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LIMITE

FRONT 1
MIGR 1
HYBRID 2
COMIX 1

NOTE

From: Presidency

To: Working Party on Frontiers / Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)

Subject: Best practices in external land border protection and national policies and innovations in the area of combating new threats at the borders, such as instrumentalisation of migration

Introduction

The EU's external borders are a key element of the common security system and the basis of the functioning of the Schengen area. Their effective protection is of strategic importance for ensuring public security, managing migration and countering various cross-border threats. The obligation to protect the EU's external borders is the main responsibility of Member States under the Schengen Borders Code. It is also one of the priorities of the 2024-2025 Schengen cycle.

The EU currently faces numerous threats resulting from the dynamically changing geopolitical situation. For years, it has been facing a migration crisis, which has taken a new shape on the EU's eastern border since 2021, due to the challenges caused by the instrumentalisation of migration led by Russia and Belarus and the unprovoked war against Ukraine, which undermines European security. Over time, the phenomenon of instrumentalisation has transformed from a strictly migration issue into a complex challenge in the field of security, which has further complicated the situation in the EU. It is currently a part of broader set of hybrid hostile actions carried out to destabilise the Member States and adding up to instability in the neighbourhood weaken security in the entire EU. They threaten the stability, sovereignty and national security of the Member States, but also the sustainability of EU external borders, free movement and internal security.

Member States, facing current challenges, are forced to take extraordinary protection measures. The temporary reintroduction of border controls, which has become a regular occurrence at some internal EU borders, is a clear signal that further efforts to protect the external borders are necessary. Without effective action in this regard, the risk of further fragmentation of the Schengen area will increase, endangering the core values and freedoms of the EU. These threats therefore require effective tools that combine legal and operational measures, technology, international cooperation, analytical capabilities and flexible crisis management. At the same time such solutions should consider both the needs of individual Member States and the requirements of the EU's common security and migration policies.

Over the past few months, the EU has taken a number of steps to enable Member States to counter emerging threats, including the instrumentalisation of migration. New regulations have been adopted, such as the revised Schengen Borders Code and the Regulation addressing situations of crisis and force majeure in the field of migration and asylum, which introduce a definition of instrumentalisation of migration into EU law and provide Member States with additional tools.

The commitment to ensure more effective control and protection of the EU's external borders and counter the ongoing hybrid attacks at its external borders was underlined by the European Council in its conclusions from 15 December 2023 and reaffirmed the need to counter the instrumentalisation in its conclusions from 17 October 2024. Furthermore, the need to take action to improve the security of external borders to reduce illegal migration was also highlighted in the letter on migration sent ahead of the European Council meeting by the President of the European Commission, dated 14 October 2024.

Subsequently, in December 2024, the Commission issued a communication on countering hybrid threats from the weaponisation of migration and strengthening security at the EU's external borders. This is an important step in the joint efforts to protect the EU's external borders and security in the Schengen area. It acknowledges that in connection with hybrid threats posed by hostile states that threaten the security and territorial integrity of Member States and the maintenance of public order, Member States may adopt exceptional and proportional measures to defend themselves against external threats.

Bearing in mind the need to continue work on strengthening the resilience of the Schengen area, the Polish (PL) Presidency would like to initiate a discussion on the current challenges concerning the security of the EU's external borders and possible ways of counteracting the above threats and volatile acts. The EU must be able to act efficiently in times of geopolitical instability and manage the migration processes at the borders. Since this topic is multi-dimensional, the PL Presidency would like to focus primarily on the exchange of views between Member States on best practices in the protection of the EU's external borders (border surveillance), focusing in the first place on the land border section. In the opinion of the PL Presidency, such an exchange of experiences will constitute significant added value in the context of action taken for the security of the entire EU, due to the diversity of practices of individual Member States in the field of strategic, operational and tactical planning, as well as in the use of technical infrastructure, equipment and procedures.

Questions for discussion

The Presidency invites delegations to reflect upon the following questions:

- 1. What are the utmost challenges that Member States face in the protection of the EU's external land borders and what possible remedial actions could be taken in this regard (jointly or individually)?***
- 2. What innovative solutions are or could be implemented at land borders to increase the effectiveness of their protection and security, in the context of the inflow of illegal migration, in particular in cases of instrumentalisation of migration?***