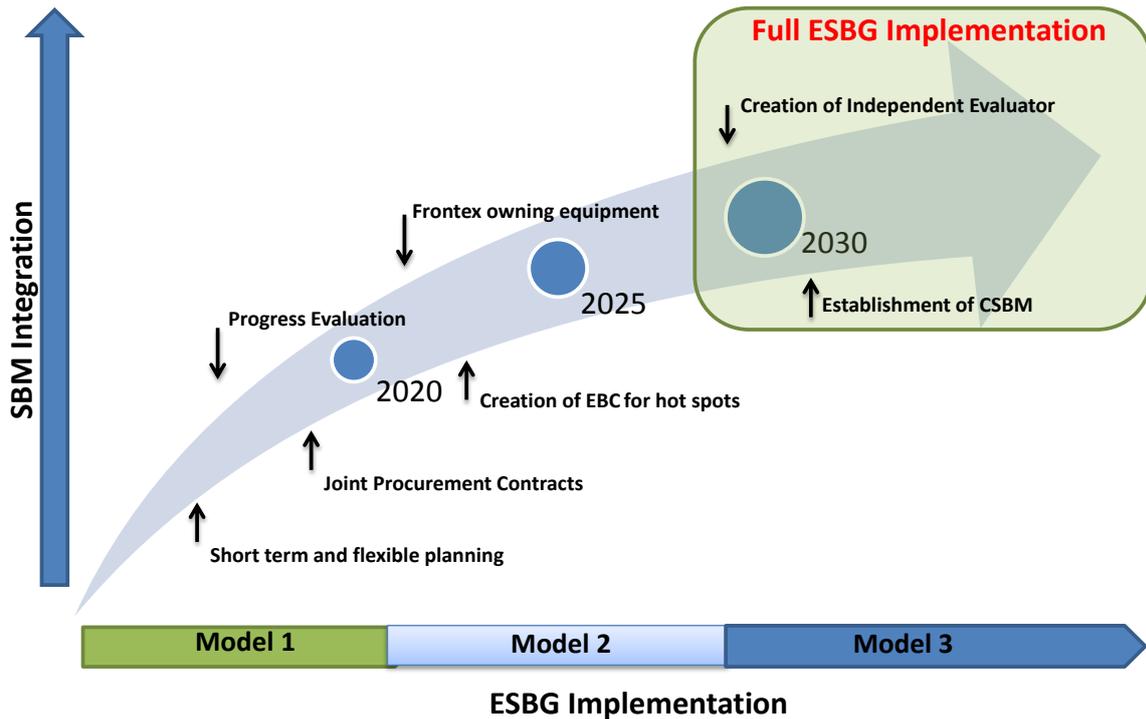
Figure 5: Proposed timeline

In conclusion, rather than deciding on a definitive choice between models 1, 2 or 3, it seems more appropriate to assess conditions and the necessary steps for a phased transition. Once the benefits and limits of the initial model are fully evaluated, progressing towards more integration would be possible by implementing complementary instruments. Regardless of the rather cautious views towards possible fundamental changes, the evolution of the legal framework and the setting up of new emergency mechanisms is already progressing in the direction of a more integrated model.

6 Annexes

6.1 Abbreviation and acronyms

Acronym Abbreviation	Meaning
API	Advanced Passenger Information
BCP	Border Crossing Point
BCU	Border Control Unit
CIRAM	Common Integrated Risk Analysis Model
DG HOME	Directorate General for Home Affairs
EBC	European Border Corps
EBGT	European Border Guard Teams
EC	European Commission
EEAS	European External Action Service
EES/RTP	Entry and Exit System / Registered Traveller Program
EP	European Parliament
ERA	Academy of European Law
ESBG	European System of Border Guards
EU	European Union
EUROSUR	European Border Surveillance System
GO	Guest Officer
IBM	Integrated Border Management
ICT	Information and Communication Technology
IG	Interview Guide
ILO	Immigration Liaison Office
JPB	Joint Procurement Body
JO	Joint Operation
MEP	Members of European Parliament
MS	Member State(s)
NA	National Administration
NGO	Non-Governmental Organization
PNR	Passenger Name Record
RABIT	Rapid Border Intervention Teams
RO	Return Operations
SBC	Schengen Border Code
SCHE-VAL	Schengen Evaluation
SGO	Seconded Guest Officer
SIS II	Schengen Information System, second generation
SPOC	Single Point of Contact
TFEU	Treaty of the Functioning of the European Union
VIS	Visa Information System
WP	Working Party

6.2 List of contributors

Single Point of Contacts of participating countries:

MS	Contact
AT	Robert Glöckl
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BG	Svetoslav Klisarov
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CZ	Jiri Pernicek
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ES	National Frontex Contact Point
FI	Arto Niemenkari
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LV	Daira Bite
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Stakeholders at EU level:

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Frontex	Antonio Saccone
Frontex	Denis Destrebecq

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European Parliament (GUE political advisor)	Asisé Mateo Gonzalez

6.3 Methodology and work performed

To reach the proposed objectives, the team decided to follow the approach depicted below, which comprised four distinct methods:

- Desktop research;
- Use of questionnaires;
- Visits to Schengen States and Associated Schengen States;
- Consolidation and analysis.

6.3.1 Desktop research

The desktop research included the review of the legal framework and relevant studies and reports surrounding the study objectives. The information collected was used during the earlier stages of the project to prepare the questionnaires. Also, it served as a sustained base of knowledge during the later stages while performing analysis and consolidation.

During this stage the initial models were also designed. These were named 'scenarios', because, while providing a high-level overview of different possible governance models, they remained options that could be updated at later stages.

The *Initial Model Description* was presented to the European Commission, DG HOME, on 05/08/2013. A first contact with Frontex was held during this stage, on 29/07/2013 (via the conference call), which aimed at collecting input to support the drafting of both the scenarios and the questionnaires. The information presented to the EC was further refined and presented as possible scenarios throughout the visits to the Member States during one of the exercises of the meeting.

The team decided to take a bottom-up approach, hence contacted the Member States to receive expert input to sustain the final conclusions and recommendations. The study aimed at approaching all the EU Schengen States, the Non-EU Associated Schengen States, and the Non-Schengen EU States. The high number of Member States involved in the study, together with the different authorities involved per Member States, resulted in the decision of finding a SPOC in each Member States. While the 2005 Study included a list of the relevant authorities, the contact points might have been changed. Therefore, and in order to be accurate, the Permanent Representations of Member States in the European Council were contacted. They were informed about the study being conducted and were requested to provide a SPOC.

Having a SPOC per Member States ensured that all the communication with the Member States was maintained through one channel. Besides, having the responsibility of being the point of contact of all communication related to the study, the other responsibilities of the SPOC can be summarised as:

- receiving and disseminating the questionnaire and other relevant information to the competent authorities in the Member States;
- collecting the questionnaire responses and submitting them to the study team;

- helping organising the meetings with relevant stakeholders of the Member States during the visits.

The study team attended the ERA Conference on 28-29/10/2013 in Warsaw, organised by the Academy of European Law and Frontex. The study team not only presented the study to the conference participants, but also collected further information and contacted attendees from the Member States' authorities.

6.3.2 Use of questionnaire

Questionnaires in this study were used to collect information from the different national authorities. This method was used due to its easy approach on information collection in a structured way to be later analysed and compiled. They were dispatched to the various stakeholders via email (26 questionnaires sent to the SPOC) with follow-up remote interaction (via phone or email), when needed.

The questionnaire contains a comprehensive introduction to the study and aimed at collecting different types of information, including data on the current situation in the Member States, both at legal and organisational level. The evolution of Frontex was also assessed. The last section aimed at evaluating the Member States' opinions about the future of border control in the Schengen Area.

The questionnaire followed a closed question approach for the majority of the questions, to allow an easier consolidation of the collected information and to be able to provide standardised statistical results. In each question, there was also the possibility to complement the answer by providing feedback. The structure enabled collecting opinions that could be further analysed during the visits to the Member States.

The first draft of the questionnaire was sent to different stakeholders for review. Slovenia, a Member State used as a pilot country, was requested to review it, together with the Commission and Frontex. Upon the receipt of the comments, the questionnaire was further enhanced and the final version was sent to the Commission on 27/08/2013. A pilot meeting was held in Slovenia on 02/10/2013. Following this first visit, the questionnaire was slightly updated based on the comments received and the final version was sent to the remaining Member States.

It was stipulated that the questionnaires would be sent with a minimum of three weeks in advance to the Member States' visits. All Member States that were visited received therefore the questionnaire well in advance of the meeting, to give them sufficient time to disseminate the documents to all relevant stakeholders.

6.3.3 Visits and interviews

Visits to the Member States were held in the form of Focus Groups meetings. These meetings involved a structured face-to-face contact with different experts. The high added value was in the possibility to discuss questions from different perspectives. The involvement of officers from different areas of border control provided ground for deeper discussions about practicalities and different priorities on the field.

The SPOCs were responsible for inviting experts to the focus meetings; however, the study team stressed the importance of having:

- representatives from the different authorities responsible for border control;
- policy-oriented experts at strategic level with knowledge of national and international aspects of the integrated border management;
- experts with knowledge of national budgetary provisions related to border control;
- other experts involved in the completion of the questionnaire.

The representatives from the authorities responsible for border control were practitioners, having been involved in different types of border activities and in some cases having been Guest Officers or part of EBGT.

As mentioned above, the first meeting was held in Ljubljana, Slovenia on 02/10/2013, and served two purposes. On one hand, it was an actual visit to a Member States to collect further information from the national experts. On the other hand, it allowed for a first meeting experience. The team agreed with the Slovenian authorities to have them as a pilot to test the methods for conducting the meeting and evaluate the relevance of the study tools (the questionnaire and the "Interview Guide" (IG) provided to the Member States prior to the meeting).

The meeting participants were assured that the collected information would not be disclosed "as is" but would be consolidated and used in statistical reporting or as summarised analysis and would not be in any way associated with a singular Member States.

The IG was a document sent to the Member States and consisted of a set of exercises to guide the meeting. During the meetings, the Member States could request clarification about questions from the questionnaire, and provide further information (e.g. presentation of the National Authority). The discussions during the meeting sessions were considered as potential solutions that could be transposed into models or recommendations.

The information collected during the meetings was compiled into minutes and sent for review to the visited Member States, usually five working days after the event. This ensured that no misinterpretation of the discussions was made. These meeting minutes were later used during the analysis and consolidation phase.

The typical meeting agenda followed the structure below:

Presentation of National Administration and Unisys – During this initial part of the meeting, the meeting participants introduced themselves. The National Authority then presented their organisation and Unisys presented the study. Some clarifications, such as the purpose of the meeting, were also addressed during this part.

Review of questionnaire findings - Based on the Member States' answers to the questionnaire, the team analysed and selected some questions that were discussed more in depth with the meeting attendees. The selected questions varied from one Member States to another and were highly dependent on the amount of data provided in the questionnaire. This part of the meeting generally lasted longer, due to the intervention of the various

meeting participants and the discussions that rose. Other questions not detailed in the IG were also approached.

Challenges and opportunities for improved EU/Schengen collaboration - This exercise aimed at receiving straight answers from the experts on challenges or opportunities for further collaboration at EU level. Based on the dimensions that were presented to the Member States in the questionnaire, meeting participants made clear statements whether they supported further integration or if the activities should remain under national responsibility.

Discussion on possible models and impact on Member States and EU - Usually the last part of the meeting analysed the different scenarios explained during the study presentation. For each scenario, the meeting participants assessed pros and cons on the evolution of their own country and of the EU as a whole.

6.3.4 Consolidation and analysis

Once the information was collected (through the desktop research, the study questionnaire and interviews), the analysis of the information was conducted. It included legal, business and financial assessment. The results were assessed in the light of relevant studies, policies and legislation. The intermediary findings presented in the interim report were further elaborated once all study visits to Member States and meetings with relevant experts at EU level were conducted.

After analysing the existing challenges and future opportunities, study recommendations on the enhanced role of Frontex in the border management area were formulated (Model 1 – Optimal use of existing instruments**Error! Reference source not found.**).

In parallel with this bottom-up analysis, a top-down approach was adopted. It aimed at defining those tasks that could potentially be carried out by a European Border Corps, under a European Command and Control Body. This enabled to draw a more complete list of tasks that could be considered for attribution to foreign officers, hence the study recommendations on creation of a European Border Corps (Model 2 – Shared responsibility and Model 3 - Full integration at EU level).

The study final report (the present document) comprises the key information collected in the course of the study and the study team's recommendations as well as the roadmap on the preferred solution.

6.4 Main study instruments

6.4.1 Questionnaire

QUESTIONNAIRE FOR THE FEASIBILITY STUDY OF AN
EUROPEAN SYSTEM OF BORDER GUARDS

Country Report: Enter Country Name

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Glossary and Abbreviations

- **Border Checks** – means the checks carried out at border crossing points, to ensure that persons, including their means of transport and the objects in their possession, may be authorised to enter the territory of the Member States or authorised to leave it.
- **Border Control** – means the activity carried out at a border, in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance.
- **Border Surveillance** – means the surveillance of borders between border crossing points and the surveillance of border crossing points outside the fixed opening hours, in order to prevent persons from circumventing border checks.
- **Border Management** – are the activities pertaining the carrying out checks and surveillance of external borders, analysis of threats to the security of the Schengen Area, definition of strategy and priorities of border guards and to anticipate the needs of staff and equipment resources.
- **Command and Control** – maintenance of authority and directing tasks and activities to accomplish a previously set goal or objective. The decision and authority is designated to a command function;
- **Delegation** – is sharing the authority and responsibility to a different Institution or Agency, in the context of this study, with the objective of empowering it with the right of making decisions and being accountable for decisions made.
- **European Border Guards** – This is a conceptual term, for the purpose of this study, to be able to assess the long term opportunities of an ESBG. The time span under consideration when using this term is 10 to 15 years.
- **Evaluation** – A set of methods, reports or monitoring, carried by a group of experts under defined periods of time and defined activities, to determine and assess if defined standard and regulations are adhered to.
- **Executive Powers** – Authority to enforce orders according to the law and ensure they are carried out.
- **External Borders** – means the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders.
- **FTE** – Full Time Equivalents in the context of employees working full time.
- **GO** – Guest Officers, according to Artº3b – 3 third chapter of Frontex Amended Regulation[33].
- **ILO** – Immigration Liaison Officers.
- **Internal Borders** – means the common land borders, including river and lake borders; the airports for internal flights and sea, river and lake ports of the Member States for regular ferry connections.
- **Manage** – the actions of being in charge, authorising and controlling a set of tasks and activities.
- **Support** – with support, for the context of this study, is meant sharing of responsibilities, but not the decision making process. Provision of more human resources, sharing of burden for border control activities with more equipment and technical expertise.
- **Third Country Nationals** – means any person who is not a Union citizen within the meaning of Article 17 of the Treaty Establishing the European Community[34].

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[33] Regulation (EC) No 1168/2011 of the European Parliament and of the Council of 25 of October 2011
[34] http://eur-lex.europa.eu/en/treaties/dat/12002E/pdf/12002E_EN.pdf

1 Context of the ESBG

The idea of a European System of Border Guards (ESBG) is not new: it has emerged in 2001 because of the need to prepare solidarity and fair sharing of responsibilities between "old" and "new" EU Member States (MS), when it was felt that some Schengen standards might not be followed.

In 2002, a first feasibility study[35] "Feasibility Study for the setting up of a European Border Police" facing the classic dilemma of "unity versus variety" (delegating competences to a common structure or following the intergovernmental option, complemented by some coordination efforts) opted for variety, advocating an intergovernmental model, which promoted a network system of "knots" in each member state.

At the same time, Working Group X of the Convention for the Future of Europe recommended to "put a target date for the establishment of a European border police entrusted with sovereign powers and to provide the corresponding legal basis"[36]. That pressure led to the creation of a number of intergovernmental operational and practical cooperation initiatives such as joint operations at the EU external borders, a risk analysis centre and an ad hoc training centre. These initiatives had limitations and set in motion the way for the establishment of a new EU Agency as from 2004[37]; the network mechanism coordinated by the Frontex Agency was set up.

However, the idea of creating an ESBG has not been abandoned, on the contrary. An increased irregular migration demonstrated the limits of the initial network mechanism and two enhancements of the Frontex mandate were adopted. In 2007 the Rapid Border Intervention Teams to be deployed in urgent situations[38] and in 2011, with the amendment of the Agency's mandate the responsibilities increased and the national border guards assigned or seconded to the Agency for joint operations, rapid interventions and pilot projects are now named "European Border Guard Teams"[39].

As from the Lisbon Treaty (1st December 2009), a new legal framework is in force: external border control based on solidarity between Member States is a competence of the European Union[40]. The Parliament and the Council may adopt measures necessary for the establishment of an integrated management system for external borders. The adoption of common rules (i.e. the Schengen Borders Code - SBC) has already affected the substance of the historical sovereignty exercised by Member States).

2 Context of the Present study

In the context of the Stockholm Programme, the Commission was invited to "*initiate a debate on the long-term development of Frontex. This debate should include, as was envisaged in the Hague programme, the feasibility of the creation of a European system of border guards*".

The Commission decided to undertake a study on the feasibility of the creation of a European System of Border Guards to control the external borders of the Union (ESBG). The objective of the study is to identify different models for a European System of Border Guards, and describe the elements of which these Models could be composed of, taking into account:

- the feasibility of these models from a legal and operational point of view;
- the legal provisions necessary to create and implement the system
- the resources that are needed;

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[35] Feasibility Study for the setting up of a European Border Police - http://cmr.jur.ru.nl/cmr/docs/61.pdf

[36] Europäischer Konvent, Das Secretariat, Deutsch-französische Vorschläge für den Europäischen Konvent zum Raum der Freiheit, der Sicherheit und des Rechts, vorgelegt von Herrn Joschka Fischer und Herrn Dominique de Villepin, Mitglieder des Konvents, Working Group X, Brüssle, 27 November 2002, p. 8

[37] Regulation (EC) No 2007/2004

[38] In particular, where Member States face the arrival of large numbers of Third-Country nationals trying to enter Schengen territorial space irregularly.

[39] Regulations (EC) No 863/2007 and No 1168/2011

[40] Article 77-2 of the Treaty on the functioning of the European Union (TFEU)

Considering the evolution of border control issues and assuming that the political position of certain (previously hesitant) member states may have changed over the last years, the Commission launched the present study in order to collect and update ideas in a totally open mind.

In June 2013, the Commission contracted UNISYS Belgium to conduct the ESBG Feasibility Study. The study includes desk-based research and interviews. These last are conducted in a two-step procedure:
- E-mail questionnaires for general background information
- Face-to-face interviews with Focus Groups, which are subject matter experts from the competent authorities from the MS to understand the different perspectives and gather more in-detail information.

2.1 How to complete this questionnaire

This questionnaire has arrived to you in order to gather background information and precise the topics that will be discussed during the Focus groups meetings. The questionnaire will help us assess the feasibility of different models for a European System of Border Guards and the steps and resources needed for its implementation. Below you can find a small guide on how to complete the questionnaire

- The questions are divided into different sections:
  - o Section 1: Current Situation;
  - o Section 2: Looking forward: Challenges and opportunities;
- Please take into account that EUROSUR, the Entry and Exit System and the proposed changes in the Schengen Evaluation mechanism will be effective in the coming years, hence be open minded when addressing the questions below;
- Every question gives you the opportunity to provide comments;
- Please try when possible to use bullet points, which allows easy consolidation and readability;

2.2 Important notice

For further enquiries regarding the project in general or this questionnaire, do not hesitate to send an e-mail to the following e-mailbox: ESBG@unisys.com

2.3 Guarantee of Confidentiality

Concrete statements and responses to the questionnaire will not be disclosed "as-is" to any party. However the findings will be consolidated in a general overview or in comparative tables for the purpose of study or trend analysis.

3 Section I: Current Situation

3.1 The Legal environment of border control on persons

A detailed study on the legal environment of Border Control on persons has been carried out by Unisys for the European Commission in **2005** called "Conferring executive powers on Borders of the EU"[41]. The current section focuses on questions related to revisions, amendments or modifications since 2005 of legal provisions on the national level of the Member State, and on international cooperation and agreements between Member States and Third countries.

Since this 2005 study the European legal framework has changed with the entry in force of the Lisbon Treaty, on 1st December 2009: external border control based on solidarity between Member States is a competence of the European Union[42]. The Parliament and the Council may adopt measures necessary for the establishment of an integrated management system for external borders.

According to the 2005 study, the situation in [Insert Country Name] was the following:
[Insert short description of national authority as per 2005 study findings]

3.1.1 Have there been any revisions, amendments or modifications to the normative framework relevant to Border Control activities, at the national level, in your country [Constitutional Provisions, Laws, Decrees], since 2005?

☐ Yes   ☐ No

If yes, please, provide the corresponding documentation to us (If possible in English, otherwise in French, German, or your national language)

3.2 The National Border Management System

A good basic understanding of your National Border Management System will help assess the impact of any preferences expressed in the course of this study. To ensure the quality of the impact assessment, you are kindly solicited to provide all the information requested, including the financial data. These are important aspects to be considered later for the model development.

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[41] http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/schengen/docs/study_on_conferring_of_executive_powers_04_2006_en.pdf

[42] Article 77-2 of the Treaty on the functioning of the European Union (TFEU)

Please enlist the different authorities working on Border Control and responsible for the Management of your external borders and how many BCP exist in your country.

3.2.1 What is the total annual budget covering all border control activities in your country in 2013 (or the last year for which data is available)?

3.2.2 What is the total number of staff (FTE – full time equivalents) performing border control management activities in your country in 2013 (or the last year for which data is available)?

- Central level (headquarters):

- Local level:

3.2.3 Please complete the relevant fields in the following table:

Tasks	What is the total annual budget allocated to the tasks below based on the latest available data, expressed in your national currency (or EUR if you prefer)	What is the total number of staff dedicated to these tasks expressed in full time equivalents (FTE)
Border Checks		
Border Surveillance		
Return Operations		
Training of Border Guards and officials		

Tasks	What is the total annual budget allocated to the tasks below based on the latest available data, expressed in your national currency (or EUR if you prefer)	What is the total number of staff dedicated to these tasks expressed in full time equivalents (FTE)
Risk Analysis		
Allocation of Border Control resources (land, see, air)		
Building and maintaining partnerships with Third Countries		

3.2.4 Please provide us with the information prepared for the latest Schengen Evaluation process (Sch-Eval) named: General information on the Border Management System of MS?

3.2.5 Please provide us with an organizational diagram, depicting the current status of your national border management system and key documentation of a legal, strategic and operational nature, related to the future developments of your national border control system that may be related to the possible establishment of a European System of Border Guards (if available, in an English version);

3.3 Seconded Border Guards

This section will assess the opportunity to enhance the powers of Seconded Guest Officers to Frontex, taking into account the current situation. Please take into account that any proposed change later in the models will not have immediate impact, as this is a long run feasibility study.

3.3.1 According to Art 3b of the Amended Frontex Regulation43, the assignment regime for Seconded Guest Officers (SGO) is up to 6 months in a 12 month period. Is this period enough to build a homogeneous team?

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

What is the ideal needed period of secondment to build a homogenous team?

_____

_____

3.3.2 The powers and tasks of SGO enlisted in Artº10 of the Amended Frontex Regulation44 suffice;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please provide details and if possible provide examples (prioritise) of other powers that could be added:

_____

_____

3.3.3. In which border areas could SGO presence be reinforced?

Please details for each of your choice:

☐ Blue Borders;

- Border Checks

  _____

- Border Surveillance

  _____

☐ Green Borders;

- Border Checks

  _____

- Border Surveillance

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[43] http://frontex.europa.eu/assets/About_Frontex/frontex_amended_regulation_2011.pdf
[44] http://frontex.europa.eu/assets/About_Frontex/frontex_amended_regulation_2011.pdf

☐ Air Borders;

3.3.4. In which of the following tasks performed during border control (checks and surveillance) would it be useful if SGO provided more support to your MS?

☐ Verification of possession of valid the documents authorising border crossing;
☐ Affixing entry and exit stamps;
☐ Verification of the point of departure and destination and corresponding support documents;
☐ Verification if third country citizens have means of subsistence during their stay;
☐ Verification if third country citizen's objects are not likely to jeopardize public safety or internal security;
☐ Verification if an alert has been issued for the person in Schengen Information System (SIS);
☐ Detection of irregular migration at Schengen Border entry points;
☐ Detection and identification of vessels transposing territorial waters;
☐ Interception of vessels when deemed necessary;
☐ Readiness and availability of GO to be sent on patrols;
☐ Ownership of required technical equipment to perform border surveillance;
☐ Cooperation with local population at borders;
☐ Collection of relevant evidence to prove irregular crossing;
☐ Other:
Please detail the reasons for the choices:

3.4 Collaboration with Frontex

This section will assess the Member States current cooperation with Frontex and the opportunities for further development of that cooperation. Again, please take into account that any assessment of changes in the current situation will not have any impact, as this is intended to study the feasibility of a possible European System of Border Guards in the long run.

3.4.1 How do you define your cooperation level with the Frontex Agency?

☐ Very Good ☐ Good ☐ No opinion ☐ Could improve ☐ Not good

If any choice is given beside "Very Good" and "Good" please explain how it could improve:
On the operational level:

On the coordination level:

3.4.2 There is opportunity to enhance the responsibility of Frontex Agency in the following activities:

Activities	Strongly agree	Agree	No opinion	Disagree	Strongly disagree
Procurement of technical equipment (for border control) on its own or together with MS	☐	☐	☐	☐	☐
Initiative to launch joint operations and pilot projects	☐	☐	☐	☐	☐
Rapid Interventions	☐	☐	☐	☐	☐
Assessment of equipment and resources capacity of MS	☐	☐	☐	☐	☐
Provision of training to Border Guards	☐	☐	☐	☐	☐
Support MS in situations where more technical and operational assistance is required	☐	☐	☐	☐	☐
Support return operations	☐	☐	☐	☐	☐
Right to use the power of detention	☐	☐	☐	☐	☐
Right to refuse entry in Schengen Area	☐	☐	☐	☐	☐
Gathering of intelligence and risk analysis	☐	☐	☐	☐	☐
Development of cooperation with Third Countries	☐	☐	☐	☐	☐
Other activities[45]:	☐	☐	☐	☐	☐
Other activities:	☐	☐	☐	☐	☐

---

[45] Please add activities or tasks that you believe could be under Frontex mandate;

Please detail the reasons for the choices:

_____

_____

3.4.3 Under defined conditions the Frontex Agency should be able to direct and be given authority during Joint Operations with MS;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree
Please provide your input on when these situations could occur or main concerns:

_____

_____

3.4.4 Under certain and clearly defined conditions the Frontex Agency should be given authority and initiate Return Operations;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree
Please specify under which conditions you foresee this situation and detail the reasons for the choice:

_____

_____

4 Section 2: Looking Forward: Challenges and Opportunities

This section will assess the permeability of the MS of having a European System of Border Guards, delegated to an EU Institution or Agency (such as Frontex), taking into account current tasks and activities defined in the Schengen Borders Code and Schengen Catalogue. The term "European Border Guard" is used, and foresees an Agency, having a pool of officials to conduct border control activities in the Schengen Area.

4.1 Border Control functions

4.1.1 There are clear opportunities to delegate more responsibilities for border check activities to a EU Institution or common entity, based on the principle of solidarity;

☐ Strongly Agree ☐ Agree ☐No opinion ☐Disagree ☐Strongly disagree

Please clarify which specific opportunities:

4.1.2 There are clear opportunities to delegate more responsibilities for border surveillance activities to an EU Institution or common entity, based on the principle of solidarity;

☐ Strongly Agree ☐ Agree ☐No opinion ☐Disagree ☐Strongly disagree

Please clarify which specific opportunities:

4.1.3 European Border Guards should have the authority to patrol the external borders of any EU Schengen State and to hold executive powers;

☐ Strongly Agree ☐ Agree ☐No opinion ☐Disagree ☐Strongly disagree

Please provide details for your choice and on the type of powers the European Border Guards should have to be able to work effectively:

4.1.4 When needed, European Border Guards should be able to issue and annul Visas at national borders;

☐ Strongly Agree ☐ Agree ☐No opinion ☐Disagree ☐Strongly disagree

In which situations would that be beneficial?

4.1.5 When needed, European Border Guards should be able to use the power of detention during operations at MS borders;

☐ Strongly Agree ☐ Agree ☐No opinion ☐Disagree ☐Strongly disagree

Please provide examples for such situations:

4.1.6 In which situations should European Border Guards be able to refuse entry of Third Country nationals? What measure could be implemented to grant the right of decision to refuse entry to European Border Guards?

4.1.7 European Border Guards should be able to register information in the relevant information systems at national borders (according to Schengen Borders Code Annex II46);

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please provide details for your choice:

4.1.8 Risk monitoring and analysis performed on EU Schengen Area should be better supported, by granting access to a European Institution to databases such as EURODAC, SIS, VIS and the future databases supporting the Smart Border Package;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please provide details for your choice and should you agree explaining in which situations could that occur:

4.1.9 A representative from an independent EU Institution or Agency should be assigned to monitor compliance of fundamental rights during Joint/Return Operations with MS (i.e. according to the Charter of Fundamental Rights);

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please provide details for your choice:

4.1.10 Liability rules in relation to border control activities should be more harmonised across the EU (including use of force, enforcing border control functions, use of weapons, rules for conduct etc.)

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please provide details for your choice:

4.2 Border Guard Management

4.2.1 What are the three most important challenges that you foresee for the Schengen Area Border Management in the next 10 years?

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[46] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0562:EN:NOT

4.2.2 Are there legal obstacles in your country that would prevent a system conferring executive powers and authority at EU level for border control activities?

☐ Yes ☐ No

If yes, please provide details complete:

Constitutional obstacles:

Other legal Obstacles:

4.2.3 There should be an EU Institution to which MS could delegate the power to make a decision on the following areas pertaining to Border Management of EU Schengen Area, based on the principle of solidarity;

☐ Allocation of human resources;
☐ Procurement and allocation of technical equipment;
☐ Capacity management of technical equipment existing at disposal of EU Schengen States;
☐ Definition of border policy priorities;
☐ Audit and Anti-fraud activities;
☐ Effectiveness and efficiency evaluation of border control management;
☐ Building and maintaining partnerships with Third Countries;
☐ Coordination and implementation of the operational strategy;
☐ Coordination and implementation of risk analysis strategy;
☐ Other;

Please explain the reasons for your choice and their added value to EU Schengen Area in terms of efficiency, collaboration and solidarity:

4.2.4 Which role could a European System of Border Guards have in relation to Third Countries?

☐ Advising and training at consular posts for carrier company personnel and Third Countries Border Guards;
☐ Mediating agreements with Third Countries in border management, such as setting up communication channels, handling incidents, exchange of information;
☐ Deployment of Border Guards to Third Countries to pursue border control activities at entry points in EU Schengen States;
☐ Managing the ILO network;
☐ Others:

Please detail which other roles or activities (prioritised) could an ESBG have in relation to Third Countries:

4.2.5 The private sector can play an important role in border control management within the EU.

☐ Strongly Agree ☐ Agree ☐ No opinion ☐ Disagree ☐ Strongly disagree

If you agree, please detail the reasons why as well as the areas where the private sector might be particularly useful.

If you disagree, please detail the reasons why and clarify the main obstacles.

_____

_____

4.3 Training and Recruitment

This section assesses the feasibility of having common training curricula of border guards, National Border Guards, from the EBGT (European Border Guard Teams) or European Border Guards, by Frontex or other Institution delegated by the EU Institutions (Parliament, Council) or Agency.

4.3.1 Specialised training tackling specific border issues, should take place at specific localised training facilities and provided in one common language by a European Institution;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please detail your choice and if possible provide examples of special trainings that could be administered:

_____

4.3.2 Special Management Training certified by a European Institution should be a precondition for the position of the Post / BCPs Commanders & "Border guards in command at the Border Crossing Point" (Note: According the SBC)

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please provide details for your choice:

_____

4.3.3 It is very useful to develop an available pool of specialised experts in border management (operational or administrative staff) managed by an EU Institution or Agency to be ready to intervene;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please list the tasks that are particularly relevant:

_____

4.4 Equipment and Assets

4.4.1 Standardisation of equipment (service equipment, permitted weapons, type of ammunition) used in border control activities should be defined and maintained across EU Schengen Area;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please provide details for your choice:

_____

_____

4.4.2 Cost burden sharing and financial solidarity mechanisms between MS for border control of the Schengen Area are currently adequate;

☐ Strongly Agree   ☐ Agree   ☐No opinion   ☐Disagree   ☐Strongly disagree

Please detail your answer and if possible provide a maximum of 3 suggestions on how these mechanisms could be enhanced:

5 Annex I: List of tasks under consideration

The following considered tasks per dimension will be focused during the analysis for the definition of different models for a European System of Border Guards.

Operational Activities:

- Border Control (checks and surveillance);
- Joint Control Operation between Frontex and MS;
- Rapid Interventions;
- Return operations of Third Country nationals;
- Use of detention of irregular migrants where deemed necessary;
- Refusal of entry of irregular Third Country nationals in the Schengen Area;

Strategic Management:

- Definition of border priorities based on situational risk analysis assessments;
- Temporary reintroduction of border control at internal borders;
- Command and control activities;

Resource Management:

- Procurement activities;
- Allocation of border control resources according to the specific needs of specific borders;
- Training of border guards and officials;

Intelligence Gathering and Risk Analysis:

- Collecting and sharing information pertaining to border control activities;
- Risk analysis;
- Qualitative and quantitative analysis of operational environment;
- Registration and access to SIS and other relevant databases;

Evaluation:

- Effectiveness and efficiency evaluation;
- Evaluation of support and collaboration between MS;
- Audit and anti-fraud activities;
- Respect for fundamental rights by Border Guards and Guest Officers;

Managing relations, interagency cooperation and international agreements:

- Public communications - managing perceptions;
- Building and maintaining partnerships with third countries, international organisations & NGO's
- Cooperation between MS and Frontex;
- Building and Maintaining Public and Private Partnerships;
- Management of national ILO networks

INTERVIEW GUIDE FOR THE STUDY "EUROPEAN SYSTEM OF BORDER GUARDS"

COUNTRY REPORT

Table of Contents

1 Introduction

1.1 Background

In the context of the Stockholm Programme, the Commission was invited to "initiate a debate on the long-term development of Frontex. This debate should include, as was envisaged in the Hague programme, the feasibility of the creation of a European system of border guards".

The Commission decided to undertake a study on the feasibility of the creation of a European System of Border Guards to control the external borders of the Union (ESBG). The objective of the study is to identify different models for a European System of Border Guards, and describe the elements of which these Models could be composed of, taking into account:

- the feasibility of these models from a legal and operational point of view;
- the legal provisions necessary to create and implement the system;
- the resources that are needed;

Considering the evolution of border control issues and assuming that the political position of certain (previously hesitant) member states may have changed over the last years, the Commission launched the present study in order to collect and update ideas in a totally open mind.

In June 2013, the Commission contracted UNISYS Belgium to conduct the ESBG Feasibility Study. The study includes desk-based research and interviews.

Prior to organising face-to-face meetings with Member States, a preliminary questionnaire has been to collect background information on the current situation at country-level. The answers provided to this questionnaire constitute a starting point for the interviews in the Member States.

1.2 How to use this Interview Guide

This Interview Guide will be used as a support for the face-to-face meetings taking place in the Member States. It will ensure that all key issues are addressed systematically in order to guarantee the comparability of the results across the Member States.

It can be used by the Single Points of Contacts appointed for this study to prepare for these meetings, to gather relevant documentation or to organise preparatory meetings with the competent national authorities. The outcome of such preparatory discussions should be used to pre-fill this interview guide prior to the meeting. It will also be used by the Consultants during the meeting itself as an information collection tool.

It also contains a standard structure for the meeting agenda. This can however be adjusted on an ad-hoc basis upon suggestion from the Single Point of Contact. He or she has a better understanding of the national context and can ensure the project takes national specificities into consideration (e.g. need to visit authorities located in different cities, etc).

2 Date - place - participants

2.1 Date and place of the meeting(s):

[Insert date and place of the meeting]

2.2 Meeting Participants

Name	Institution	Email

3 Meeting Agenda

- Introduction – Presentation [Country Name] National Authorities and Unisys;
- Review of the questionnaire findings;
- Challenges and Opportunities for improved EU/Schengen Collaboration;
- Discussion of possible models and impact on EU and NAs;

3.1 Introduction - presentation of the [Country Name] National Authorities and the Study

Suggested duration: 30 min

The study team members provide an overview of the study context, objectives and the expected outcome. The planning of the project and its current status are presented to the meeting participants.

The meeting participants introduce themselves and the National Authority, if possible, provides a brief overview of their organisation.

3.2 Review of the questionnaire findings

Suggested duration: 105min

During this part of the meeting the Study Team will request from the meeting participant's further information pertaining to findings encountered during the analysis of the questionnaire. This activity will enable the Study Team to collect relevant data to the construction of the different models, the output of the study. The meeting participants can also provide further feedback if they feel is relevant to be taken into account by the Study Team.

In order to be able to collect concrete feedback and to achieve targeted discussion, the following questions below will be discussed. The participants can include further questions that they would like to focus. This additional information is based on the feedback received from the Questionnaire completed by the MS (boxes are available below each question to provide clarifications):

Questions on answers provided to the Questionnaire:

- *Additional questions*

Notes on the Member State's presentation(s):

3.3 Challenges and Opportunities for improved EU/Schengen Collaboration

Suggested duration: 75 min

This part of the meeting gives Member States a chance to express their opinion on border control challenges faced at national and EU-level and to point to opportunities for possible improvements to the European Border control system in an open, forward looking manner.

Member States experts are invited to provide some support their choices for the challenges they identified in the questionnaire and to provide some possible solution to tackle them.
[Description of the challenges pointed out in the questionnaire]

In addition, participants can also provide their opinion on different tasks that could either benefit of improved integration or European integration should be limited.

	Specific opportunities for increased EU collaboration and Integration	More efficient if following activities are being conducted at National or local level
Operational activities (border control, surveillance and RO)		
Strategic Management		
Resources Management (resource capacity and procurement)		
Intelligence gathering and risk analysis activities		
Evaluation		
Managing relations, interagency cooperation and international agreements		

3.4 Discussion of possible models and impact on EU and NAs

Suggested duration: 30 min

This part of the meeting aims at assessing the view of Member States' experts on the pros and cons of the different scenarios under consideration for a ESBG. The exercise will be introduced by a short presentation on the scenarios by the Unisys team.

Subject matter experts will also be invited to propose other possible scenarios and implications.
Scenarios of support and delegation, at EU level can guide the discussion. Different dimensions proposed can be assessed under exceptional and crisis situations.

DISCUSSION OF POSSIBLE MODELS AND IMPACT ON EU AND NAS

4 Interview summary and conclusions

The meeting will be finalised by drawing the key points and summarising the main findings.

Key points and findings

Annexes

ANNEX I: Definitions

Acronym Abbreviation	Meaning
BCP	Border Control Point
COM	DG HOME Commission Services
DG HOME	European Commission DG Home Affairs (policy Unit C1 and financial Unit C4)
EES	Entry and Exit System
ESBG	European System of Border Guards
EU	European Union
FRONTEX	The European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union
ILO	Immigration Liaison Officers
JO	Joint Operations
MS	Member State
RO	Return Operations
SGO	Seconded Guest Officers

6.5 Status Summary

Country	SPOC appointment	Questionnaire	Mission	Mission date
AT	completed	completed	completed	05/11/2013
BE	completed	completed	completed	13/11/2013
BG	completed	completed	completed	17/12/2013
CH	completed	completed	completed	26/11/2013
CZ	completed	completed	completed	22/11/2013
DE	completed	completed	completed	24/02/2014
DK	completed	completed	completed	07/01/2014
EE	completed	completed	completed	12/12/2013
EL	completed	completed	completed	10/01/2014
ES	completed	completed	completed	07/02/2014
FI	completed	completed	completed	13/12/2013
FR	completed	completed	completed	05/12/2013
HU	completed	completed	completed	21/11/2013
IT	completed	completed	Conference call	07/02/2014
LT	completed	completed	completed	22/01/2014
LU	completed	completed	completed	28/11/2013
LV	completed	completed	completed	21/01/2014
MT	completed	completed	Conference call	06/02/2014
NL	completed	completed	completed	02/12/2013
NO	completed	completed	completed	28/01/2014
PL	completed	completed	completed	31/10/2013
PT	completed	completed	completed	16/01/2014
RO	completed	completed	completed	18/12/2013
SE	completed	completed	completed	30/01/2014
SI	completed	completed	completed	02/10/2013
SK	completed	completed	completed	06/11/2013

6.6 Summarised records of meetings with Member States and other stakeholders

Folders with final filled out Questionnaires

Provided in the form of electronic support.

Folders with final filled out Interview Guides

Provided in the form of the electronic support.

6.7 Border Management in the different Schengen States

Republic of Austria

Border Control Authority
Austrian Police Corps

Border Situation
6 international airports

Number of Border Guards
30 officers at central level
Around 380 officers at local level (plus 1320 for compensatory measures)

Training System
2 years of basic training for all officers responsible for border control-possibility to engage in high-level education

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Member States and the EU should be more oriented on the outcomes than on the outputs.
- Migration, development, arrangements, memorandums with third countries and the EU under the umbrella of Frontex.

Kingdom of Belgium

Border Control Authority
General Directorate of the Administrative Police under Federal Public Service

Border Situation
6 BCPs at North Sea and waterways
1 BCP at railway station
6 international airports

Number of Border Guards
7 officers at central level
382 officers at local level

Training System
All officers positioned as border guards receive basic training for police officers, lasting 1 year (all police issues are addressed, depending on the level of the trainee). An additional course on "Border Control" covering specific border related issues, lasting for 3 months, includes practical coaching in BCPs. Specific training is provided depending on their working field under the Federal Police. Specialised training on field of document checking and field of legislation is also given.

Implementation of:
EU IBM concept and 4-tier access control model
CIRAM 2.0 risk analysis methodology under implementation

Challenges Perceived by the Member State

- Southern EU-Border – mass immigration
- Cooperation between Member States and third countries via EC
- Implementation of the "Smart Borders" package
- Use of biometrics

Republic of Bulgaria

Border Control Authority
Bulgaria Border Police

Border Situation
3 sea ports and 6 BCPs in the Danube
21 land BCPs (borders with Macedonia, Romania, Serbia and Turkey)
5 international airports

Number of Border Guards
83 officers at central level
5524 officers at local level

Training System
Basic training of 47 weeks, followed by 6 months of coaching and shadowing at BCPs – possibility to engage in higher education

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Increase of the control over the irregular migration as well as any other forms of cross-border crime, by implementing the planned strategy measures
- Strengthening the cooperation and information exchange among the Member States, other international partners, Frontex Agency and NGOs
- Effective prevention of all types of smuggling
- Strengthening the Member States cooperation for detection and prevention of cross-border crimes

Swiss Confederation

Border Control Authority
Swiss Border Guard and Cantonal Police Authorities

Border Situation
12 international airports

Number of Border Guards
Around 2000 officers

Training System
In addition to 1 year of fundamental training and 2 years of practical street training, in-house training based on the assigned role is provided.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Migration pressure
- Increasing mobility
- Technical development
- Security situation
- Economic situation
- Changes in the society

Czech Republic

Border Control Authority
Directorate of Alien Police Service

Border Situation
5 international airports
13 international airdromes

Number of Border Guards
Around 94 police officers at central level and 77 civilian employees
Around 735 police officers at local level and 12 civilian employees

Training System
A functional educational system within Directorate of Alien Police Service provides various training courses (language education, Schengen Border Code,…) for police officers working within the Directorate of Alien Police Service. Frontex training activities and projects are integrated into national programmes.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Challenges related to secondary movements and related asylum/refugee situation within Schengen Area
- Increasing mobility
- Improvement of external border control - technologies, sufficient equipment, measures at external EU borders
- Stabilization of fundamental rights

Kingdom of Denmark

Border Control Authority
National Aliens Centre under Danish National Police

Border Situation
104 sea ports
24 international airports and airdromes

Number of Border Guards
Around 8 officers at central level and 200 at local level (Police officers perform border control tasks amongst other activities)

Training System
Certified training on border control matters under implementation

Implementation of:
CIRAM 2.0 risk analysis methodology under implementation throughout 2014

Challenges Perceived by the Member State

- Implementation of the "Smart Borders" package

Republic of Estonia

Number of Border Guards
Around 6000 officers performing border control activities, of which 1270 are exclusively border guards

Training System
Specialised training activities for Border Guards

Implementation of:
CIRAM risk analysis methodology implemented CIRAM 2.0 risk analysis methodology under implementation
EU IBM concept and 4-tier access control model

Border Control Authority
Police and Border Guard Board

Border Situation
19 Border Surveillance Stations
43 BCPs (land, sea and air) having borders with Russia

Challenges Perceived by the Member State

- Visa freedom processes (e.g. Russian Federation, Eastern Partnership countries)
- Implementation of the "Smart Borders" package
- Intra-Schengen movements of irregular migrants
- Increase of border traffic

Republic of Finland

Number of Border Guards
670 border guards at Border Guard headquarters and Coast Guard headquarters
2160 border guards carrying out operational tasks at local and regional level (Border Guard and Coast Guard Districts and Air Patrol Squadron)

Training System
Border guards have a minimum of 3 years education – possibility to engage in higher education (career management related)

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Border Control Authority
Finnish Border Guard

Border Situation
41 sea ports
9 land BCPs (border with Russia)
24 international airports

Challenges Perceived by the Member State

- Constantly increasing cross-border traffic coupled with possible visa-freedoms of the EU's big neighbouring countries
- Illegal immigration pressure, misuse of asylum system, inefficient returns
- Lack of resources and inadequate national border security system (incl. poor inter-agency cooperation) in some Member States (incl. corruption)

French Republic

Border Control Authority
French Border Police

Border Situation
9 BCPs at railway stations
15 BCPs at harbours
22 international airports

Number of Border Guards
970 border guards at central level
7780 border guards at local level

Training System
Before choosing border guard specialisation basic training is required:
12 months of training for basic level police officers, 18 months for mid-level police officers (rank of Lieutenant) and 24 months for high level police officers (rank of Superintendent).
Specialisation for border guards is 3 weeks for basic level police officers, 6 weeks for Lieutenants and 2 months for police Superintendents.
Continuous trainings are available for each rank of border guard.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Visa liberalisation
- Implementation of faster and more efficient border checks
- Delivery of "laissez-passer" for irregular migrants, in order to return them in their country of origin

Federal Republic of Germany

Border Control Authority
Federal Police Headquarters, Federal Customs Administration and Bavarian Land Criminal Police Office

Border Situation
97 BCPs at harbours
100 international airports

Number of Border Guards
No available information, integrated in the Federal Police activities

Training System
The basic trainings are centralised (federal level, central trainings-service)
There is a middle service and a higher service (management) career track.
Middle service: 3 years training to become a police officer (border control training is a component) and higher service training: 3 years of full spectrum training to become Chief of police. Specific extra continuous trainings

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Managing pressures from illegal migration and cross-border crime at changing focal points at the EU's external borders;
- Preventing illegal secondary migration within the Schengen Area;
- Optimizing the IBM strategy and harmonizing it at European level;
  - Supporting migration related countries of origin and transit by targeted capacity building measures;
  - Strengthening the agency's role in initiating and coordinating national training and equipment assistance in migration related countries of origin and transit;
- Ensuring interoperability and performance of border-specific IT systems

Hellenic Republic
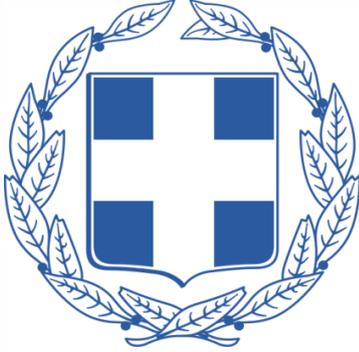
Border Control Authority
Hellenic Police and Hellenic Coast Guard

Border Situation
19 land BCPs (borders with Albania, Bulgaria, Macedonia and Turkey)
57 BCPs at harbours
29 international airports

Number of Border Guards
143 officers from Hellenic Police and 164 officers of Hellenic Coast Guard at central level
4203 officers from Hellenic Police and 5157 officers of Hellenic Coast Guard at local level

Training System
Prior to joining Border Police, officers need to have passed through the Police Academy. Two paths are available. Studies in the Police Academy with duration of four years, Police Constable School receiving two year general police training. As Border Police officers receive further 4 months of basic training (3 months theoretical and 1 month of practical training). Further courses are available.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Viability of technical means/resources of border surveillance
- Fair allocation of the burdens of mixed immigration flows
- Control capability of mixed immigration flows on the ground of Third Countries
- Ensure that technical equipment is not harmful for people and the environment in compliance with EU legislation
- Burden sharing
- Maritime surveillance of vast sea areas
- Socio political regional developments

Hungary

Border Control Authority
Border Policing Department integrated under the Hungarian National Police

Number of Border Guards
29 officers at central level
3688 officers at local level

Training System
2 years of Police Vocational School. Further education can be pursued and advanced training courses are centrally organised for all officers.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- More operations along the internal borders detecting illegal migrants inside the Schengen Territory
- Creation of a real burden sharing system concerning migration management
- Creation of an effective removal operation system and technical background

Border Situation 44 land BCPs (borders with Croatia, Romania, Serbia and Ukraine) 3 international airports	for expel increasing migration flow • Further enlargement of "Schengenland" and its effects on irregular migration routes (RO-BG-CRO) • Increasing pressure from critical countries and areas (due to recent political and geopolitical issues) • Further assistance and facilitation of the security of present and future Schengen external borders and Member States (supporting of new funds, effective allocations, harmonizing of different legislation elements - handling of migration versus policing) • European entry-exit system and common rules about the use of biometric identifiers

Italian Republic

Number of Border Guards

288 officers in the Central Directorate for Immigration and Border Police of which 34 of the Border Police Division
3688 officers at local level

Training System

The training system reorganised in 2011 includes 6 months of basic training for all new border police officers and training activities provided at local level. The new framework allows further training in different fields ensuring high-level of professionalization.

Implementation of:

Main features of EU IBM concept and the 4-tier access control model are followed.
Risk analysis carried out by dedicated units both at central and single border police offices

Border Control Authority

Central Directorate for Immigration and Border Police under the Ministry of Interior
Border checks are carried out by the Border Police (Polizia di Stato) and Arma dei Carabinieri on BCP with light border traffic

Border Situation

11 land BCPs
8 zone borders
11 sea ports
13 offices in ports and airports
18 international airports

Challenges Perceived by the Member State

• Assurance of the respect of the Schengen *acquis* in all the countries involved in the Schengen Area by means of a governance system capable of responding effectively, and in a timely and coordinated Union-wide way, to exceptional circumstances and challenges which might put the overall functioning of Schengen at stake
• Initiative of more regular and structured political dialogues between the European Institutions on the functioning of the Schengen Area
• Increase of the collaboration with the EU and its Agencies who are in a position to take a variety of steps to cooperate and enter into dialogue with countries of origin or transit, with a view to assisting in reinforcing border control and stemming the flow of irregular migration to the EU

Republic of Lithuania

Border Control Authority
State Border Guard Service (SBGS)

Border Situation
36 BCPs (border with Russian Federation and Republic of Belarus) of which:
- 11 local BCPs
- 3 local coast guard BCPs
3 international airports

Number of Border Guards
123 border guards at central level
3249 border guards at local level

Training System
Border guard basic training (vocational education) lasts for 1.5 year (BG school of the SBGS). For mid-level border guard officers the duration of the training is of 3.5 years (university degree).

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Russian Federation visa liberalization
- "Smart Borders" package implementation
- The fight against illegal migration from Asia and the Caucasus region

Grand Duchy of Luxembourg

Border Control Authority
Police Grand Ducale, 'Unité Centrale de Police à l'Aéroport (UCPA). On migration repatriation and asylum issues is the Criminal Investigation Department (Service de Police Judiciaire – SPJ)

Number of Border Guards
59 border guards at central level

Training System
National Airport Police Unit is part of the National Police Grand Ducale and follows the general police training of 96 hours of theoretical courses and 1 year of practice. When assigned to the airport, they follow specific training Common Core Curricula compliant. Continuous training and training specialised on false documents are also available.

Implementation of:
CIRAM 2.0 risk analysis methodology

Challenges Perceived by the Member State

- Control of illegal immigration
- Harmonisation of asylum policy
- Improvement of refugees' situation

Border Situation 1 international airport	

Republic of Latvia

Border Control Authority
State Border Guard

Border Situation
9 land BCPs (border with Russia Federation and Republic of Belarus)
3 BCPs at railway stations
10 sea ports
5 international airports

Number of Border Guards
163 border guards at central level
2212 border guards at local level

Training System
Training of border guards is based on the Common Core Curricula (CCC). The basic border guard training is 1 year education at the State Border Guard College. The 1st level of higher education is 2 years full-time education at the State Border Guard College and the 2nd level of higher education is 2 ½ years at the Rezekne higher education institution. Specialised training courses and continuous training courses over the year are available and compulsory for all staff.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Enlargement of the Schengen Area
- Implementation of new technologies
- Possible changes of modus operandi, routes and trends of the illegal migration, including internal migration in the Schengen Area
- Possible visa free regime with Russia

Republic of Malta

Border Control Authority
Malta Police Force, along Armed Forces of Malta and Customs Department

Number of Border Guards
63 border guards at central level (43 from Armed Forces of Malta and 20 from Police Force)
536 border guards at local level (430 from Armed Forces of Malta, 53 from Police Force and 53 civilian migration officers)

Training System
The national training program is based on Frontex Common Core Curricula (CCC) There are yearly revisions of the training based on the latest changes of the Regulations within EU, mandatory for all border guards (including the deployed officers).

Implementation of:
Risk analysis based on the CIRAM 2.0 methodology

Border Situation	**Challenges Perceived by the Member State**
1 sea port 1 international airport	• Intra-Schengen movements of illegally staying third country nationals • Possibility to enhance third countries cooperation • Increase of repatriation figures •

Kingdom of Netherlands

Number of Border Guards
In terms of FTE due to no dedicated border police 776 from the Royal Marechaussee
In the Sea Harbour of Rotterdam 176 FTE

Training System
Dutch border guards follow a basic training which covers law enforcing duties in general. Further levels of training covering specialised training are available to border guards.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Border Control Authority
Malta Police Force, along Armed Forces of Malta and Customs Department

Border Control Authority
Royal Netherlands Marechaussee and Sea Port Police (Port of Rotterdam and surroundings)

Border Situation
12 sea ports
9 international airports

Challenges Perceived by the Member State

• Combining with full respect to fundamental rights of illegal migrants, combating effectively the large numbers of migrants who enter the EU illegally through the Southern and Eastern borders by using more innovative technologies, databases and further integration of the EU border management policy
• Combating illegal migration that uses legal channels to enter the EU
• Development of further cooperation with the EU surrounding countries in order to improve their border management and fight against illegal migration

Kingdom of Norway

Border Control Authority
National Police Directorate
supported by the Coast
Guard

Border Situation
27 local BCPs (border with
Russian Federation)
27 international airports

Number of Border Guards
Police officers are assigned to perform border guard duties. Currently, there are approximately 8500 police officers in Norway.

Training System
The new training program of the border guards covers 5 weeks of theory and 4 weeks of practice in the BCPs. The training program is based on the Frontex Common Core Curricula.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

- Internal movement of immigrants in the Schengen Area
- Availability of technical infrastructures

Republic of Poland

Border Control Authority
The Polish Border Guard
(PBG) is responsible for
border control and
surveillance

Border Situation
68 BCPs (border with
Russian Federation,

Number of Border Guards
927 officers at central level
10211 officers at local level

Training System
The training system in the Polish BG provides training from the most basic, initial level to the officer rank level:
- Based on Common Core Curriculum, basic training comprised of 4 months of theoretical and practical training.
- non-commissioned officer training, - about 4 months including the practice/internship period
- permanent service:
  - warrant officer training - about 1 month of training;
  - Officer course - includes two training modules: language module (3 months) and the Management module focused on human resources management for another 3 months.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

Ukraine and Republic of Belarus) 27 local BCPs (border with Russian Federation) 12 international airports	• Monitoring of internal movements of illegal migrants within the Schengen Area • Reduction of the abuse of asylum procedures by creating a common effective asylum policy • Maintenance of adequate flow of traffic in BCPs taking into consideration that traffic is increasing each year and that there are prospects of decreasing pecuniary means for building/enlarging BCPs and developing BCPs' infrastructure • Development of a proper mechanism for the evaluation of adequacy of re-establishing border control at the internal borders • Development of technical tools supporting border procedures, e.g. EES/RTP system

Portuguese Republic

Border Control Authority
Serviço de Estrangeiros e Fronteiras (SEF)

Border Situation
5 Joint Border Posts
15 sea ports
8 international airports

Number of Border Guards
Around 709 permanent staff

Training System
SEF staff has college degree plus Admission course comprised of one year training (in-class training and on-the-job training) based on CCC in all matters related to border control and other competences related to migration, criminal investigations and IT and police operational techniques.
Continuous training available.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Challenges Perceived by the Member State

• Control third country nationals in Automatic Border Control (ABC) gate
• Concretisation of the European System of Border Guards (ESBG)

Romania

Number of Border Guards
No data was provided in relation to the number of Border Guards.

Training System
The training for the Border Police forces is composed as follows: 2 years of preparatory courses for the agents and 3 to 4 years for officers. For the officers, the 3 years training outcome is a specialization in Public Order and Safety and the 4 years training outcome is a specialisation in Law. At the sea side, there is a specialised training centre for the maritime border police. Officers have the possibility to follow specialised training and courses through the Frontex Partnership Academy.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Border Control Authority
Romanian Border Police.

Border Situation
37 local BCPs (borders with Hungary, Bulgaria, Serbia, Moldova, Ukraine)
4 sea borders and 16 ports on Danube
14 international airports

Challenges Perceived by the Member State

- Migratory pressure at the EU external borders
- Smuggling
- Terrorism

Kingdom of Spain

Number of Border Guards
846 officers (CNP) and 99 officers (GC) at central level
7164 officers (CNP) and 7.923 officers (GC) at local level

Training System
No information received
Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Border Control Authority
National Police (CNP) and Guardia Civil (GC)

Border Situation
3 land BCPs (borders with Andorra, Gibraltar and Morocco)
33 international airports

Challenges Perceived by the Member State

- Managing real cooperation with third countries, mainly in the Mediterranean Area. Awareness of instability of third countries– cooperation of third countries in high tension is needed (even those further away via air border)
- To reinforce the capacity of returning illegal migrants to third countries
- To develop and implement the Smart Borders package of the EU

Kingdom of Sweden

Number of Border Guards
Approximately 7 border guards at central level
Approximately 840 border guards at local level

Training System
All officers, including border guards, receive basic training during 2.5 years. An interactive training methodology is also available and can be accessed by both Swedish Customs and Coast Guard. The police provides the coast guards with additional training support on gathering knowledge during operational activities (e.g. document checks).

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Border Control Authority
Swedish National Police

Border Situation
109 sea ports
31 international airports

Challenges Perceived by the Member State

- Intra-Schengen movements
- Diverging views within the Schengen Area of the purpose and challenges of border management
- Developments in third countries and the constant change in possibilities to cooperate with countries of origin and transit

Republic of Slovenia

Number of Border Guards
Around 190 border guards at central level
Around 140 border guards at regional level
Around 2400 border guards at local level

Training System
Basic training on border guarding for border police officers consists of 840 lessons, both theoretical and practical. Additional specialised training is available for border guards.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Border Control Authority
Border Police Division

Border Situation
57 land BCPs (border with Croatia)
2 sea BCPs
3 international airports

Challenges Perceived by the Member State

- Provision of assistance to Member States in circumstances requiring increased technical and operational help at the external borders (especially to those Member States facing specific and disproportionate pressures)
- Intra-Schengen movement (internal movements within EU)
- Corruption at the local level

Slovak Republic

Number of Border Guards
93 border guards at central level
1684 border guards at local level

Training System
The basic training comprises of secondary education (requirement for recruitment), 9 months of specialised training (pertaining border control), and 1 month of specific EU legislation training. 2 years of placement at BCU are required before officers are authorised to follow higher levels of education.

Implementation of:
CIRAM 2.0 risk analysis methodology
EU IBM concept and 4-tier access control model

Border Control Authority
The Bureau of Border and Alien Police and The National Unit Combating Illegal Migration (criminal investigations related to illegal migration and other cross-border crimes)

Border Situation
10 land BCUs* (border with Ukraine)
3 international airports

* Border Control Units

Challenges Perceived by the Member State

- Binding character of IBM system implementation and further sanction of its non-implementation
- Luck of financial sources for border control
- Increase of migration flow (Visa liberalization, Economical reasons…)

6.8 Study findings

The present section provides a detailed overview of the study findings, which includes:

- Analysis of the responses to the study questionnaire (complemented during the visits to participating Member States)[47];
- Consolidated views received during the meetings with the Frontex Agency[48];
- Feedback received from the meetings held with staff representatives and members of the LIBE Committee of the European Parliament[49]

6.8.1 Visits and Questionnaire findings

6.8.1.1 Powers of seconded guest officers (SGO) in joint operations

Section 3.3 of the questionnaire looked into the experience of different practitioners when performing border control during joint operations. The chart below summarises the answers to the following questions:

- Where (S/GO) presence could be reinforced?
- In which tasks should Member States continue to receive more support from S/GO?
- Which activities should not be pursued by S/GO?
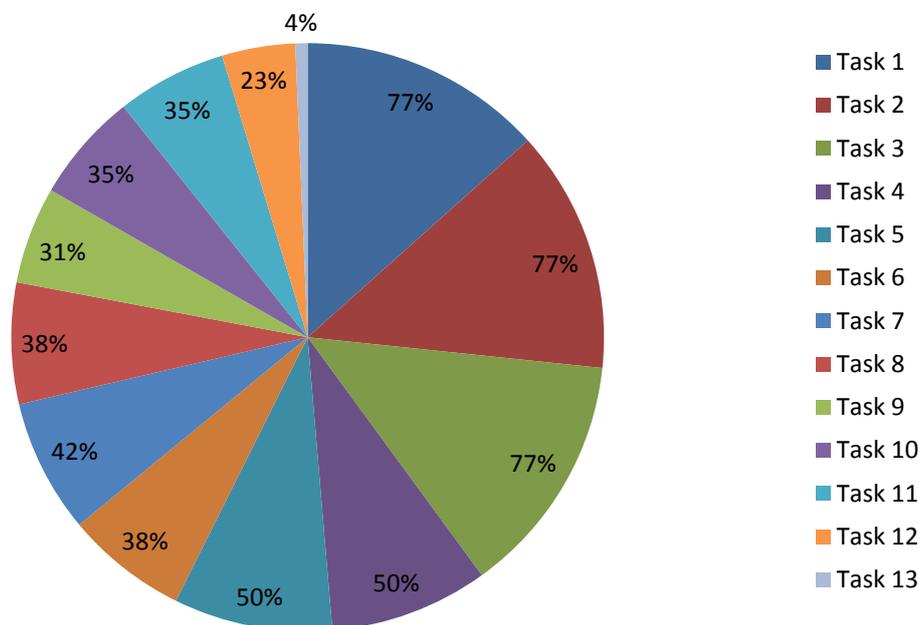
Figure 6: Tasks (in %) performed by S/GO

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[47] 26 questionnaires were filled in: 24 visits and 2 conference calls were held.

[48] Discussions were held on 29/07/2013 via a conference call and a visit to Frontex HQ in Warsaw took place on 20/09/2013.

[49] Meetings were held on 27/02/2014 and 03/03/2014.

Tasks in Figure 6	Description
Task 1	Verification of the point of departure and destination and corresponding support documents
Task 2	Detection of irregular migration at Schengen Border entry points
Task 3	Verification of possession of valid the documents authorising border crossing
Task 4	Readiness and availability of GO to be sent on patrols
Task 5	Ownership of required technical equipment to perform border surveillance
Task 6	Verification if third country citizens have means of subsistence during their stay
Task 7	Collection of relevant evidence to prove irregular crossing
Task 8	Detection and identification of vessels transposing territorial waters
Task 9	Affixing entry and exit stamps
Task 10	Verification if third country citizen's objects are not likely to jeopardize public safety or internal security
Task 11	Verification if an alert has been issued for the person in Schengen Information System (SIS)
Task 12	Interception of vessels when deemed necessary
Task 13	Cooperation with local population at borders

Table 2: Tasks depicted under figure 1

As a general opinion, Member States are in favour of S/GO performing activities related to first line checks, especially at airports. Surveillance activities are considered a responsibility of the host Member States.

S/GO's ability to communicate in the language used by the migrants is perceived as an added value. Therefore, some Member States supported the idea of S/GO being involved also in second line checks. Debriefing and profiling was mentioned as particularly relevant as it can improve the efficiency of border control.

It can be concluded from the analysis of Member States responses that some Member States favour a strengthened role of S/GO and the others a supportive role. The S/GO mechanism is also seen as a forum for the exchange of best practices, therefore allowing for a more homogeneous common border guard culture.

6.8.1.2 Role and responsibility of Frontex

Since its establishment in 2004, Frontex has been a key player in the management of operational cooperation at the external borders of the Member States of the EU. Thus the assessment of how Member States perceive their cooperation with Frontex and what opportunities they identify for its further development[50] forms an important part of the analysis. The following figure depicts Member States' preferences when attributing them a

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[50] Questions 3.4.2 and 3.4.3 of the Questionnaire

score ranging from -2 to 2. A simple average is calculated, which represents a vision of the role that Frontex could pursue in a future ESBG.
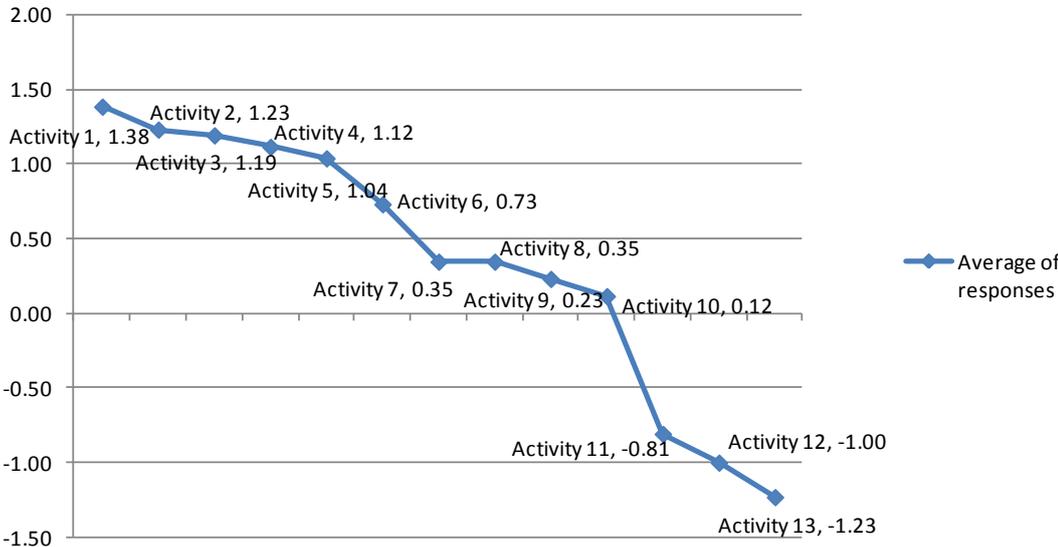

Figure 7: Role and responsibility of Frontex

Activity in Figure 7	Description
Activity 1	Supporting return operations
Activity 2	Supporting MS in situations where more technical and operational assistance is required
Activity 3	Gathering of intelligence and risk analysis
Activity 4	Provision of training to border guards
Activity 5	Development of cooperation with third countries
Activity 6	Procurement of technical equipment (for border control) on its own or together with MS
Activity 7	Initiative to launch joint operations and pilot projects
Activity 8	Rapid Interventions
Activity 9	Assessment of equipment and resources capacity of MS
Activity 10	Initiating return operations
Activity 11	Direct and be given authority in JO
Activity 12	Right to refuse entry in Schengen Area
Activity 13	Right to use the power of detention

Table 3: Activities depicted in figure 2

The descending trend reveals that the majority of Member States does not see Frontex as an Agency substituting Member States in the different activities related to the external borders control. There is however desirability of having a more active role of Frontex in return operations or risk analysis. Moreover, training is seen as an activity providing added value to duty performance of border guards of the Schengen Area; further developments in this field are welcome. In summary, the majority of Member States would like to see Frontex exercising a supportive and coordination role.

In addition, the rapid intervention mechanism was perceived as not been used enough. It was thus suggested to employ it more frequently in future. In Member States' view, such operations should however not be initiated by Frontex.

6.8.1.3 Delegation of tasks to a European Border Guard Force

In the questionnaire, Member States were asked to provide their views on the possibility to have a form of European Border Guard Force functioning under the responsibility of a common EU Institution or body. They were also asked to reflect on their possible role[51]. The chart below illustrates the answers provided by the Member States; the trend line represents the general tendency.
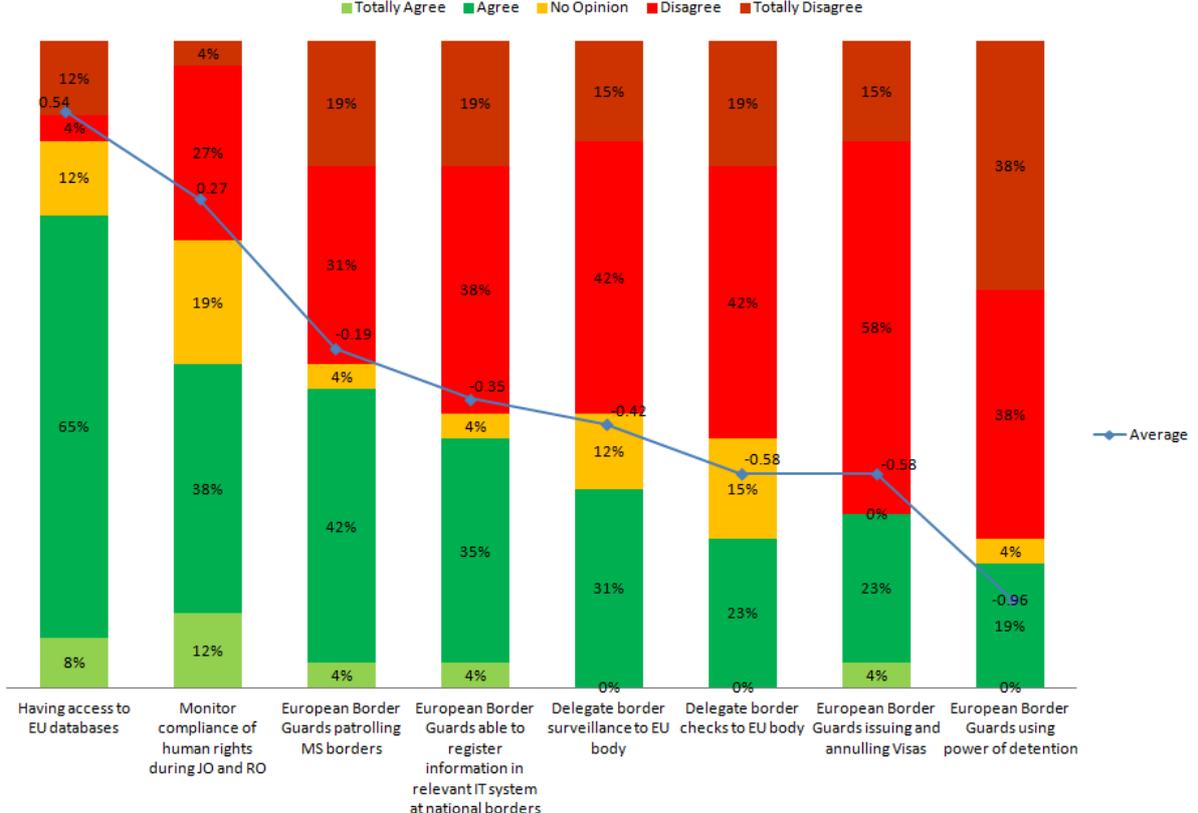

Figure 8: Member States' opinion on delegation of tasks

The general opinion of the Member States is that such a form of border guards existing at European central level is not needed. Member States argued that tasks closely related to Member States' sovereign powers (e.g. detention or visa issue/annulment) should be performed by border guards of the host Member States only. This opinion is based on several factors, such as the need for knowledge of the national legislation, national procedures and the use of national languages in ICT systems. In addition, Member States stated that decisions allowing migrants to enter the Member States' territory should be taken by that Member States' authority.

Nonetheless, several practitioners agreed that border management activities in the host Member States could be enhanced by providing reader access to the EU databases (in the

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[51] Most of the section 4.1 of the Questionnaire is reflected in the chart.

current situation, S/GO would receive such an access). This is especially relevant as regards the risk analysis output. The monitoring component was also reflected upon when suggesting having a pool of monitors present during the joint return operations. In this way, it would be ensured that they are performed in accordance with the provisions of the Charter of Fundamental Rights of the EU[52].

Such a measure is not something that can be put in place without first assessing important considerations, such as security during returns, and proper training. But the possibility of having Europe more aware of human rights and more pro-active with regard to its internal security capabilities was expressed as a desired ambition.

6.8.1.4 Border management

This section provides an overview of the collected feedback related to border management:

- training and recruitment;
- harmonisation and common standards;
- possible role for an EU institution.

6.8.1.4.1 Training and recruitment

Section 4.3 of the questionnaire assessed the training and resource management issue in a possible European System of Border Guards. The chart below provides, by aggregation, a summary of Member States' answers.
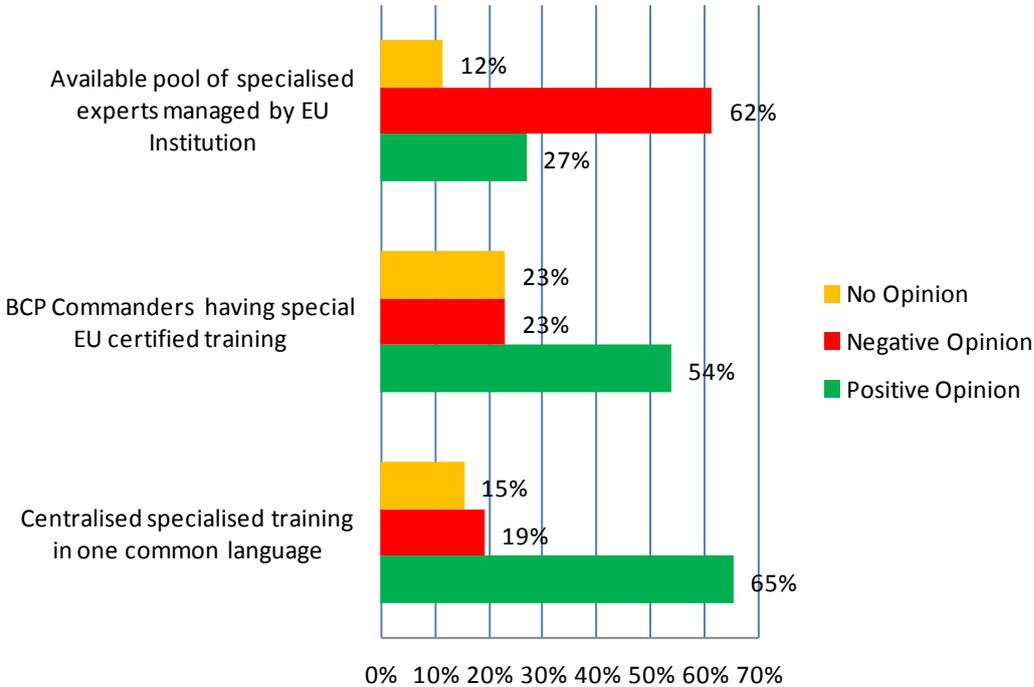

Figure 9: Training and recruitment

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[52] Charter of Fundamental Rights of the European Union (2000/C 364/01)

The results show that specialised training for border guards is perceived as an activity that is already taking place. Frontex has made agreements with different training institutions across Member States, creating the Frontex Partnership Academy concept. These agreements, besides providing the possibility to receive highly quality training, also allows reducing the bureaucracy for attendees from Member States. Member States therefore support setting further agreements following the same, allowing the majority, if not all, training activities to be performed in this way.

Despite a number of positive responses regarding the possibility to have a special EU certified training for Commanders of BCP, there was a significant number of "No Opinion" answers. Several Member States agreed that such a specialisation is desired; however its certification should not be a requirement. This supports the idea of a common culture for border guards, especially in the field of leadership and decision-making.

Member States were, however, less positive as to the pool of border guards managed by an EU institution. Border guards are seen as resources falling under the Member States' mandate. Thus the current mechanism - the pool for the EBGT - is perceived as working well; its evaluation needs to be performed before considering any new developments.

6.8.1.4.2 Harmonisation and common standards

Among other topics, the questionnaire also addressed the issue of harmonisation and common standards (for rules of conduct and equipment) across the Schengen Area[53]. Due to its wide scope, the topic was discussed more into detail during the study visits. The chart below represents the Member States' views on this topic.
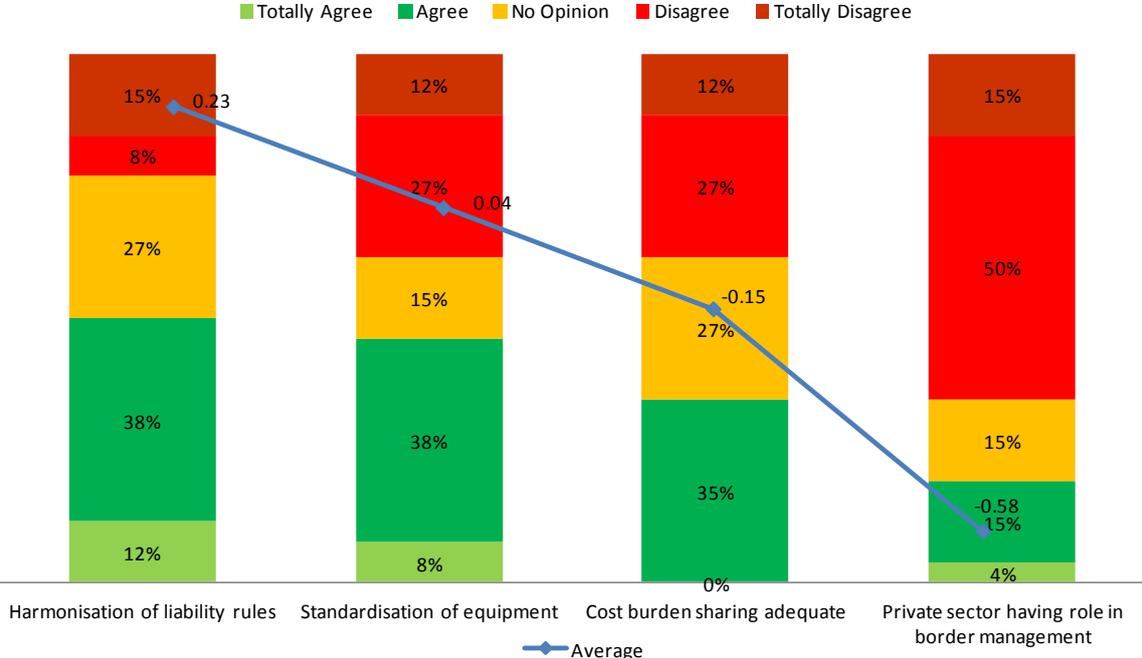

Figure 10: Harmonisation and common standards

Due to the fact that the question on harmonisation of liability rules was perceived wrongly by some of the respondents, the concept was further detailed during the discussions that took

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[53] Questions 4.1.10, 4.2.5, 4.4.1 and 4.4.2 from the Questionnaire.

place at the Member States premises. Member States agreed that liability rules are difficult to harmonise as they are defined by national legislation. The same however may not be said about the code of conduct. In Member States' view, a code of conduct and common standards for performing different activities would increase a common and homogenous border guard's culture. It would also allow for an easier integration of S/GO when performing their duties in host Member States.

According to the Member States representatives, it would be possible to have standardised ICT specifications and minimum requirements, allowing for interoperability. Due to expensive technical equipment and in order to allow a more user friendly approach, a possibility of defining minimum requirements at EU level could be assessed (e.g. communication capabilities). However, the procurement of such equipment is a competence of Member States because it is related to the economy and budget restrictions of each Member States. Negative opinion was expressed regarding standardisation of small pieces of equipment used by border guards, such as handguns or ammunition. According to the respondents, such equipment is often bought using nationwide procurement contracts. Also, the standards differ per Member States and are used horizontally between different national forces (including control divisions). Nonetheless, there was an interest shown in having Frontex developing a pool of resources for small equipment available to the Member States during joint operations (e.g. night vision goggles, or other pieces of small equipment).

Most Member States see the involvement of the private sector in the role of ICT systems providers. Moreover, that role can be extended to monitoring and systems management. Private sector representatives would thus be only granted with an administrative role whereas the decision-making power would continue to be exercised by the national public administrations.

In reply to the question on burden sharing and financial solidarity mechanism, different input was received. It was generally agreed that more flexibility could exist. As the question has been tackled when defining the ISF, more time is needed before an assessment could be made. Member States agreed however that even though the existing *acquis* provides for the necessary mechanism regarding the solidarity and sharing of burdens, Member States need to fully implement and apply it.

6.8.1.4.3 Role of an European institution

A future ESBG, if agreed upon, would need to take into account the role of European institutions working together with national administrations. The following chart reflects the feedback collected on question 4.2.3 and 4.2.4.
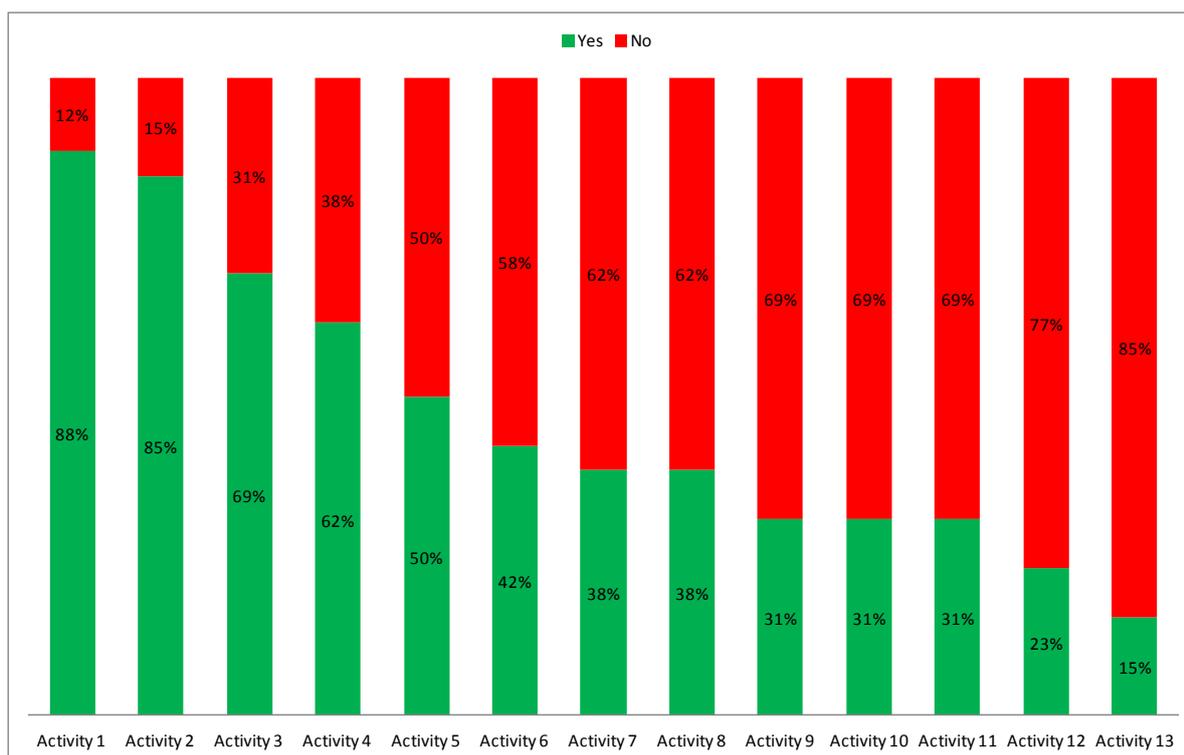
Figure 11: Member States responses to a possible role of an EU Institution or Body

Activity in Figure 11	Description
Activity 1	Advising and training at consular posts for carrier company personnel and third countries border guards
Activity 2	Deployment of border guards to third countries to pursue border control activities at entry points in EU Schengen States
Activity 3	Mediating agreements with third countries in border management, such as setting up communication channels, handling incidents, exchange of information
Activity 4	Building and maintaining partnerships with third countries
Activity 5	Management of the ILO network
Activity 6	Coordination and implementation of the risk analysis strategy
Activity 7	Audit and Anti-fraud activities
Activity 8	Effectiveness and efficiency evaluation of border control management
Activity 9	Coordination and implementation of the operational strategy
Activity 10	Capacity management of technical equipment existing at disposal of EU Schengen States
Activity 11	Procurement and allocation of technical equipment
Activity 12	Definition of border policy priorities
Activity 13	Allocation of human resources

Table 4: Activities depicted in figure 6

There is a tendency to support further involvement of the EU in cooperating with third countries. The EU institutions are seen as a powerful mediator that can support individual

Member States. It should be noted however, that Member States continue to support bilateral cooperation which they find important. In Member States' view, cooperation with third countries and pursued activities should be conducted both by the EU and Member States. The EU can support Member States where they alone cannot have mediation capability and where stronger position is required.

With regard to the ILO network, the work developed by Frontex is considered as relevant. It was suggested that communication channels are defined between Frontex ILO and Member States for the exchange of relevant information. Also, it was advised to avoid the duplication of work by Member States and Frontex ILO. It was added, that Frontex ILO also provides synergies when located in places where Member States do not have access or in major international airports in third countries.

6.8.1.5 Future challenges and opportunities

Member States with better living conditions and more permissive asylum policies are the final target of the migratory waves. These Member States are not necessary the entry point of the migrants to Europe, but often constitute the object of irregular secondary movement. Once inside Schengen Area, the localisation of the irregular migrants becomes more difficult due to the possibility to move freely. Under the EU coordination, several large scale ICT systems have been implemented by the Member States: Eurodac, second generation SIS II or VIS. A number of other ICT tools are under development or in pilot phases: the Advanced Passenger Information (API), the Passenger Name Record (PNR) or the Entry-Exit system (EES).

The goal of these tools is to facilitate the work at the BCPs by having faster controls and checks and less queuing. With the Visa Liberalisation for the Russian Federation, which, from Member States points of view, implies an increase in the number of migrants at the BCPs, it is important to have efficient technologies. However, an increased number of tools used in parallel can become problematic if they lack for synergies. As seen during the interviews with the Member States (Figure 12), one of the biggest challenges in the border management area is the requirements definition and their implementation for the new ICT systems taking into account their interoperability.

Technology alignment both with regard to the central level database and national databases is mandatory. The use of defined common criteria for development assures the employment of unified set of data by all Member States during border checks. These common criteria refer also to the requirements implementation. For instance, biometric data samples as such may not constitute a requirement: some Member States may consider fingerprints as having more relevance for identifying a person when others find iris recognition more important. Another challenge that Member States face when performing the border checks is the recognition of the forged documents. Due to technological advancements, it becomes more difficult to detect fraud. Some third country identification documents have no security features which creates additional burden for facilitators. Improved communication with the third countries' authorities is thus needed to be able to jointly address such issues. Countries forming part of the Schengen Area and third countries experts should share their best practices and lessons learnt; similarly, trainings on identification procedures would be welcome.

It is not always easy for Member States to identify counterparts from third countries and to subsequently initiative discussions. Therefore the opportunity to use liaison officers should be exploited. The EU's weight on negotiations may surpass the bilateral discussions led by separate Member States and could lead to results that are beneficial for all Member States.

In general, the need for more centralised coordination with regard to international relations was expressed during the Member States' visits. Member States would appreciate more help from the EU institutions in relation to return operations and readmission agreements. In this context, Frontex could take more initiative and launch Joint Return Operations while dealing with the necessary administrative steps (e.g. providing documentation needed for the returnees).

A number of Member States consider cases of cross-border crime (smuggling, terrorism, human being trafficking, etc…) and asylum requests to have a significant impact on the daily activities of the border control officers. Even in Member States which implemented the EU's recommendations on the IBM Strategy[54] and thus have established specific authorities, border guards are also largely affected. In some of the Member States, the police division tackles border management activities; however it also represents the law enforcement authority in the country. Currently, the EU's recommendations with regard to the IBM 4-tier concept and access control are referred to as "soft law"; therefore its implementation is up to each Member States' discretion.

Member States visited during the study visits have highlighted the need for the IBM Strategy to be fully implemented at EU level. The same applies to the CIRAM. In the long-term, legislative action would be preferred also for harmonising asylum and law enforcement policies regarding cross-border criminalities throughout the Schengen Area.

The below image presents a summary of the challenges described by the Member States during the visits performed throughout the present study.

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[54] Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
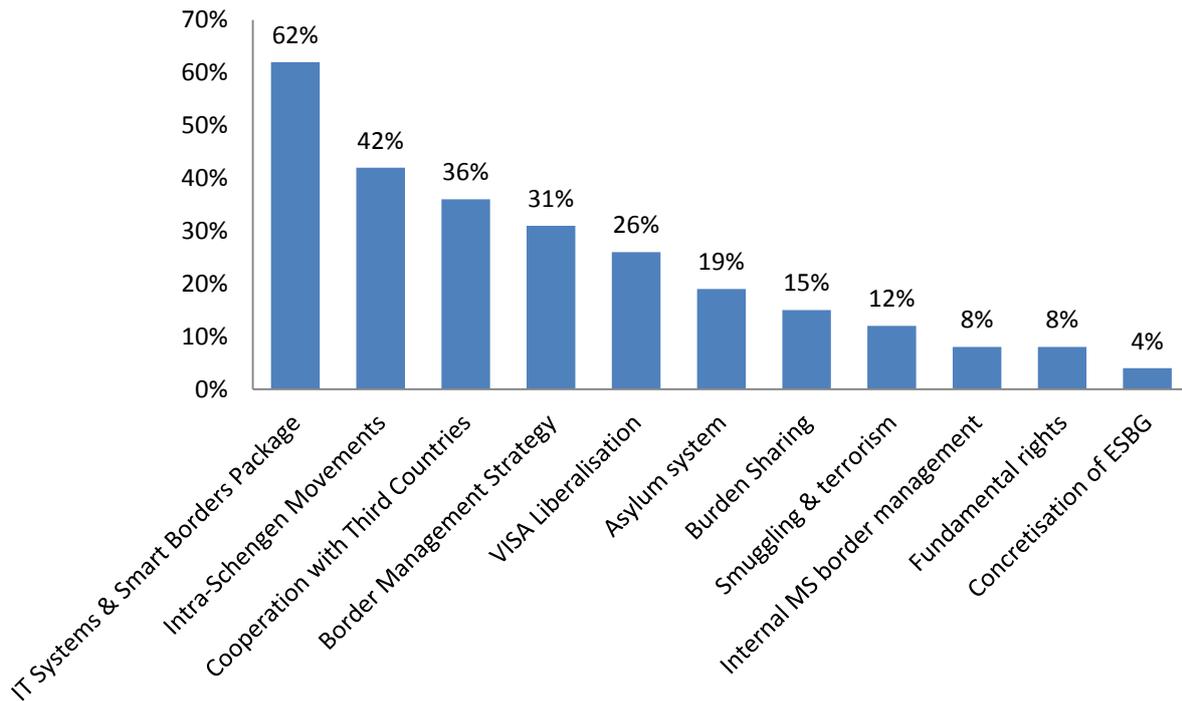
Figure 12: Member States' challenges

Migration is not a process that can be stopped or for which an easy response can be found. Independent of the EU laws about Member States policies regarding asylum or public opinion of EU citizens, nationals of some of the third countries will always find the Schengen Area an attractive destination. Moreover, over the years, a phenomenon of pressure shifting was observed: if the pressure caused by huge migration flows is diminished at one country's border, it increases accordingly at another one. Facilitators constantly search for new routes when guiding illegal immigrants. It has been observed that the society evolutions play an important role in determining the future trends and identifying the shortcomings. In order to avoid tragedies and misfortunate events the EU's ultimate aim is to try eliminating all the possibilities of using illegal ways to cross the external Schengen borders. For this purpose, the EU could increase the number of public campaigns, informing third country nationals on one side and EU citizens on the other, about the benefits of legal migration. However, this is not a process that can be implemented only at EU level; it involves the national authorities of the Member States, NGOs and other relevant structures.

Only by vivid cooperation, improved communication and agreement on a common set of rules, Member States and the EU can overcome the challenges and get prepared for what's next.

6.8.2 Meetings with Frontex

During the meetings with the Frontex Agency, the study team collected information on the Agency's activities and discussed possible future developments related to integrated border management. The role of Frontex as a structure ensuring the control of the external borders on behalf of Member States in the future ESBG was equally addressed.

The section highlights the findings related to the tasks of main divisions of the Agency.

6.8.2.1 Operations Division

The Operations Division is divided into Joint Operations division, Risk Analysis division and Frontex Situation Centre. Improvements for the current situation were suggested by the Joint Operations and Risk Analysis divisions and are described in the subsections below.

6.8.2.1.1 Joint Operations Division

The operations organised by Frontex are dependant of Member States contribution, therefore good cooperation is the basis of Frontex activities. In spite of its coordination role, the Joint Operations division sees the opportunity of enhancing its role regarding return operations. Coordinated returns can bring cost savings when third country residents staying in different Member States are returned together in one flight.

Moreover, according to the legal framework, there are different tasks that S/GO can perform, which are blocked because of practical realities. Accessing to the large scale systems is rendered difficult due to national languages. Also, different security clearance is needed per Member States or the rules of conduct and responsibilities of S/GO are not harmonised at EU level (e.g. there is no definition on the responsibility of a GO from Belgium wrongly stamping a document in Italy while on duty).

When increased pressure at borders occurs, delegation of responsibilities can be seen as a possible solution. Frontex is able to define strategies or conduct assessment of organisational changes needed to tackle possible gaps; however such a possibility does not exist under the Frontex Regulation.

6.8.2.1.2 Risk Analysis Division

Frontex Regulation mandates the Agency to use the risk analysis methodology developed by Frontex - the CIRAM. There are however several difficulties regarding its application:

- Several Member States apply their methodology and there is no requirement to use CIRAM. This limits the effectiveness of the output produced;
- CIRAM does not take into account indicators on cross-border crime, which could enhance the assessment of internal security of the Schengen Area;
- Cross-checking indicators such as figures on travellers or a number of irregular migrants could help improve the analysis;
- Limited access to the capacity of Member States to effectively control the borders limits the assessment of external borders vulnerability;

- The Eurosur Regulation does not take into account the situation at border crossing points (BCP) to assess the European situational picture.

6.8.2.2 Capacity Building Division

The Capacity Building Division is divided into Pooled Resource Unit, Training Unit and Resource Capacity Unit. Discussions on opportunities for development were held both with regard to the Pooled Resource and Training units.

6.8.2.2.1 Pooled Resource Unit

Frontex budget does not allow the purchase of equipment to be used during operations. Such a situation results in the Agency being dependent from Member States. On the one hand, if no resources are made available for an operation, it cannot take place. On the other hand, the available resources are not always compliant to what was requested. Amongst alternative solutions, a possibility of the co-ownership of the equipment was assessed. However, practical issues, such as where to register the equipment (e.g. case of a vessel) and the accountability question when using the equipment, are currently blocking its application.

It was pointed that there is no information on the equipment used for the purpose of border control in the Member States.

Moreover, it was added that improved coordination of procurement activities is needed in order to help Member States with regard to budgetary savings. Member States might possess technical equipment which is no longer used, and could thus be of interest to another Member States; Frontex could thus have the possibility of facilitating this process.

The perception of necessary technical and human resources differs from normal to emergency situations. There are possibilities to perform medium and long term estimations.

6.8.2.2.2 Training Unit

In spite of the CCC (provided in the national language) being in force in all the Schengen States, the level of training received by border guards is not harmonised in the Schengen Area. This results in different knowledge levels.

6.8.2.3 Administration Division

The Administration Division provided feedback on possible horizontal evolutions for all Frontex Divisions.

It was reported that savings could be achieved when using common procurement for specific technical equipment, e.g. thermovision equipment.

The legal framework is considered as enabling further integration of border control:

- Possibility to cooperate with third countries;
- Rules of conduct regarding joint operations can be developed;
- Article 77 of the TFEU provides opportunities to develop the integrated management system.

6.8.3 Interviews at the European Parliament

6.8.3.1 Focus area and target audience

Since the interviews at the European Parliament took place at the later stage of the study, the discussions focused on possible models on the future ESBG. The interviewees showed great interest in the subject matter which is closely related to the fact that the idea of establishing such a European system originated in the European Parliament[55]. The interviews allowed obtaining a broad understanding of the needs and challenges as perceived by the European Parliament since a wide range of political groups were represented. Members of the European Parliament (MEP) interviewed for the purpose of the present study formed part of the Committee on Civil Liberties, Justice and Home Affairs (LIBE). Discussions also involved assistants to the MEPs, EP officials and policy advisors.

6.8.3.2 Key considerations

First of all, a general observation was made that one of the main obstacles for efficient solving of border control issues is related to the lack of Member States' solidarity. Schengen rules are enforced differently at national level; therefore, external borders should acquire a wide response from the whole Europe. However, Member States are seen as considering Frontex to be weakening their resources. Moreover, it was noted that Schengen evaluation is not always welcomed by some of the Member States which, on the contrary, should be considered as a positive development enabling future improvement.

Thus, the majority of the questioned interviews opted for a more integrated border management approach, with the exception of environmental/social rights oriented political groups. A fully fledged EU system with both decision making and executive powers was strongly supported under the assumption that adequate legal framework is put in place. It was agreed unanimously that Frontex should be the key actor if/once the decision to have an EU border management body is taken. The idea of having European Corps acting under command and control of the EU authority only in emergency situations was largely supported; the opposite view however was noted down, i.e. the use of a force of Border Guards at central level at all times but the emergency situations which should remain subject to national responsibility.

Besides the more ambitious ideas for the creation of the ESBG, the minimum objective seen by the majority of the interviewees is to ensure the exhaustion of Frontex' mandate:

- The main challenge remains to be the use of equipment;
- Processing of personal data is problematic;
- Trainings are not happening in many cases;
- The Agency should be already initiating and carrying out joint operations;
- Risk analysis on the short term should be available
- 45 days delay regarding the joint operations should be interpreted in a flexible way.

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[55] In his report on the review of the 2004 legislation setting up Frontex, the former MEP Simon Busuttil proposed the establishment of a European Union Border Guard System.

One of the biggest concerns of several political groups was related to Frontex operations when alleged violations of human rights occur. In such cases, Frontex Regulation obliges it to suspend or terminate operations. Subsequently, when asked about the possibility to have an EU level structure for governing operations at the external Schengen borders, the question of the impact on human rights was raised. The role of independent evaluator was perceived as crucial; more public evaluation was reported as necessary. The need for clear liability and accountability rules was expressed.

The latter observation is related to the requirement mentioned by all political parties to grant more control powers to the European Parliament. Currently, no real scrutiny of Frontex activities exist: apart from the annual reporting, no timely information on Frontex operations is provided. The only 'sanction' that the Parliament can use towards Frontex is the possibility to discharge its budget. It was suggested that Frontex should not be concluding agreements with third countries as no involvement of the European Parliament is foreseen.

In summary, the prevailing position at the European Parliament is gradual integration of management towards the creation of the ESBG in the long run. Frontex mandate would need to be expanded for this purpose and adequate legal change is necessary. Even though concerns were expressed as to whether such a phased approach would not slow down the implementation process, it is currently seen as the only realist scenario for achieving European solidarity in the border management field.

6.9 Joint Procurement case scenarios

6.9.1 Case 1: Accession by one or several Member States to a framework contract awarded by another Member States or by an European Institution

In this case, the cooperative process is not launched as a joint framework contract. This scenario depicts the situation where one Member State (hereinafter called Member State "A") has launched a procurement process and has been awarded a contract presenting some advantages. To this already awarded contract, another Member State (hereinafter called Member State "A") would like to join.

In practice, this scenario is limited to the use of an existing framework contract (allowing the conclusion of "*n*" specific agreements during a certain period of time). The framework contract is managed and was awarded by the Member State "A". The Member State "B" could be allowed by the Member State "A" to join its awarded contract. Member State "B" would thus take advantage of the contract framework agreement, to one or more specific agreements. As a consequence, Member State "B" could obtain the benefit of good conditions, quantity price reductions, and lower price per day or per provided item, as fixed in the framework contract.

The legal basis for implementation of this scenario is provided by Article 38 (7) of the 2014 Directive[56]. The article clarifies that the joint process from scratch is not compulsory: Member States can access the procurement process at a later stage and not necessarily before awarding the contract. This accession is not a "right": it must be requested to the main contracting authority and organised by the framework agreement. Having such an accession in perspective, the framework agreement and tendering specifications related to the procurement of such "potentially common" components should include legal provisions to allow future accessions.

Amid the contractual conditions, the "accession" agreement of Member State "B" to the awarded contract of Member State "A" should:
- determine of the applicable law and the competent jurisdiction;
- clearly state any kind of participation in the governance of the contract;
- specify the way the services can be ordered by that "acceding contracting authority".

In the situation where the contractors request a stable and determined legal framework, it seems convenient that the national provisions of the Member State "A" (who is managing the framework contract) will be applicable.

When feasible, the accession agreement is the fastest and simplest way of cooperation. However, feasibility is depending on contractual provisions allowing participation (it is

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[56]2014 Directive, Article 38 (7): "One or more contracting authorities may award individual contracts under a framework agreement concluded by or jointly with a contracting authority located in another Member State, provided that the framework agreement contains specific provisions enabling the respective contracting authority or contracting authorities to award the individual contracts."

highly recommended that new large framework contracts include this possibility) and on negotiations between the contracting authority and the candidate.

However, when the existing framework agreement may not perfectly comply with the need of a newcomer and the existing agreement cannot be modified, the solution could complement specific contracts in the scope of the same framework contract.

6.9.2 Case 2: Several Member States launch a joint procurement contract

Article 38 – 3 of the 2014 Directive[57] provides the possibility for contracting authorities from different Member States to jointly award public contracts. For this purpose, Member States can choose to set up a simple Joint Procurement Agreement, without setting up a legal entity.

As a general note, this agreement provides that the procurement procedure will be managed by one of the participating authorities on behalf of the others.

The joint procurement agreement must define:

- The applicable national law (it must be the law of a Member State in which at least one of the participating authorities is located). By default, in case where the procedure is conducted or managed by one participating contracting authority on behalf of the others, the national provisions of the Member State of that contracting authority shall apply[58].
- The internal organisation of the procurement procedure, including:
  o The management of the procedure (governance);
  o The sharing of responsibilities (including liabilities);
  o The distribution of the works (who does what in the procurement process);
  o Budget and cost coverage;
  o The supplies or services to be procured (a description, that will be later complemented by the tendering specifications or by a technical annex);
  o The conclusion of contracts (who signs for what).
- Although not expressly stated in the Directive, the agreement should also determine:
  o Its duration;
  o The scope of the procurement (e.g. one shot procurement);
  o How an additional authority could join or leave the agreement (impact on budget, liabilities);
  o When applicable (on services), how intellectual property rights will be regulated;
  o The dispute/settlement mechanism.

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[57] 2014 Directive, Article 38 (3): Several contracting authorities from different Member States may jointly award a public contract.
[58] Proposal for a Directive of the European Parliament and of the Council on public procurement, article 38 – 5 (a)

6.9.3 Case 3: Member States uses a purchasing body establishing another contracting authority

This scenario is regulated by Article 38 (2) NPD[59], stating that "Several contracting authorities (for example in Member States A, B and C) may purchase supplies and/or services from or through a central purchasing body located in another Member State (i.e. Member State D)."

Without prejudice of the alignment of other relevant provisions this "Other authority" establishing a central purchasing body could be, for example, Frontex. In that case, the whole procurement procedure shall be conducted in accordance with the national provisions of the Member State "D" (in this example, Poland) where the central purchasing body is located.

The access to such a joint procurement agreement depends on ad hoc agreements that must be negotiated between the relevant stakeholders.

The **"accession agreement"** must cover several points and in particular:
- The motivation, purpose and duration of the agreement;
- The participation of the new member to the governance of the purchasing body;
- The participation of the new member to the budget and cost coverage;
- The management of specific award procedures and the distribution of the works (governance);
- The sharing of responsibilities (including liabilities);
- The supplies or services to be procured (a description, that will be later complemented by the tendering specifications or by a technical annex);
- The processes for the conclusion of contracts (who signs for what);
- When applicable (on services), how intellectual property rights will be regulated;
- The dispute/settlement mechanism.

The scenario may be combined with the exception to standard procurement rules implemented by NPD article 11 – 1, 2 and 3 in case the central purchasing body implemented in Member State "D" exercises control on the service provider (which is another public entity) or award the contract to its own controlling entity (meaning to the Member State "D" itself) which may subcontract to any of its controlled entities, outside the scope of the standard procurement rules.

6.9.4 Case 4: a "club" of contracting authorities creates a Joint Procurement Body

This scenario is detailed in the 2014 Directive (Article 38 (4)[60]. Several contracting authorities may set up a joint procurement entity, a joint purchasing body (common

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[59] Proposal for a Directive of the European Parliament and of the Council on public procurement, article 38 –2

[60] 2014 Directive Article 38 (4): "Where several contracting authorities from different Member States have set up a joint legal entity, including European Groupings of territorial cooperation under Regulation (EC) N° 1082/2006 of the European Parliament and of the Council 2 or other entities established under Union law, the participating contracting authorities shall, by a decision of the competent body of the joint legal entity, agree on the applicable national procurement rules of one of the following Member States: (a) the national provisions of the Member State where the joint legal entity has its registered office; (b) the national provisions of the Member State where the joint legal entity is carrying out its activities."

"procurement body" or "central market"), including, for example, European Groupings of Territorial Cooperation under Regulation (EC) N° 1082/2006.

This Collaboration Framework gives recommendations regarding the constitutive agreement, which should fix:
- The duration of the contract (for a limited or unlimited period of time);
- The aim of the procurement;
- The governance of the joint entity (membership/admission of new members, structures, financial contributions, liabilities and limitations of liability);
- The roles and responsibilities of different stakeholders in specific procurement process (preparation, consultations for establishing requirements, publications, addressing questions from tenderers, evaluation, award, contract signature, contract monitoring, quality control, payment plan according to deliverables, warranty, maintenance, support of SLA);
- The settlement of disputes.

The procurement process will run either under the national provisions of the Member State where the joint legal entity has its registered office, or under the national provisions of the Member State where the activities are carried out. For example the joint legal entity may decide to apply the law of a Member State "X", if the Directive was transposed in the national law in an efficient way. It is recommended to fix the applicable law or its designation process by the joint entity management in the constitutive agreement. In case it is not done, Article 38 (6) (a) NPD[61] has provisions for this.

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[61] Proposal for a Directive of the European Parliament and of the Council on public procurement, Article 38 (2): "Where the procedure is conducted or managed by the competent organ of the joint legal entity, the national provisions of the Member State where the legal entity has its registered office shall apply".

6.10 Detailed calculations on cost savings

Category	Indicators	Expenditure (yearly)	Savings (yearly)
Costs of central structures from 13 MS sample	Total yearly expenditure	€ 1,716,914,512	
	Nr of Border Guards	58,570	
	Cost per FTE	€ 29,313.89	
	Border Guards at central level	4602	
	Cost without central (FTE)	€ 1,582,011,992.21	
	Coefficient of centralisation	92%	
Estimation of savings for 26 MS	Estimated costs for 26 MS	€ 3,433,829,024.00	
	Estimated costs without central structure	€ 3,164,023,984.42	
	Savings on centralisation of decision making process	€ 269,805,039.58	**7.9%**
Estimation of savings on border control activities to be performed at central level	Allocated Border Guards in activities in MS	9745	
	Savings on centralisation of activities	€ 285,663,853.84	**8.3%**
Total savings		**€ 555,468,893.42**	**16.2%**

Table 5: Detailed calculations on cost savings

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