Compliant, but improvement necessary?

A regional case study on the contribution of EU quality control mechanisms to European Integrated Border Management

Consortium Partners:

Frontex – European Border and Coast Guard Agency
Rezekne Academy of Technologies
Mykolas Romeris University
Netherlands Defence Academy, Faculty of Military Science
National University for Distance-Learning Education
University of Salamanca

Name of the Student
Signe Højland Jensen
E-mail: shj010@politi.dk

Name of the First Supervisor
Ph.D. Paulo Nicolau

Name of the Second Supervisor
Dr Jorrit Rijpma
Abstract

Supranationalism of in external border management has gradually increased since the creation of Schengen and establishment of the common border-free zone. The recent migration crisis and terrorist attacks on European soil has added further fuel to integration and harmonisation in the area of freedom, security and justice with the purpose of strengthening the external borders and protecting the Schengen area.

The recent political and operational developments have placed significant focus on the Member State’s compliance with common rules and standards and national border guard capacities and capabilities to sufficiently handle this challenging situation prompting questions on strategic governance in border management and the efficient use and prioritisation of resources.

EU quality control mechanisms, in particular the Schengen evaluation mechanism, have become fundamental in compliance and performance measurement in Schengen governance and key contributors to identifying and addressing possible shortcomings in external border management. By researching the application of quality control mechanisms in the EU’s frontline Member States (Greece, Italy and Spain), it is evident that the implementation of the European Integrated Border Management concept, as the overarching strategic governance framework, and utilization of evaluation results are fundamental in safeguarding overall compliance, defining and setting strategic priorities and the future development of European border management.

This research reflects that the Schengen evaluations of the EU’s frontline Member States have been significant contributors to verifying and addressing shortcomings in external border management. However, further improvements to the design of the overall quality control
system and full implementation of the European Integrated Border Management concept is imperative in strengthening the external borders and protecting the functioning of the Schengen area in a dynamic and ever-changing environment.
Acknowledgements

First and foremost, I would like to express my sincere gratitude to my First Dissertation Supervisor Ph.D. Paulo Nicolau from the Portuguese Immigration and Borders Service for his non-stop patience, mentorship and steering throughout the dissertation phase. Equally, I also wish to thank my Second Dissertation Supervisor Dr Jorrit Rijmpa from the University of Leiden for his immense knowledge valuable feedback. Paulo and Jorrit have been instrumental in the completion of this dissertation and I could not have imagined a better mentoring team.

My sincere thanks also to Deputy Executive Director of the European Border and Coast Agency Mr Berndt Körner, Policy Officer Ms Andreea Nicoliu from the European Commission and the high-ranking officials from Italy and Spain who took precious time out from their busy schedules to take part in this research.

I would also like to thank the European Border and Coast Agency for facilitating the programme, in particular Training Project Officer Ms Viktorija Pokule and Project Support Officer Helga Biro from the Training Unit for their continuous support.

Finally, I would also like to thank the Danish National Police for giving me the opportunity to join this programme, and my fellow students, colleagues, friends and family for their continuous support and patience throughout this journey.
# Table of content

Abstract 3
Acknowledgements 5
Table of content 6
List of tables 8
Abbreviations and acronyms 9

## Chapter 1: Introduction

10

## Chapter 2: Methodological framework

18

2.1. Research strategy 18
2.2. Research design 20
2.3. Data collection and use of data 20
2.4. Data analysis 23
2.5. Research quality indicators 28

## Chapter 3: Quality control mechanisms in European Integrated Border Management

29

3.1. Institutionalising European Integrated Border Management as the common strategic framework 30
3.2. The development of the Schengen evaluation mechanism 32
3.3. The Schengen evaluation mechanism in practice 38
3.4. Connecting Schengen evaluations to the reintroduction of internal border controls – launch of the nuclear weapon? 41
3.5. Vulnerability assessments – the new kid on the block 42
3.6. Quality control in strategic border management 48
3.7. Continued integration and harmonisation of external border management? 53

## Chapter 4: Applying EU quality control mechanisms in practise: Regional case study of Greece, Italy and Spain

57

4.1. Result of the thematic analysis of Greece, Italy and Spain 58
4.1.1. Unannounced Schengen evaluation of Greece 2015 58
4.1.2. Announced Schengen evaluation of Greece 2016 64
4.1.3. Relating the Schengen evaluation of Greece to the overall functioning of the Schengen area 69
4.1.4. Thematic analysis of the announced Schengen evaluation of Italy 2016 73
4.1.5. Thematic analysis of the unannounced Schengen evaluation of Spain 2015 76
4.1.6. Thematic analysis of the announced Schengen evaluation of Spain 2017 79
List of tables

Table 1: Overview of the main features of the Schengen evaluation mechanism and vulnerability assessment instrument 44
Table 2: Overview of detected irregular migrants on the Eastern Mediterranean Sea route in the period 2014-2018 (monthly detections) 59
Table 3: Result of the thematic analysis of the unannounced evaluation of Greece, November 2015 62
Table 4: Result of the thematic analysis of the announced evaluation of Greece, April 2016 66
Table 5: Procedure for reintroducing internal border controls based on a Schengen evaluation 71
Table 6: Overview of detected irregular migrants on the Eastern Mediterranean Sea route in the period 2014-2018 (monthly detections) 73
Table 7: Result of the thematic analysis of the announced evaluation of Italy, March 2016 75
Table 8: Overview of detected irregular migrants on the Western Mediterranean route in the period 2014-2018 (monthly detections) 77
Table 9: Results of the thematic analysis of the unannounced evaluation of Spain, March 2015 78
Table 10: Results of the thematic analysis of the announced evaluation of Spain, September 2017 81
Table 11: Overview of detected vulnerabilities on the Eastern, Central and Western Mediterranean routes in 2016 and 2017 (percentage of all vulnerabilities detected per year) 84
Table 12: Overview of replies to stakeholder interviews and interview guides 87
# Abbreviations and acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ED</td>
<td>Frontex Executive Director</td>
</tr>
<tr>
<td>COM</td>
<td>European Commission</td>
</tr>
<tr>
<td>EASO</td>
<td>European Asylum Support Office</td>
</tr>
<tr>
<td>EBCG</td>
<td>European Border and Coast Guard</td>
</tr>
<tr>
<td>EP</td>
<td>European Parliament</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>Europol</td>
<td>European Union Agency for Law Enforcement Cooperation</td>
</tr>
<tr>
<td>Eurosur</td>
<td>European Surveillance System</td>
</tr>
<tr>
<td>FRA</td>
<td>European Union Agency for Fundamental Rights</td>
</tr>
<tr>
<td>Frontex</td>
<td>European Border and Coast Guard Agency</td>
</tr>
<tr>
<td>IBM</td>
<td>Integrated Border Management</td>
</tr>
<tr>
<td>JHA</td>
<td>Justice and Home Affairs</td>
</tr>
<tr>
<td>LIBE</td>
<td>Committee on Civil Liberties, Justice and Home Affairs</td>
</tr>
<tr>
<td>MB</td>
<td>Frontex Management Board</td>
</tr>
<tr>
<td>MS</td>
<td>Member State</td>
</tr>
<tr>
<td>Sch-Eval</td>
<td>Schengen evaluation</td>
</tr>
<tr>
<td>SEM</td>
<td>Schengen Evaluation Mechanism</td>
</tr>
<tr>
<td>TFEU</td>
<td>Treaty on Functioning of the European Union</td>
</tr>
<tr>
<td>VA</td>
<td>Vulnerability Assessment</td>
</tr>
</tbody>
</table>
Chapter 1: Introduction

This dissertation examines how EU quality control mechanisms in the form of Schengen evaluations\(^1\) and Frontex vulnerability assessments\(^2\) have contributed to verifying and addressing possible shortcomings in external border management in the EU’s frontline Member States Greece, Italy and Spain.\(^3\) The aim is to study how these instruments, as key tools for compliance and performance measurement, have contributed to setting strategic priorities in external border management on the national and EU-level.

EU quality control mechanisms are considered to be fundamental in ensuring that border management authorities in the interest of all Member States carry out efficient, high and uniform level of border control in accordance with common rules laid down in the Schengen Borders Code.\(^4\) It is therefore argued that they should be included as key components of the strategic governance system applied to manage the external borders, namely the European

\(^{1}\) Regulation (EU) No 1053/2013 of the Council establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SEM Regulation), [2013] OJ L 295.


\(^{3}\) For this dissertation, EU frontline Member States are Greece, Italy and Spain. See sub-chapter 2.1 on the research strategy for further.

\(^{4}\) European Parliament and Council Regulation (EU) No 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) [2016] OJ L 77. See e.g. Article 15: ‘Member States shall deploy appropriate staff and resources […] in such a way as to ensure an efficient, high and uniform level of control at their external borders.’
Compliant, but improvement necessary?

Integrated Border Management concept. This research reflects that improvements can be made to the design and methodology of the current quality control system including further exploitation of its current qualities, enhancing the synergies between the different instruments and improving cooperation between border management stakeholders, which can assist in ensuring a more coherent, efficient and transparent system. Such systemic improvements can assist border management authorities in better ensuring compliance with the common border rules and consequently in protecting the Schengen area, which have been under unparalleled pressure since the migration crisis of 2015-2016, reintroduction of internal border controls and several terrorist attacks on European soil.

The record number of irregular migrants reaching Europe during the migration crisis put an unprecedented pressure on the external border and posed serious questions on the future of the Schengen area and the European Union. Especially, the EU’s frontline Member States in the

---

5 See sub-chapter 3.1 for further on institutionalising European Integrated Border Management as the common strategic framework.

6 For this dissertation, the ‘migration crisis’ covers the years 2015-2015, when the number of irregular migrants (see footnote 7) reaching European soil was at its highest. Reflections to the ongoing debate and the conceptual challenges associated with defining this period as a ‘crisis’ and using the label ‘migration’ has been made. However, as ‘migration crisis’ to describe this challenging period for the Schengen area has been widely applied by scholars, national authorities and the EU institutions, it has been decided to use definition. See, e.g. M. Wolf and M. Ossewaarde, ‘The political vision of Europe during the “refugee crisis”: missing common ground for integration’ (2018) 40(1), Journal of European Integration, p. 33; E. Collet and C. Le Coz, ‘After the Storm: Learning from the EU Response to the Migration Crisis’ (2018) Migration Policy Institute, pp. 1-2; H.A. Conley and D. Ruy, Crossing Borders: How the Migration Crisis Transformed Europe’s External Policy, Center for Strategic and International Studies (2018), Lanham: Rowman and Littlefield, pp. VI-VII.

7 For this dissertation the term ‘irregular migrant’ is applied to describe third country nationals, who does not fulfil, or no longer fulfils the conditions of entry as set out in the Schengen Borders Code or other conditions for entry, stay or residence in the Member States. This definition therefore cover also asylum applicants, while the term ‘refugee’ is used if refugee status has been determined. While acknowledging the conceptual problems associated with the term ‘irregular’, it is nevertheless considered preferable to the other terms commonly used in this context such as illegal. The term ‘irregular’ is also used by organisations with expertise in migration and border matters such as the Council of Europe, European Union, International Labour Organisation, International Organisation for Migration, the Organisation for Security and Cooperation in Europe and UNHCR.

Mediterranean – Greece, Italy and Spain – have been impacted by the migration crisis by acting as a first point of entry to more than 95% of irregular migrants detected on the three main migratory routes in the Mediterranean Sea in the period 2014-2017. Although, there has been a notable decrease in terms of overall numbers reaching Europe since the peak of the migration crisis in 2015-2016, Greece, Italy and Spain – due to their geographical location and close proximity to main countries of departure for irregular migrants – continue to be the first country of arrival for irregular migrants. Hence, the outcome of EU quality control mechanisms, in particular Schengen evaluations, for these three countries provide an important and compelling case for studying the overall compliance with the Schengen border rules and their contribution to identifying and addressing possible shortcomings in external border management.

The rapidly changing dynamics and composition of irregular migration flows is a challenge for border management authorities, and a main migratory route today might have changed tomorrow. As the external border is considered one common border, the deficiencies in one section of the border affects other sections, just as measures applied to overcome deficiencies by one Member State can have an immediate impact on the measures to be applied by other Member States. This concept is defined as the pendulum effect. Research carried out in the scope of this study show that the pendulum effect is mainly visible within border sections and to a lesser extent between migratory routes. For example, Frontex risk analysis demonstrates that rapid changes are e.g. more likely between the individual islands in the Eastern Mediterranean targeted by irregular migration much facilitated by smuggling networks.

---

following the operational measures applied by border management authorities on both sides of the external border. As a consequence, the cooperation with and measures applied by neighbouring third countries is therefore considered a very influential and important component of external border management.

The migration crisis led to consecutive calls for strengthening of the external border and for political action responding to the rapidly changing situation. For example, Filippo Grandi, the United Nations High Commissioner for Refugees said on 8 March 2016 ‘We need political leadership and action’ […] ‘this emergency does not have to be crisis, it can be managed’. Even EU sceptics not supporting further EU integration agreed that common solutions and strong external borders was key to preserve Schengen.

EU policymakers also acknowledged that more resources and operational tools were needed to handle the situation, and as a result, the Commission tabled several EU initiatives. One of these initiatives was the proposal on reforming Frontex by creating a common European Border and Coast Guard consisting of the Member States and Frontex and therefore reconfirming the shared responsibility in external border management. Other policy initiatives, such as the proposal on reforming the Dublin Regulation by introducing

---

13 Ibid.
mandatory quotas of asylum seekers, fared differently. Despite extensive political negotiations, it has not been possible to reach a political agreement showing that there are limits to how far Member States are willing to go in terms of further European integration.

Pending the adoption of the EBCG Regulation, the responsibility for the implementation of the common rules regulating external border control, particularly the Schengen Borders Code, remained solely with the individual Member States, albeit in the interest of the Union and with Frontex acting as a specialised Union body with a regulatory and supporting mandate ‘promoting solidarity’ between the Member States. The adoption of the EBCG Regulation and the reconfirmation of shared responsibility affected this dynamic.\textsuperscript{15} Frontex’s position and powers were significantly enhanced, including by entrusting the agency to carry out vulnerability assessments of the national authorities’ capacity and readiness to face upcoming challenges, and consequently positioned the agency with a new role as a monitoring body.\textsuperscript{16}

Several factors directly influence the common efforts made in external border management and the overall prioritisation made on both the national and EU-level. The large influx of irregular migrants placed a considerate and immediate strain on the national border management capacities and capabilities and prompted a need for the national authorities and Frontex to further develop the strategic approach to border management and medium and long-term planning including prioritising the use of the available resources to deal with situation.

The constantly changing operational situation hence directly influence border management and the priorities set on national and EU-level by requiring authorities to immediately respond

\textsuperscript{15} Article 5 of the EBCG Regulation.

\textsuperscript{16} Article 13 of the EBCG Regulation.
to and cope with a given situation on the ground. The operational situation also influence the ‘responding’ political decisions such as e.g. the reintroduction of internal border controls\textsuperscript{17}\footnote{See also sub-chapter 3.4 on connecting Schengen evaluations to the reintroduction of internal border controls and sub-chapter 4.1.3 relating Schengen evaluation of Greece to the overall functioning of the Schengen area.} and the resources made available to national border management authorities and EU agencies. Furthermore, the operational situation also affects the results of Schengen evaluations and vulnerability assessments and hence feeds directly into the short, medium and long-term strategic planning. Even for Member States not severely troubled by irregular migration, the results of EU quality control mechanisms can have major influence on strategic decisions made in the field of border management.

Another influencing factor on strategic border management is the requirements EBCG Regulation’s requirements on drafting strategies in accordance with the European IBM Concept on the national and EU-level including taking on board European political ambitions and the joint European technical and operational strategy for European IBM. This new governance framework of ‘European Integrated Border Management’ is argued in this dissertation to be one of the main influencing factors for future external border management and protection of a borderless common Schengen area without permanent internal border checks.

Although, some scholarly research has been done on the concept of Integrated Border Management and the Schengen evaluation mechanism, very little work has been carried out on the outcomes and influence of these instruments on strategic border management and prioritisation.
This dissertation aims to fill in part of this research gap by examining the contribution of EU quality control mechanisms\(^\text{18}\) in verifying and addressing possible shortcomings in strategic border management and how these have influenced the setting of strategic priorities on the national and European level in the EU’s frontline Member States. To this end, Greece, Italy and Spain is used as a regional case study. Strategic priority-setting in this context is defined as the strategic actions taken as a part of overall planning on the operational level or policy initiatives put forward on the political level aiming at enhancing the overall capacity, capability and performance of border management.

The first part of this dissertation will examine the development and key features of IBM and EU quality control mechanisms as the main governance framework for European border management by reviewing key literature, concepts and theories.

The second part of this dissertation is a qualitative regional case study of the outcomes of the Schengen evaluations of Greece, Italy and Spain in the period 2015-2017 by examining the identified shortcomings in external sea border management. Identified shortcomings will be further triangulated by studying the vulnerabilities identified by Frontex and contextualized in terms of key operational developments influencing external border management. Finally, the contribution of EU quality control mechanisms to addressing shortcomings and the consequential strategic priorities defined on the national and EU-level is examined through interviews with stakeholders and by studying key policy initiatives.

\(^{18}\) For this dissertation ‘EU quality control mechanisms’ cover Schengen evaluations and vulnerability assessments.
Considering the above, the following research and sub-questions have been defined:

**Research question**

To what extent have EU quality control mechanisms contributed to identifying and addressing possible shortcomings in external sea border management in the EU’s frontline Member States?

**Sub-questions**

1. What are the key legislative, political and operational developments influencing strategic border management, especially regarding the European IBM concept and EU quality control mechanisms?

2. What were the main strategic shortcomings identified during the Schengen evaluations and vulnerability assessments of Greece, Italy and Spain?

3. What were the main strategic priorities set on the national and EU-level addressing shortcomings in external border management in Greece, Italy and Spain identified by the application of EU quality control mechanisms?

4. What recommendations can be made for improving strategic border management in the frontline Member States and EU quality control mechanisms?
Chapter 2: Methodological framework

2.1. Research strategy

The research for this dissertation is based on qualitative methods by carrying out a thematic analysis of secondary data derived from official documents complemented with qualitative semi-structured interviews with selected high-ranking officials from the national and EU-level to fill in gaps in the literature and complement findings from the thematic analysis.

The research will examine priority-setting in external sea border management in the period 2015-2018 by carrying out a case study the EU’s frontline Member States. To this end, Greece, Italy and Spain are selected as samples for a regional case study. The selection of these three Member States is supported by several factors:

Firstly, the migration crisis of 2015-2016 added a considerable strain and pressure on the national authorities’ immediate capacity and capability to manage the unprecedented influx of irregular migrants and highlighted the need for a strategic approach to external border management.

Secondly, these Member States are first country of arrival for most irregular migrants reaching Europe due to their geographical location in close proximity to main countries of departure. Important, it should be noted that this region is not selected to be representative for the entire EU, but as it provides an excellent case for studying the application of the European IBM concept and EU quality control mechanisms and how they contribute to strategic border management in practice.
Thirdly, the first annual and multi-annual programmes for Schengen evaluations carried out under the new Schengen evaluation mechanism covers the period 2015-2019 and all three countries have therefore recently been subject to announced Schengen evaluations in the chosen reference period. Moreover, Greece and Spain have also been subject to unannounced evaluations leaving five datasets of recommendations available for the thematic analysis.¹⁹

Fourthly, general results from baseline assessments carried out under the vulnerability assessment instrument are available for 2016 and 2017 and can hence complement the analysis.

Finally, various significant political and operational initiatives and decisions were taken at a remarkable speed in the chosen reference period as a direct response to the crisis, including the reintroduction of internal border controls in several Member States, the EU-Turkey Statement²⁰ and the decision on relocation of asylum seekers from Greece and Italy to other Member States.²¹

As a result, this case study will not include other Member States and/or other policy areas also covered by Schengen evaluations.²² Yet, it is assessed that the methodological framework can be applied in a larger study covering more or all Member States and policy areas, thus providing for a valuable case of transferability.

---

¹⁹ Italy and Spain have also been subject to unannounced evaluations focussing on external air border management (Milan and Barcelona airports). These are not included in this study.


²² Article 4(1) of the SEM Regulation: ‘Evaluations may cover all aspects of the Schengen acquis, including the effective and efficient application by the Member States of accompanying measures in the areas of external borders, visa policy, the Schengen Information System, data protection, police cooperation, judicial cooperation in criminal matters, as well as the absence of border control at internal borders.’
2.2. Research design

The research encompasses a thematic content analysis of Council implementing decisions with recommendations issued to Greece, Italy and Spain following Schengen evaluations, which is triangulated with operational data, results from Frontex’s vulnerability assessments, examination of official policy documents and semi-structured interviews with high-ranking border management officials. Recommendations and transcripts are coded using a thematic analysis framework. Drawing on insights into the Schengen evaluation mechanism and the European IBM concept, several hypotheses about strategic-priority-setting in EU-level border management guide the subsequent analysis.

The research design will take appropriate ethical considerations such as possible biases from the researcher, subjects participating in the research and the collected documents.

2.3. Data collection and use of data

Data is collected through an extensive desk research supported by semi-structured interviews. Data stems from primary sources such as EU legislation and is further contextualised using secondary data sources and finally buttressed by consulting official publications to prove background and further examination into the chosen research area. To further qualify the data collection and analysis, a limited amount of sensitive official documents bearing the security marking ‘limited’ has been consulted. Appropriate handling, storing and referencing of sensitive documents is applied throughout the research.
Compliant, but improvement necessary?

The quality of the data used for the research is found to be reasonably and acceptably high when assessed according to Scott’s four criteria of authenticity, credibility, representativeness and meaning.\textsuperscript{23} It is important, however, to make a distinction between documents of a legislative and statistical character and documents of a more policy and political orientation. The overall quality of the former is deemed higher than the latter, which mainly consists of documents issued by the Commission in relation to its European Agenda on Migration,\textsuperscript{24} and therefore contextualisation and implied readership are necessary factors to take on board, e.g. the Juncker Commission’s political ambitions and priorities as well as the situational developments during the migration crisis.\textsuperscript{25}

A large body of official documents dealing with Schengen evaluations and vulnerability assessments bearing the security marking ‘restricted’ exists, which could have provided supplementary data to complement this research further. It has been decided to leave out this material as the added-value is considered not to outweigh the consequences included making this dissertation unavailable to the public and the wider research community. Instead, other avenues to complement the desk research are applied such as carrying out qualitative interviews, receiving written contributions from high-ranking official and research of existing publications.

Selected high-ranking border management officials from the Commission, Frontex, Greece, Italy and Spain were approached in the period January-March 2019.\textsuperscript{26} The initial ambition

\begin{flushright}
\textsuperscript{25} \textit{Ibid}, p. 560.
\textsuperscript{26} Whilst the number of samples might seem few, this covered the most relevant stakeholders at a strategic (rather than operational) level and willing to speak to the researcher.
\end{flushright}
was to interview stakeholders from the European Commission, Frontex, Greece, Italy and Spain. Unfortunately, it was not possible to secure an interview a stakeholder from Greece, even after numerous attempts via different channels over an extended period. To compensate, additional desk research has been carried out. As abundant official material is available, the loss is considered limited.

Subjects were initially contacted via a formal letter introducing the aim and nature of the research and the overall themes and questions to be answered. Included was also a letter of consent to be filled in by subjects and informing them of their voluntary participation, right to withdraw at any time, data reporting and storage, contact information in case of doubts and – if requested – anonymity and non-traceability. None of the subjects chose to be entirely anonymous. Segments from interviews will be referred to by institutional or country affiliation.

The method of semi-structured interviews is found to an appropriate mode for this study as it allows for an adjustment of the research scope along the way and provides an opportunity for the subjects to give valuable insights. The interviews were carried out in English using mixed modes of face-to-face and telephone interviewing allowing for flexibility and availability of interviewees. The interviews were recorded and securely stored for transcript purposes only.

The officials from Italy and Spain requested to reply to the interview guide in writing due to the complexity of the chosen research area. This was accepted as getting the subjects’ response to compliment the literature and support the research were considered of greater importance than leaving out their contribution entirely. Written replies lean towards quantitative research, but as responses were used in a qualitative way with various stages of interpretation by both subjects and researcher, the overall method is still considered highly
qualitative. It does, however, provide for some weaknesses in terms of direct comparability, which is taken into consideration during when used for this research.

The interviews – both oral and written – were carried with the support of an interview guide with a limited number of open-ended questions allowing the participants leeway in their response and room to put their view forward. The interview guides were forwarded to the subjects prior to the interviews giving them time to prepare, and, if necessary, find a suitable replacement to take part. Questions were formulated in a ‘semi-technical way’ generated from the research question and sub-questions, preliminary desk research, the researcher’s knowledge and current discussions on European border management.

Two slightly different versions for the interview guides were compiled with similarly formulated questions allowing for targeted questioning applicable for the two types of respondents and still providing for cross-case comparability. During the face-to-face and telephone interviews, additional questions were put forward to enhance the replies given by the subjects.

2.4. Data analysis

Data is analysed using a framework of thematic analysis due to its flexibility and suitability in analysing a large amount of textual and descriptive information and with the aim of identifying, analysing and reporting patterns (themes) within the selected and complex datasets.

The thematic analysis is applied by coding the five sets of recommendations from the announced and unannounced Schengen evaluations of Greece, Italy and Spain. Codes were
Compliant, but improvement necessary?

arrived at inductively based on the author’s prior knowledge and the preliminary desk research and refined during the coding process. Codes are grouped into larger categories common for strategic management and general themes with a specific focus on European IBM allowing for data triangulation by capturing different dimensions of the dataset.

The framework of thematic analysis has been criticised by some scholars for fragmenting data and in some cases leading to loss of context. However, by carrying out a refined analysis of the coded datasets with attention to their nature and content enabled by drawing out categories and themes and searching out repetitions to establish consistent patterns, and later analysing and discussing them, the thematic analysis is a useful method for the aim of this study.

**Thematic analysis: Defining categories**

Three categories of ‘capacity’, ‘capability’ and ‘performance’ are chosen as overarching categories as they represent important elements in an organisations response to emergent challenges. According to the Merriam-Webster online dictionary, capacity is the facility or power to produce, perform or deploy; capability is the quality of or state of being able and the facility or potential for an indicated use or deployment; and performance is the execution of an action.

Turning to a more scientific elaboration, Brinkerhoff and Morgan\(^\text{27}\) define capacity as ‘the evolving combination of attributes, capabilities, and relationships that enables a system to exist, adapt, and perform’, which can further be grouped into five core capabilities that contribute to the organisation’s capacity to perform focussing on how organisations develop

and integrate these capabilities. Hence, capacity can broadly be defined as being able to achieve a desired collective purpose.

In their article on the use of capacity, capability and performance as indicators for evaluating activities in the field of clinical research, Holsbeeke et al.\textsuperscript{28} highlights that the person-environment interaction is the discriminating element between capacity, capability and performance and define the three indicators as follows:

- Capacity describes what a person can do in a standardised, controlled environment.
- Capability describes what a person can do in his/her daily environment.
- Performance describes what a person actually does in his/her daily environment.

Although, Holsbeeke et al. came to these definitions during a quantitative clinical study, their work can still be used considering the importance of capacity building, capability development and operational performance in management and organisational development on a wider scale. Some parts of a Schengen evaluation can even be argued to have factors resembling a standardised test, e.g. by using standardised questionnaires and checklists. The environment during the evaluations is, however, far from standardised and controlled.

Considering the above, the themes of capacity, capability and performance are defined as follows for this study:

1. **Capacity** refer to general capacity building and organisational aspects related to governance systems, staffing levels, development of *new* infrastructure, facilities, equipment, assets and IT systems for border management.

2. **Capability** refer to specific organisational aspects related to further development and improvement to the qualifications and competences of staff, practical cooperation, *existing* infrastructure, facilities, equipment, assets and IT systems for border management.

3. **Performance** refer to the application of the management system and what is accomplished and executed on the operational level.

Bearing in mind the scope of this research, capacity building themes are expected to be the main contributors to the thematic analysis due to their overall strategic nature and to some extent also capability development themes. Themes related operational performance are considered less relevant in this context and are anticipated to have a more indirect influence on the other two categories.

**Thematic analysis: Defining general themes**

The general themes are based on the overall components of European IBM as defined in the EBCG Regulation and further refined to accommodate the aim of the research making for a total of seven themes to complement and add further substance to the three categories already identified above.
1. **Governance** refers to the administrative processes and procedures related to strategic border management and includes elements related to strategy development and implementation, financing and quality control.

2. **Border control** refers to border checks and border surveillance, including search and rescue operations, the facilitation of legal border crossings and measures related to the prevention and detection of cross-border crime.

3. **Inter-agency cooperation** refers to the cooperation between the national authorities including the exchange of information through channels such as the European Border Surveillance System (Eurosur) and the functioning of the National Coordination Centres.²⁹

4. **International cooperation** refers to the cooperation with Frontex, other Member States and third countries.

5. **Risk analysis** refers to the systems and procedures in place related to risk analysis on the strategic, tactical and operational level.

6. **Training** refers to improvements related to basic and specialised training.

7. **Migration management** refers to measures related to the reception, registration and identification of irregular migrants, implementation of the ‘hotspot approach’ and the return of third country nationals.

---

2.5. Research quality indicators

The quality of this research can be measured according to three quality indicators: validity, reliability and generalisation. Firstly, the validity is found to be relatively stable. The data collected during the desk research is assessed to originate from trustworthy sources such as EU institutions and agencies, where they have been through lengthy authorisation processes before being either adopted by legislators or published via official communication channels. However, in terms of the recommendations, these can be subject to biases as they are based on evaluation reports drawn up by evaluation teams from the Member State and Commission with different levels of experiences, knowledge and possibly also personal and official agendas. As a result, recommendations cannot be viewed as entirely consistent or objective, which is taken on board during this research. To address biases, the semi-structured interviews combined with other available information will be used to cross-examine and triangulate outcomes of evaluations. Secondly, the reliability is assessed as reasonably high as the results of the study is repeatable and there is high degree of consistency in the chosen strategy for the study. Thirdly, it is argued that generalization is possible as the described methodological framework and research design could also be used in a wider study extended to cover more or all Member States and/or policy areas.
Chapter 3: Quality control mechanisms in European Integrated Border Management

Since the foundation of Schengen and the introduction of a system to evaluate and monitor the implementation of the Schengen *acquis*\(^{30}\), a growing body of scholarly work has examined the role of EU policymaking in Schengen governance. However, little or no research has been carried out on the outcome of Schengen evaluations and their influence on the strategic decision-making process and prioritising on national and EU-level. One reason might the limited access to information for researchers outside the evaluation system, or the rapidly changing policy developments which might have drawn many researchers towards other areas of border and migration policy. This dissertation aims to fill-in part of this research gap by drawing on outcomes and available concepts and theories in the existing literature supplemented by expert-knowledge from stakeholders.

In the following chapter, the key legislative, political and operational developments influencing strategic border management, particular European IBM and EU quality control mechanisms, is examined and contextualised with main concepts in public management.

---

\(^{30}\) Council Decision determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis, 1999/436/EC [1999] OJ L176.
3.1. Institutionalising European Integrated Border Management as the common strategic framework

The EU has gradually attempted to harmonise national rules and policies concerning external border management since the adoption of the Schengen Agreement in 1985. One important element of this harmonising process is the European IBM concept designed as an overarching strategic concept to be applied by border management authorities since it was firstly introduced as a soft law element in the Tampere Programme in October 1999. The positioning of European IBM has steadily been strengthened ever since, e.g. in the Hague Programme of 2005, where European IBM was prioritised as one of ten top priorities for the area of freedom, security and justice and included a call for ‘developing an integrated management system for external border’, and in 2006, when the JHA ministers provided further guidance on the components and dimensions of the concept.

After 20 years of discussions, the status of this strategic framework was significantly strengthened when general principles and components for the European IBM concept was introduced the EBCG Regulation, thereby legally enacting – for the very first time – the concept enshrined in in the Lisbon Treaty and obliging Member States to develop national IBM strategies based on political guidelines from the Commission and aligned with a

---

33 European Council, 2768th session of JHA Council meeting, Brussels, 4-5 December 2006.
common technical and operational strategy for European IBM drafted by Frontex.\textsuperscript{35} The overall EU ambition has been to create an interoperable and unified strategic framework applied by all Member States and Frontex in unity in order to ensure the effective implementation of the concept at all levels and hence supporting the strengthening of the external borders.\textsuperscript{36}

The EBCG Regulation defines 11 components of European IBM with further three horizontal components defined in the Commission’s IBM guidelines. One new and distinct feature of European IBM was the inclusion of quality control mechanisms in the overall strategic framework mirroring the overall prominence auditing has played in public management since the 1990s (see also sub-chapter 3.6 on quality control in strategic border management).

Emphasis has been on improving the connection between European IBM as the overarching strategic concept and the operational level carried out on the national level by continuously monitoring and assessing of the quality and preparedness through the application of quality control mechanisms.

Quality control mechanisms in European IBM consist of three main instruments:

a) The Schengen evaluation mechanism administered by the Commission and carried out jointly by Commission and Member States’ experts,

b) Vulnerability assessments carried out by Frontex, and

c) \textit{Possible} national quality control mechanisms.

\textsuperscript{35} The technical and operational strategy for European IBM was adopted by Frontex’s Management Board at its meeting on 27 March 2019.

While not explicitly mentioned in the EBCG Regulation as a part of quality control mechanisms in European IBM, the addition of vulnerability assessments has been commonly agreed between the Commission, Frontex and the Member States during the further development of the European IBM concept and have been incorporated in Commission’s proposal on a revised EBCG Regulation to further streamline the already agreed methods.\textsuperscript{37} Furthermore, national quality control mechanisms are not a legal requirement, and are still only included as a ‘possible’ instrument in the Commission’s proposal. However, the thematic analysis show that they are referred to as measures to be taken by Member States in their follow-up on Schengen evaluations (this will be further explored in chapter 4 on the application of EU quality control mechanisms in practise).

3.2. The development of the Schengen evaluation mechanism

The concept of Schengen evaluations is an integral part of the Schengen system and was firstly introduced as a concrete tool to evaluate Member State’s compliance with the Schengen rules in 1998. Evaluations were initially carried out on an intergovernmental basis managed by a Standing Committee composed of Member State’s representatives. After the entry into force of the Amsterdam Treaty in 1999, and the subsequent integration of the Schengen Agreement into the EU framework, the management of evaluations was transferred to a working group within the Council structure.\textsuperscript{38}


\textsuperscript{38} Council Decision (EC) 1999/436.
In the General Secretariat of the Council’s paper of the legacy of Schengen evaluations, the Schengen evaluation system is described as a ‘showcase’ example of European integration, but also recognises that improvements can be done to enhance the governance structure and efficiency of the system.

The further development of the Schengen evaluation system was influenced by three main legislative and geopolitical drivers. Firstly, the European Council – as one of its priorities in The Hague Programme – called for the Commission to submit ‘a proposal to supplement the existing Schengen evaluation mechanism with a supervisory mechanism, ensuring full involvement of Member States experts, and including unannounced inspections’. This call resulted in a proposal by the Commission in March 2009 (and about half a year before the entry into force of the Lisbon Treaty) seeking away from the intergovernmental approach by entrusting itself with a stronger role in evaluations. The Commission justified this change by the need to make the evaluation mechanism more efficient, particularly during the implementation phase. The first proposal was rejected by the European Parliament and the European Ombudsman since the procedure was not based on the ordinary co-decision procedure and thus de facto excluded the European Parliament from the decision-making process. Negotiations were consequential put on a halt.

---


40 Ibid.


43 Ibid, p. 3.
Secondly, the Lisbon Treaty in 2009 included a specific legal basis on peer-to-peer evaluation of the national authorities’ implementation of EU policies carried out by the Member States in collaboration with the Commission, whilst keeping the European Parliament and the national Parliaments informed of their content and results. According to Pascouau, this article was introduced as a specific provision in the Lisbon Treaty in order to establish a targeted evaluation mechanism specifically applicable to issues related to the area of freedom, security and justice, and thus constitute *lex specialis* for the creation of the Schengen evaluation mechanism. This stood in contrast to the legislative framework of co-decision between the Council and the European Parliament otherwise introduced by the Lisbon Treaty as it provided the basis for the Commission to make a proposal without the inclusion of the European Parliament. After the entry into force of the Lisbon Treaty and the integration of the Schengen *acquis* into the EU framework, the 2009 proposal became obsolete and a new proposal was therefore tabled by the Commission in November 2010.

Thirdly, the increased influx of irregular migrants following the Arab Spring in 2011 influenced the negotiations on the 2010 proposal when France and Italy jointly called for a reform on Schengen governance linking the need for more efficient evaluation framework with an appeal for more lenient rules on reintroduction of border control in exceptional circumstances. The joint call by France and Italy was an attempt to find common grounds following a diplomatic row over the interpretation of the Schengen rules on the reintroduction of border control and led to the European Council in June 2011 calling for the Commission to submit a revised proposal also including procedures for reintroducing internal border controls.

---

45 Y. Pascouau [2012], p. 3.
as a ‘last resort’ and in ‘exceptional circumstances’. The political turmoil that followed the migration crisis in 2015-2016 replicated many of the same features of the discussions in 2010-2011 showing that Schengen governance is not an easy area to regulate due to the ever changing geo-political and socio-economic climate in the EU.

As a response to the call by the European Council, the Commission presented a Schengen Governance Package in September 2011 consisting of two legislative proposals: one related to strengthening of the Schengen evaluation mechanism and the other amending the Schengen Borders Code by introducing detailed rules on the reintroduction of internal border controls.

Not surprisingly, the Commission took this opportunity to propose a boosting its own powers by putting itself in the lead of the evaluation process. The proposal included establishment of annual and multiannual programmes of announced and unannounced evaluations, as also called for by the European Council, and an enhanced involvement of Member State experts and relevant EU agencies in the evaluations and clearer rules for follow-up on evaluation findings. The proposal also included a common mechanism for reintroducing border checks at the internal borders in case serious deficiencies were disclosed during an evaluation.

The subsequent negotiations on the Schengen Governance Package – described by Pascouau as a case of ‘political theatrics’ – took more than two years to complete, in part due Member

---


States being provoked by the new division of power enhancing the Commission’s role\textsuperscript{50} and a high number of subsidiarity warnings were issued by national parliaments as an attempt to counterbalance the proposal.\textsuperscript{51} Furthermore, a fierce dispute transpired between the European Parliament and the Council due to the European Parliament feeling left out of the process by the change of legal basis away from co-decision procedure, which also slowed down negotiations. The European Parliament even decided to stop all legislative work in five major fields and threatened to submit an appeal before to the European Court of Justice creating grave mistrust between the two institutions.\textsuperscript{52} The European Parliament found that the Council was denying it the right to be part of the legislative decision-making process seeing that Schengen was now an integral part of the overall EU framework after its inclusion in Lisbon Treaty.

To make the Schengen Governance Package more consistent and pave way for an agreement, the specific measures in relation to reintroduction of internal border control was removed from the SEM proposal and reintroduced in the proposal on the amendment to the Schengen Borders Code leaving for one legislative part to deal with the evaluation mechanism itself unilaterally decided by the Council, and the other part with the decisions to be taken based on the ordinary co-decision procedure.


\textsuperscript{51} According to the protocol relating to national parliaments within the European Union, annexed to the Treaty of Lisbon, national parliaments may issue reasoned opinions, also called warning mechanisms, if they believe the principle of subsidiarity has not been observed in a proposed legislative act.

According to Woude and Berlo, the changes applied to both proposals during the negotiations, especially in terms the regulatory framework for reintroducing internal border controls, meant that ‘Italy and France ended up getting precisely the opposite of what they were asking for’ as the Schengen Governance Package ended up setting down demanding and detailed conditions and procedures for reintroducing border controls. At the time, it was, however, almost unimaginable that this mechanism would ever be realised – even as a measure of last resort. Pascouau describes it to be ‘similar to a nuclear weapon; the important thing is not to use it, but rather to possess it’.

However, the events that followed during the migration crisis showed that Member States were not afraid to launch this ‘nuclear weapon’ if put under sufficient pressure and adds to the story of just how critical the situation was in 2015-2016.

Pascouau was quite accurate in his consequential analysis as triggering internal border controls has introduced a situation making it almost impossible for Member States to lift them again. Due to the political climate in the Member States having reintroduced internal border checks, largely shaped by a strong right-wing political demand, it has motivated national governments to keep border internal checks in place, even if they do no adhere to the regulatory framework. Perhaps once the damage is done it cannot be undone?

---

54 Y. Pascouau [2013].
3.3. The Schengen evaluation mechanism in practice

When the regulation on the Schengen evaluation and monitoring mechanism was finally adopted in 2013\(^56\) it concluded more than eight years of discussions and negotiations on four different legislative proposals. In practice, many features of the old mechanism were transferred to the new mechanism and the main objectives did not change. Hence, the mechanism aims to verify the application of the Schengen *acquis* in implementing Member States (i.e. the 26 EU and Schengen Member States having lifted internal border controls), or if the necessary conditions for a full application of the Schengen *acquis* are fulfilled by candidate countries (i.e. Bulgaria, Croatia and Romania).

The mechanism covers all aspects of the Schengen *acquis* divided in different policy areas consisting of evaluations of external border management, visa policy, the Schengen Information System, data protection, police cooperation, judicial cooperation in criminal matters, and the absence of border control at the internal borders.\(^{57}\)

With the entry in force of the SEM regulation, the responsibility for evaluations changed to be a shared responsibility between the Member States and the Commission. The Commission’s role was therefore strengthened considerably by providing it the lead in the planning and execution of evaluations, appointment of evaluation experts, drafting of recommendations to be proposed to the Council and be in charge of follow-up and monitoring of evaluations. The result has been a significant shift from a purely intergovernmental mechanism and towards EU integration and supranationalism (see further in sub-chapter 3.7 on continued integration and harmonisation of external border management).

\(^{56}\) SEM Regulation.  
\(^{57}\) Article 4 of the SEM Regulation.
One new feature, also requested by the European Council, was the possibility to carry out unannounced evaluations based on targeted risk assessments carried out Frontex, thus adding an element of risk-based governance into the mechanism.  

The peer-to-peer concept of the old mechanism was preserved with evaluations being carried out by teams of experts from the Commission and Member States supported by observers from EU bodies, offices and agencies involved in the implementation of the Schengen acquis. A main outcome of evaluations are the draft reports and recommendations for mitigating possible shortcomings prepared by the evaluation team with the evaluation report to be adopted by the Commission and recommendations by the Council. Following the adoption of recommendations, the evaluated Member State is required to submit an action plan and progress reports to the Commission and Council addressing the identified deficiencies in order for the Commission and Council to monitor and assess the progress made. If serious deficiencies are identified during an evaluation, such as was the case with Greece in 2015, the Member State will go through an accelerated procedure, which can result in the Council proposing the reintroduction of internal border controls if a Member State is seriously neglecting its obligations. As will also be further examined in chapter 4, the follow-up process continue to be rather slow even if one of the ambitions with the new mechanism was to increase the efficiency of the evaluation mechanism.

To warrant transparency and for the Member States’ to take responsibility, the recommendations are forwarded to the European Parliament and national parliaments. The European Parliament possess some scrutiny powers in relation to Schengen evaluations and


59 Article 21(3) of the Schengen Borders Code. See also next sub-chapter as well as table 11 for an overview of the link between the accelerated process and reintroduction of internal border controls.
the reintroduction of internal border controls where members of the European Parliament can access the findings of evaluations under specific confidentiality rules in theory.\textsuperscript{60} However, the practical arrangements in place limits parliamentary scrutiny. In addition, there is a lack of transparency in how individual Member States influence the final output of evaluations, which is done through bilateral and closed drafting meetings.\textsuperscript{61} The European Parliament has therefore raised the question of transparency and the Commission has publicly admitted that there are improvements to be done about democratic accountability.\textsuperscript{62}

In correlation to the increased emphasis on European IBM in external border management, Schengen evaluations has also gradually witnessed a strengthened focus on the implementation of the European IBM concept on the national level. Even prior to the entry into force of the EBCG Regulation, when Member States were not (yet) legally bound to have IBM strategies in place, and this was merely a \textit{soft law} element, the Council have issued recommendations to Member States on establishing national IBM strategies. Without a common understanding of the European IBM concept and how to translate this into national practices this has led to many different interpretations and been a challenge for the national authorities to properly address.


3.4. Connecting Schengen evaluations to the reintroduction of internal border controls – launch of the nuclear weapon?

The link between the Schengen evaluation mechanism and the reintroduction of internal border controls was introduced as a measure of last resort and considered unlikely to ever come into play. However, similarly to the discussion on the Schengen Governance Package amid the Arab Spring in 2011 one of the immediate effects of the migration crisis in 2015-2016 was a relaunch of some still unsolved and sensitive issues about the governing of reintroduced internal border checks, which showed a continued division between the Member States.

The border checks reintroduced during the migration crisis by Austria, Germany, Denmark, Sweden and Norway, although being much debated, has resulted in several Council implementing decisions recommending these countries to continue their internal border controls referring to the influx of irregular migrants and the serious deficiencies identified during the unannounced evaluation of Greece in November 2015. Leading up to this endorsement by the Council was an gradual increase in the number of Member State’s having reintroduced border checks and showing no intention to end them even if the current legal basis did not provide for continued internal border controls.63

This brought the Schengen evaluation mechanism into play as the triggering of article 29 of the Schengen Borders Code would allow Member States to continue their border controls if ‘serious deficiencies in the carrying out of external border control’ was identified during a Schengen evaluation. As a result, discussions in Brussels quickly turned towards the evaluation mechanism and the possibility to use this provision as a legal basis for continued

63 Articles 25-28 of the Schengen Borders Code.
controls. On one hand, it can be argued that the Schengen evaluation mechanism was used as a tool for naming and shaming Greece for not upholding the required standards in order to achieve domestic political objectives. As the methodology for carrying out Schengen evaluations focus on the individual Member State this was an indirect consequence of applying the mechanism in full. On the other hand, it can also be argued that the mechanism was merely showing its merits by being applied in a situation when there were visible weaknesses in overall border management system and a need to take drastic measures. The answer properly lies somewhere in between. In the longer run such considerations can have implications on how the credibility and objectiveness of the mechanism is perceived.

3.5. Vulnerability assessments – the new kid on the block

Vulnerability assessments was introduced as a new and controversial element in the EBCG Regulation and positioned the agency as an active player in the overall compliance and performance measurement framework. The introduction of the vulnerability assessment instrument also changed the agency’s role from being merely a supporting body to a supporting and monitoring body as Frontex was tasked with regular monitoring of the Member States capability and capacity to carry out external border control. Furthermore, the agency was also commissioned with deploying its own liaison officers to Member States the executive director’s extended arm.

This addition to the agency’s mandate was deeply marked by emergency and crisis politics. The design of the instrument is considerably influenced by the developments during the

migration crisis and the inadequacy of the Member States to deal with unprecedented influx of irregular migrants. It is also argued that the inclusion of this provision is evidence of the persisting inefficiency and slowness of the Schengen evaluation mechanism and its inadequacy to continuously monitor the functioning of the external border control to a satisfactory level.

According to the EBCG Regulation, vulnerability assessments are carried out based on objective criteria defined by Frontex in cooperation with Member States allowing the agency to ‘assess the capacity and readiness of the Member States to face challenges at their individual sections of the external borders’, or as put by Frontex’s Deputy Executive Director in his interview a ‘constant health check’ of the Member States’ border control.

Vulnerability assessments are performed on a yearly basis through individual baseline assessments based on data reported by Member States to or otherwise available for Frontex. Additionally, the agency can also carry out simulation exercises and emergent threat assessments to further test and check Member States’ ability to control their sections of the external border.

Based on the results of vulnerability assessments, Frontex’s executive director can issue recommendations to the Member States asking them to address deficiencies within a defined time-limit. Member States then have forward actions plans to Frontex and follow-up every three months. A Member State not introducing appropriate remedial measures will face possible referral to the Commission, Council and European Parliament. Like the Schengen evaluation mechanism, there is also a direct link from non-compliance with recommendations.

---

65 Article 13 of the EBCG Regulation.
Compliant, but improvement necessary?

to the triggering of the Schengen Borders Code’s Article 29 on the reintroduction of internal border controls in exceptional circumstances.\textsuperscript{66} This feature is yet to be used.

Although this process has some similarities to the procedures laid down in the Schengen evaluation mechanism, it does not involve the same peer-to-peer review mechanism nor are recommendations discussed or approved jointly by the Member States prior to adoption. This is only done if a Member States does not address shortcomings within the foreseen the time-limit, where the agency’s management board is involved. Furthermore, the agency oversees setting the time-limits. In the Schengen evaluation mechanism, the Commission ‘only’ issue an assessment on whether the initiated measures and time-limits are satisfactory. In some instances, the vulnerability assessment instrument therefore goes further than the Schengen evaluation mechanism.

*Table 1: Overview of the main features of the Schengen evaluation mechanism and vulnerability assessment instrument*

<table>
<thead>
<tr>
<th></th>
<th>Schengen evaluation mechanism</th>
<th>Vulnerability assessment instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
<td>Legislative instrument to verify if the application of the Schengen <em>acquis</em> in implementation MS and that the necessary conditions for a full application of the relevant parts of the Schengen acquis are met by Candidate MS.</td>
<td>Technical and operational instrument to assess capacity and readiness of MS to face upcoming challenges and capacity to contribute to the Rapid Reaction Pool.</td>
</tr>
<tr>
<td><strong>Scope</strong></td>
<td>The entire Schengen <em>acquis</em></td>
<td>External border management</td>
</tr>
<tr>
<td><strong>Coverage</strong></td>
<td>SAC/MS, UK (SIS), Candidate States (BG, HR, RO)</td>
<td>Schengen states excl. LI</td>
</tr>
<tr>
<td><strong>Frequency</strong></td>
<td>Every five years according to a multi-annual programme\textsuperscript{67} with the possibility to carry out unannounced visits</td>
<td>Baseline assessments every year. Simulation exercises and emergent threat assessment on selected MS</td>
</tr>
<tr>
<td><strong>Methodology</strong></td>
<td>Preparation: Standard Schengen Questionnaire filled in by MS covering</td>
<td>Preparation: Annual data collection from MS according to the Common</td>
</tr>
</tbody>
</table>

\textsuperscript{66} Article 19(1) of the EBCG Regulation.

\textsuperscript{67} The first multi-annual evaluation programme covers the period 2015-2019.
Vulnerability assessments were a highly sensitive topic during the negotiation of the EBCG Regulation as they touched upon national sovereignty, which is also visible in the final text:

[…] The implementing power to adopt such a decision should be conferred on the Council because of the potentially politically sensitive nature of the measures to be decided, which are likely to touch on national executive and enforcement powers. […]

Furthermore, vulnerability assessments have also suffered from discussions on ‘naming and shaming’ similarly to those on the triggering of Article 29 of the Schengen Borders Code. In the original Commission proposal, only countries subject to high migratory pressure were subject mandatory to assessments, but this feature was changed by the European Parliament.

---


69 Preamble 28 to EBCG Regulation.
who wanted all Member States to undergo the same assessments grounded in considerations of equal treatment.\textsuperscript{70}

The introduction of the vulnerability assessment also places Frontex in a difficult balancing act as it substantially alters the nature of the relationship between Frontex and national authorities by ‘essentially introducing hierarchy in the relationship’, and thus poses a risk of creating frictions in the mutual trust and cooperation between Frontex and the national authorities on whose cooperation the agency is dependent for carrying out its tasks, including the practical implementation of vulnerability assessments.\textsuperscript{71}

According to Thym, the EU’s ‘abstract equality and normative neutrality’ have been an essential component when circumventing national differences and integrating them into a supranational EU framework.\textsuperscript{72} In the case of Frontex, the agency try to preserve its neutrality but by increasingly getting involved in issues touching upon national sovereignty, the agency must acknowledge that it will sometimes be difficult to be a completely neutral player.

Cooperation is an important element of IBM. The old form of intergovernmental cooperation is now increasingly influenced by a new supranationalism mode of cooperation characterised by the EU institutions exercising power through legislation in policy areas that used to be governed by the Member States aiming at further harmonisation. In this regard, Frontex’s new role as a monitoring body and the use of Schengen evaluations as a basis to reintroduce


internal border controls has influenced cooperation between actors involved in the implementation of the Schengen *acquis*.

Trust building is an important factor in effective cooperation and application of quality control mechanisms. Das and Teng argue that ‘trust and control are parallel concepts and that their relationship should be viewed as being of a supplementary character in generating confidence’ between stakeholders and thus also in the system itself. The concept of trust is also visible in the legal text. For example, according to the SEM Regulation Member States must maintain ‘a high level of mutual trust’ in the application of the Schengen *acquis*. If we are to continue having a borderless Schengen area, Member States must therefore trust each other to carry out external border controls to a satisfactory level in a spirit of shared responsibility and solidarity.

Cooperation and mutual trust were highly influenced by the entry into force of the EBCG Regulation, which also included a provision obliging the Member States with a ‘duty to cooperate in good faith’ and an ‘obligation to exchange information’. Until then cooperation had been based merely on mutual trust and more informal cooperation tools. The addition of obligatory vulnerability assessments has proved a challenge for the efficient cooperation between the Member States and Frontex.

According to Busuioc, cooperation between Member States’ national authorities and EU agencies have lately also been influenced by other factors such as inadequate resources and

---

74 Preamble 3 and preamble 11 of the SEM Regulation.
75 Article 9 and Article 10 of the EBCG Regulation.
76 M. Busuioc (2017).
staff commitments from Member States and insufficient information exchange to the extent that this ‘in some cases adversely impacted their ability to operate effectively’. Although, Busuioc does not particularly mention Frontex, the challenges are believed to also have been relevant in the context of Frontex, not only with the addition of the vulnerability assessment instrument but also the agency’s constant demand for resources as an operational response to the migration crisis.

According to Busuioc, the EU legislator chose to include clear legal obligations on the part of the Member States to cooperate with JHA agencies as a direct response to the reluctance to cooperate from national authorities. However, in order to foster cooperation designing incentives and creating structures ‘alleviate sources of reluctance’ should be applied.\(^77\)

### 3.6. Quality control in strategic border management

The introduction of New Public Management in the 1980s led to an increased focus on results-based management in the public sector and was influenced by a strong belief in the measurability of performance as a way of improving performance. This was supported by the implementation of numerous audit and evaluation activities in the 1980s and 1990s – a period referred to by Thiel and Leeuw as the ‘audit explosion’.\(^78\) This auditing explosion also influenced the area of border management, both in relation to the setting up of e.g. Frontex and other regulatory EU agencies and the governance of the Schengen by the introduction of the Schengen evaluation system.

\(^77\) *Ibid*, p. 10; 40.

However, Theil and Leeuw also highlights some immediate setbacks to the audit craze introduced by New Public Management:

There is a desire to supply managers, policymakers, legislators and the general public with evaluative information that is perceived to be reliable, valid and credible. Evaluative information that lacks these characteristics stands little chance of enhancing transparency, accountability and democratic governance. Yet, mechanisms for assessing the “quality” (i.e. reliability, validity, credibility) of evaluative information conjure up perverse images of what has been termed an audit society characterized by increasing layers of inspection, audit, evaluation and assessment. The audit society expends a huge amount of resources in assurance activities whose most immediate consequence is to increase bureaucratization.79

According to Thiel and Leeuw, the very objective of de-bureaucratisation and enhancing effectiveness and efficiency of policy implementation is jeopardised by its enhanced focus on performance measurement and has consequently led to several unintended effects such as a ‘danger of tunnel vision’ and setting of unclear targets and inconsistent methods for measuring performance.

All these unintended effects are also relevant when looking at EU quality control mechanisms as tools for performance and compliance measurement. Some features introduced in the Schengen evaluation mechanism try to circumvent these effects by taking the special characteristics of border management into account in its methodological framework. The mechanism also use multiple indicators by e.g. referring to different aspects of policy implementation and try to reflect the interests of all stakeholders involved on both national and EU level by implementing it through peer-to-peer reviews.

Nevertheless, there are also some weakness in the system in relation to e.g. the objectiveness and impartiality of the evaluators, who are formed by their own systems, beliefs and

79 Ibid, p. 269.
Compliant, but improvement necessary?

competences, which influences the outcome of evaluations and makes direct comparability between evaluations difficult and risks inconsistency in the methods for measuring. Furthermore, the very meticulous regulatory framework, provides a danger of tunnel vision and hampering of progression and creativity to respond to new challenges.

In interviews with Commission officials carried out in 2015, Paul finds that evaluators would ‘feel obliged to offer a clear risk-based rationale when temporarily reintroducing internal border checks in the Union after a given member state has been evaluated as non-compliant with the Schengen Borders Code’ and that non-compliance in cases in low risk areas would trigger less urgent recommendations.\(^\text{80}\) However, this view is somewhat contradicted by the fact that non-compliant findings are addressed in most evaluations and that serious deficiencies have been established also in external border management evaluations of Iceland and Sweden, which are far from the main migratory routes, and thus might demonstrate a case of tunnel vision in the evaluation framework.

The mechanism, although improvements can indeed be made, is considered to supplement overall performance and compliance measurement. The recent addition of vulnerability assessments complements Schengen evaluations to some extent by trying to add objective and consistent methods for assessments based on objective criteria with having the ‘neutral player’ Frontex in the lead of the process. However, it is argued that the objectiveness in the methodology might not be so objective after all. Frontex staff will also be influenced by bias including the ambitions set by the agency and the Commission. At the very least, the vulnerability assessment instrument prompts questions on transparency as Member States are

not entirely aware of how results are reached also influencing trust and cooperation between the different actors.

Looking at performance and compliance measurement as a part of strategic border management and the results-orientated administration on the national level, strategic management can be viewed as ‘the central integrative process that gives the organization a sense of direction and ensures a concerted effort to achieve strategic goals and objectives’.

Therefore, the national authorities must ensure sufficient capacity supported by integrating management processes and operational procedures across authorities if reach the objective of European IBM. The technical and operational strategy for European IBM try to do this by establishing common vision, mission and values and operationalise the political ambitions set by the Council and Commission through strategic objectives and a series of joint actions.

Strategic management is also increasingly influencing the discussions on effective and efficient border management on the EU-level. In addition to the discussions on establishing the technical and operational strategy for European IBM, it is also a reoccurring theme in Schengen evaluations, including the evaluations of Greece, Italy and Spain, where Member States have been recommended to improve strategic border management through the establishment of national IBM strategies, strategic planning and inter-agency cooperation.

Consequently, it is increasingly important that the Member States and Frontex build up strategic capacities and competences and further synchronise and enhance strategic processes if the ambition to of fully-fledged European IBM is to be achieved.

\[\text{Reference}\]


Key to the implementation of European IBM is the development and effective implementation of national IBM strategies. Applying Poister’s argument about making ‘strategy more meaningful’ it can be argued that the national authorities would need to move from a holistic approach to management with a focus on performance measurement to a more proactive approach on achieving strategic goals and objectives. This includes linking strategic management to ongoing performance and compliance measurement processes more closely in a ‘reciprocating relationship’ where the strategies focus on defining and strengthening overall performance, while performance and compliance measurement helps to inform strategy along the way.83

National authorities will hence need to translate the objectives and actions stated in the technical and operation strategy for European IBM into concrete strategic goals and objectives meaningful to their national systems into their IBM strategies, while the outcome of Schengen evaluations, vulnerability assessments and possible national quality control mechanisms should provide feedback to be integrated into future national and European strategies thereby linking to the fullest extent the strategic framework with quality control mechanisms. This is particularly important when looking at strategic prioritising, which still needs improvements in achieving coherence with the overall strategic framework. Perhaps the recent adoption of a common technical and operational strategy for European IBM can limit some of these vulnerabilities.

3.7. Continued integration and harmonisation of external border management?

The integration and harmonisation of EU border policies is a core argument of EU supranationalism and the development of the European IBM concept demonstrates the increased focus on border management and desire for detailed supervision of the national authorities.

The addition of new tools to further integrate and harmonise external border management rules is not surprising seeing that the EU has gradually tried to harmonise national rules since the adoption of the Schengen Agreement in 1985 in order to strengthen external border control as a response to operational and political developments. Member States are still responsible for managing their individual border sections and implementing border rules, which can be considered as a common characteristic of the EU’s multilevel administration, where rules are supranational but the authorities implementing them are not.

The EU has different tools for integrating practices such as the increased use of risk analysis to back decision-making and to justify an increasing level of coordination and intervention on EU-level without challenging national sovereignty enabling what Paul defines as a ‘soft harmonisation process’. According to some scholars this offers the EU an opportunity to strengthen its practical relevance for Member States and can used be ‘a political strategy designed to reinforce policy objectives’ in areas where the EU lacks formal competencies. The recent addition of the vulnerability assessment has, however, somewhat hardened the

---

harmonisation process with its detailed and strict compliance requirements and possibility of
Frontex to issue recommendations.

The identification of ‘bad performers’ and ‘weak border spots’ through Schengen evaluations
and vulnerability assessments may enable EU legislators to demand further integration of EU
border policies in order to justify and legitimise new initiatives and ‘reject blame for failure’,
which are considered to be based on Member States’ failure to perform to the required
common standards. Sergio Carrera et al. argues that the transposition of liability and
political blame towards Member States has been used as a chief governance tool in the
informal expansion of EU-level activities. In a more positive light, this ‘blame game’ can,
nonetheless, also be used to strengthen solidarity and back uniform border practices and
support the strengthening of external border management. This, however, requires practices to
be applied in a transparent and objective manner, and if done with care can also be used to
underpin joint decision-making.

Priority-setting in strategic border management is increasingly influenced by the EU-level.
For example, the allocation of EU funding through the Internal Security Fund for external
borders and visa, which Paul argues is a far-reaching example, gives the Commission a
strong role in shaping and setting priorities. Member States have the possibility to draw on
EU funding in high-risk domains, but the decisions on the allocation of funding rely entirely

---

88 S. Carrera et al., "The Peculiar Nature of EU Home Affairs Agencies in Migration Control: Beyond
89 Regulation (EU) No 515/2014 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 and repealing Decision
on the Commission, thus ‘softly’ compelling Member States to accept more harmonisation – at least if they aspire to utilize EU funding.⁹⁰

EU funding is a difficult component for the Member States to utilize. In addition to their limited role in setting funding priorities, the complex funding system, involvement of many national authorities and the weak link to quality control mechanisms also play their part. In their interviews, the officials from Frontex and the Commission both pointed towards some of these weaknesses and the need for enhancing the connection between funding mechanisms, Schengen evaluations and vulnerability assessments as means of improving priority-setting in EU border management. It is argued that further involvement of the Member States in will be key in achieving this goal.

The increased harmonisation and supranationalisation of border control is foreseen to continue. The Commission’s proposal for a revised EBCG Regulation recommends to expand Frontex’s role and powers even further and proposes the agency to become truly operational by assigning it with operational border control staff with executive competences is a clear sign of this. Negotiations on this part of the proposal have been particularly heated with several countries considering the Commission’s proposal going too far in an area of Member State competence and thus contesting national sovereignty. It has thus taken a fair deal of assurances from the Commission on the continued sovereignty of Member States for them to accept this. In the end an agreement was reached not very far from the original proposal showing just how far the Member States have progressed in EU integration – not long ago the adoption of such a proposal would have been unthinkable.

Operational cooperation at the external borders, however, continue to be an outcome of a compromise between more supranationalism and maintenance of the Member State’s sovereignty.\textsuperscript{91} Going forward, the Member States, Commission and Frontex should continue to accept the mandates and powers that each is given and find suitable solutions to support cooperation in a trust building environment.

\textsuperscript{91} R. Mungianu (2013), p. 385.
Chapter 4: Applying EU quality control mechanisms in practice: Regional case study of Greece, Italy and Spain

The following chapter examines the application of EU quality control mechanisms in Greece, Italy and Spain with the aim of studying their contribution to verifying and addressing possible shortcomings in external sea border management.

The first part of the chapter will examine the results of the thematic analysis applied to the recommendations adopted by the Council following the announced and unannounced evaluations of Greece, Italy and Spain in the period 2015-2017. The thematic analysis is limited to focus on shortcomings related to strategic border management and/or the external sea border (e.g. specific sea border sites visited). Recommendations focussing on the external land and air borders are not included.

The number of recommendations issued following each evaluation varies considerately – from fifteen recommendations following the unannounced evaluation of Spain in 2015 to 123 following the announced evaluation of Greece in 2016. The difference is impacted by several factors such as the quality of the border management but also to a large extent the scope of an evaluation (announced/unannounced), the operational situation at time (low/high migration pressure), the expertise, focus and bias of the evaluation team and the access to specific sites and information during the evaluation. It is therefore necessary to closely examine the contents of recommendation to get a more complete picture of identified shortcomings that should feed into the overall strategic priorities set on the national and EU-level.
The main emphasis will be to extract actions from the recommendations of importance to the strategic level in their mid to long-term planning. Evaluations are grouped by Member State by year and includes reflections of the key developments directly or indirectly influencing each evaluation.

The second part of the chapter will briefly examine and contextualise the key vulnerabilities identified on the Eastern, Central and Western Mediterranean routes during Frontex’s baseline assessments in the period 2016-2017 and contextualise these to the results from the thematic analysis.

The third part of the chapter will examine the extent to which shortcomings and vulnerabilities identified during Schengen evaluations and vulnerability assessments have contributed to setting strategic priorities on the national and EU-level by examining a) the results of the interviews and responses to the interview guide and relate them to the results from the analysis carried out in the first and second part of the chapter, and b) the main strategic priorities identified on the EU-level. Focus will be to identify the main elements influencing strategic-level management and the priorities for further development of external border management in the frontline Member States.

4.1. Result of the thematic analysis of Greece, Italy and Spain

4.1.1. Unannounced Schengen evaluation of Greece 2015

The unannounced evaluation of Greece was carried out in November 2015. Whereas unannounced evaluations generally focus primarily on the situation on a specific border site or section, the unannounced evaluation of Greece focussed on both border and migration
management and included several on-site visits to sea and land border sites. In accordance with the established methodological framework, the thematic analysis will focus on recommendations related to strategic border management and the external sea border.

The unannounced evaluation of Greece was carried out during the migration crisis and at time of unprecedented irregular migration flows attempting to enter the EU. In 2015, the number of irregular migrants arriving by the Mediterranean Sea routes exceeded one million with more than 885,000 persons entering via the Eastern Mediterranean Sea route from Turkey to the Greek islands in the Aegean Sea alone.\(^2\)

\[\begin{array}{|c|c|c|c|c|c|c|c|}
\hline
\text{Month} & \text{Jan 2014} & \text{Feb 2014} & \text{Mar 2014} & \text{Apr 2014} & \text{May 2014} & \text{Jun 2014} & \text{Jul 2014} \\
\hline
\text{No. of detected irregular migrants} & & & & & & & \\
\hline
\end{array}\]


The migratory flow entering via Greece during 2015 was transitory in nature as most left Greece to travel along the Western Balkan route to reach their preferred destinations in Western Europe, mostly Germany, where many (some for the second time) applied for asylum. Even if initially being registered in Greece, applicants of international protections normally to be returned to first country of registration according to the Dublin Regulation were not returned to Greece.\footnote{Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) [2013] OJ L 180.} This was the consequence of two judgments by the European Court of Human Rights and the Court of Justice of the European Union in 2011 suspending transfers from other Member States to Greece due to identified systemic deficiencies in the Greek asylum system.\footnote{See e.g. European Commission, 'Commission recommendation of 15.6.2016 addressed to the Hellenic Republic on the specific urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No. 604/2013', COM(2016) 3805 final.}

The migration flows along the Western Balkan route during 2015-2016 was characterised by so-called ‘secondary movements’.\footnote{Secondary flow is the term used for persons crossing the external border irregularly more than once, to get to their final destination in other Member States. There is currently no EU system in place capable of tracing each person’s movements following an illegal border-crossing. Therefore, it is not possible to establish the precise number of persons who have illegally crossed the external border. Source: Frontex website: \url{https://frontex.europa.eu/along-eu-borders/migratory-map/} (assessed 6 April 2019)} Migrants who had originally entered in Greece left Greece by crossing the external land border to North Macedonia, re-entering the Schengen area in e.g. Hungary or Slovenia. In total, more than 766,000 irregular border crossings were reported on the Western Balkan route in 2015.\footnote{Frontex (2016), p. 19.} The secondary flows along the Western Balkan route gained widespread media and political attention in September 2015, when a number countries on the Western Balkan route, including EU Member States, began to allow migrants to transit their territory to reach other EU destinations – some even organising and
coordinating transport from one border section to the next. This later became known as the ‘wave-through approach’. Frontex, who is normally quite neutral in its operational assessments, portrayed the summer months of 2015 as ‘scenes of chaos’ and a ‘situation out of control’. One consequence of the chaotic scenes of the summer of 2015 was the choice by several Member States to reintroduce of internal border controls as response to cope with the increasing number of irregular migrants and refugees reaching their territories (see below).

The unannounced evaluation of Greece in 2015 was consequently carried out at a time when much media and political attention was directed towards Greece and Hellenic authorities’ handling of the situation and the evaluation is therefore significantly influenced by these developments.

The Council recommendations sets out a total of 49 recommendations addressing the serious deficiencies identified during the evaluation. 36 of the 49 recommendations focus on IBM and/or the sea border. 22 of the 39 recommendations are to be prioritised by Greece during the follow-up process. The focus on IBM and/or the external sea border management is hardly surprising given the overall operational at the time of the evaluation.

---


100 Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of management of the external borders by Greece of 12 February 2016, Document 5985/16.
The result of the thematic analysis shows considerably shortcomings in all main areas of strategic border management. Although only three of 36 recommendations deal with capacity building, they are considered to have considerable impact on governance and strategic prioritisation including financing and use of resources as they involve establishment of accommodation facilities during the registration process, reinforcement of staffing for registration, establishment of a new coastal surveillance system and acquisition of large-scale assets such as boats, vessels, helicopters and aircrafts.

The 13 recommendations issued under the category capability development continue from the above priorities by providing further detail to the actions to be taken by Greece. This includes a) further improving the registration processes by ensuring adequate equipment and procedures for registration of all incoming irregular migrants, b) ensuring patrolling activities between the Greek islands, c) ensuring full situational awareness and improving information
sharing between national authorities, d) implementation of a national risk analysis system, e) establishing operational cooperation structures with Turkey and f) delivering specialised border guard training.

Many recommendations concern operational performance (20 recommendations), which are primarily concerned with the quality of the border checks carried out by border guards, which can in part be linked to need for specialised training. There are no specific recommendations regarding the operational performance of sea border surveillance.

According to the Council decision, the serious deficiencies in the carrying out of external border control by Greece identified during the evaluation led to a situation putting the ‘functioning of the whole Schengen area at risk’ due to the subsequent secondary movements to other Member States and their reintroduction of internal border control.

The Council recognises that Greece was under an unprecedented pressure at the time and that the massive influx of irregular migrants of this scale would put severe pressure on any Member State and calls for all Member States to show solidarity and take collective responsibility to address the current situation. Examples of solidarity to be taken was for example for the other Member States to respond to the persistent calls by Frontex to support to Greece with border guard capacities in the form of border guards, assets and experts to support external border management as well as the much debated (and now abandoned) relocation scheme.\textsuperscript{101}

Although it is acknowledged in the decision that Greece had already taken a number of measures to deal with the situation, while not stating what exactly has been done, Greece is

asked to follow-up on the evaluation with the ‘least possible delay’ and as a matter of ‘priority and urgency’. Consequently, Greece is given one month to deliver an action plan of mitigating measures to be taken (the accelerated procedure).

In summary, the 2015 thematic analysis of the recommendations from the unannounced evaluation of Greece demonstrates that prioritisation should be focussed on three main areas: 1) improving the overall management system and reinforcing human and technical capacities and capabilities, b) improving the national border surveillance and risk analysis system to enhance overall situational awareness, and c) ensure proper migration management by establishing the necessary infrastructure, facilities and procedures to handle the large-scale influx of irregular migrants in accordance with fundamental rights.


According with the multi-annual programme and about five months after the unannounced evaluation in November 2015, an announced evaluation covering all areas of external border management was carried out (IBM, air, land and sea borders). In accordance with the established methodological framework, the following analysis will focus on recommendations relating to strategic border management (IBM) and the external sea border.

On 17 February 2017, the Council adopted an implementing decision addressing the deficiencies identified during the evaluation. As the decision did not address ‘serious

---

102 Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of management of the external border of 17 February 2017, Document 6353/17.
Compliant, but improvement necessary?

deficiencies’, the follow-up to be taken by Greece followed the ordinary procedure laid down in the SEM Regulation giving Greece three months to deliver an action plan.

Both operationally and politically, much had happened in the five months preceding the unannounced evaluation. This included a very considerate drop in the number of irregular migrants detected on the Eastern Mediterranean sea route after entry into force of the EU-Turkey Statement\textsuperscript{103} and the closure of the Western Balkans route by Member States ending the wave-through approach. It is worth to note that the drop in detections in Greece was followed an immediate increase in detections of irregular border-crossings in Italy, which from April 2016 to 2018 became the main point of entry for irregular migration to the EU.

Although the number of irregular migrants targeting Greece has significantly dropped at the time of the evaluation, the recommendations still show the immense strain Greece was under, now also resulting from unprecedented number of migrants staying in Greece to have their applications for international protection processed. Hence, the recommendations still use a form of crisis language and display continued shortcomings in relation to external border management, although now no longer referred to as ‘serious deficiencies’. The Council decision sets out a total 123 recommendations of which 39 concern IBM and sea border management. 14 of the 39 recommendations are to be prioritised mainly focussing on the further development of national border management capabilities and guaranteeing an adequate number of human resources assigned to border control tasks.

The thematic analysis of the recommendations show considerable shortcomings related almost all our identified themes, especially in the category capacity building. Firstly, the overall governance structure should be improved by developing a national IBM strategy supported by multi-annual strategic planning and a national quality control mechanism to create a solid basis for long-term sustainable development and ensuring the required capacity.

Secondly, the priorities should be set in relation to the functioning of the overall migration management system by improving the reception facilities in place on the Greek islands and the handling of irregular migrants, including ensuring sufficient resources for the reception and identification of irregular migrants. In this connection, it is important to highlight two
comments made in the recommendations in relation to fundamental rights; namely the protection of vulnerable groups on Samos and Kos, and the segregation of irregular migrants from common prisoners at the premises of the Hellenic Police on Kos to ‘bring the conditions in line with Article 4 of the EU Charter of Fundamental Rights (prohibition of torture and inhumane or degrading treatment or punishment)’. It is very rare that fundamental rights are referenced directly in the recommendations, and in this case study, it was only identified in the case of Greece.

Thirdly, there are considerate shortcomings in the national sea border surveillance system related to the further development of the National Coordination Centre to improve situational awareness, exchange of information between the national authorities, the command and coordination of Frontex joint operations and the national risk analysis system. Fourthly, there are several recommendations addressing the lack of technical and human resources to perform border control and surveillance tasks, including a reference to improve the use of existing resources and implement a long-term and comprehensive staffing plan in order ‘to improve the effectiveness of border control and to respond to many shortcomings related to the lack of staff mentioned in the report of the on-site visit’.

The result of the thematic analysis of the 22 recommendations related to the category capability development similarly show shortcomings related to all our identified themes and thus can be considered to provide additional input to the strategic priorities extracted from the capacity building category. Firstly, two recommendations focus on the overall governance structure and the necessity for the Hellenic Police to create a more systematic approach to training by linking capability development to strategic-level planning to ensure that all border guards are trained according to the requirements in the Schengen Borders Code. Secondly, several recommendations concern the further development of the national sea border
surveillance system including the need to improve the National Situational Picture and ensuring presence of all national authorities and coordination of all operational activities in the National Coordination Centre. *Thirdly*, Greece is recommended to continue its efforts to ‘further promote practical operational cooperation with Turkey’ in order improve border surveillance, crime prevention and prevention of unauthorised border crossings.

The six recommendations under the category *operational performance* focus on improvements related to the quality of operational border checks and procedures and can in part be linked to need for adequate training. There are no specific recommendations regarding the operational performance of sea border surveillance.

Overall, the thematic analysis of the 2016 recommendations show continued structural deficiencies in the overall border management system and largely resemble the recommendations issued after the unannounced evaluation in 2015. Considering that the announced evaluation was carried out only about five months after the previous evaluation and the scope and impact on the national system and resources this is not surprising. It is therefore rather surprising, after analysing the recommendations, that the outcome of this evaluation was not marked with ‘serious deficiencies’. The actions proposed in the 2015 recommendations would take time to implement in any border management system. For example, recruitment and training of border guards takes several years, which might explain the focus on long-term planning and development of border control capacities and capabilities.

Generally, the 2016 recommendations are found to be more detailed and therefore provide further input for areas to be prioritised by the Hellenic authorities during the follow-up process. The main priority areas are considered to be equivalent to 2015, namely a) continued improvements to the overall border and migration management system by fully applying the
European IBM concept with participation of all relevant national authorities including establishing a more strategic approach by developing relevant strategies, long-term action plans and contingency plans, b) establishment of sufficient reception facilities in accordance with fundamental rights including ensuring registration of all incoming irregular migrants, c) enhancing overall situational awareness by upgrading the national border surveillance system, and d) continuing efforts in relation to improving the operational cooperation with Turkey.

4.1.3. Relating the Schengen evaluation of Greece to the overall functioning of the Schengen area

The Council decision following the unannounced evaluation included a general recommendation stating that Greece should ensure that ‘external border control is carried out and brought in line with the Schengen acquis in order not to jeopardise the functioning of the Schengen area’. This recommendation is not prioritised by the evaluation team, which is notable as it links the overall result of the evaluation (serious deficiencies) to the overall functioning of the Schengen area. The prioritisation of individual recommendations is, however, only an indication made by the evaluation team and does not by itself have any consequences on the possibility to reintroduce internal border controls in exceptional circumstances by triggering Article 29 of the Schengen Borders Code.104 The overall focus in relation to the reintroduction of border control is instead on whether a Member State is ‘seriously neglecting its obligations’.105

104 Article 15 of the SEM Regulation: ‘When drafting the evaluation report and in the light of the findings and the assessments contained in that evaluation report, Member States’ experts and the Commission representatives shall […] give an indication of the priorities for implementing them […]’.

105 Article 16(1) of the SEM Regulation; Article 21(3) of the Schengen Borders Code.
This was in fact the Commission’s assessment of the situation in Greece following the unannounced evaluation and therefore provided the grounds for the Council to launch the ‘nuclear weapon’ by issuing a recommendation for the prolongation of the internal border controls already introduced by Austria, Germany, Denmark, Sweden and Norway on 12 May 2016.\textsuperscript{106} Border controls were introduced in Germany from 13 September 2015, Austria from 16 September 2015, Sweden from 12 November 2015, Norway from 26 November 2015 and Denmark from 4 January 2016 due the mass influx of undocumented or inadequately documented persons, who were not registered upon their first entry, stretching the reception capacities and posing a serious threat to public policy and internal security.\textsuperscript{107} France reintroduced border controls in the internal border from 13 November due to a UN conference, which was extended due to the emergency state following the Paris terrorist attacks. The reintroduction of border control in France was not included in the Council’s recommendation. The process for reintroducing border controls based on the result of a Schengen evaluation is described in figure 5 below.

\textsuperscript{106} Council Implementing Decision setting out a Recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk of 12 May 2016. Document 8835/16.

The Council’s recommendation on reintroducing internal border controls was based on an assessment by the Commission that not all the serious deficiencies identified during the unannounced evaluation were adequately addressed within the set time limit. This included continued structural deficiencies in the overall border management system and border surveillance and situational awareness – measures also identified in the thematic analysis to be of utmost importance. As a result, the Council concludes that the overall border situation in Greece is still considered to be putting ‘the overall functioning of the area without internal border controls at risk’.  

Following the Council’s recommendation to reintroduce internal border controls in select Member States, the Commission adopted an implementing decision recommending specific measures to be taken by Greece thus complementing the Council’s evaluation.

---

Specific measures may include initiating operational support coordinated by Frontex and/or a requirement to submit strategic plans on the deployment of personnel and equipment. As Greece had already requested Frontex for operational support, the specific measures concentrated mainly on the capacity and capability to host additional Frontex operational support and further utilization of EU financial support from the Internal Security Fund.

In the meantime – and following the strict timelines laid down in the Schengen Borders Code and SEM Regulation – Greece had submitted an action plan and first progress report to the Commission on the measures to implement as a follow-up to the evaluation. In its assessment the Commission finds that significant progress has already been made by Greece but also conclude that more detail and/or clarification is needed from the Hellenic authorities in order to make a proper assessment including a clear and comprehensive financing plan.\textsuperscript{110} The assessment thus echoes the specific measures already recommended by the Commission on the utilisation of EU funding in order to reduce ‘the need for Greece to resort frequent and “ad-hoc” requests for emergency assistance, with all the risks that such approach entails in terms of uncertainty and lack of long-term planning.’\textsuperscript{111}

In summary, the additional information included in the Council’s recommendation on the reintroduction of internal border control, the Commission’s recommendation on additional specific measures and assessment of the Greek action plan indicates that Greece in addition to

\textsuperscript{109} European Commission, ‘Commission Implementing Decision of 24 February 2016 setting out a recommendation on specific measures to be taken by the Hellenic Republic following the evaluation report of 2 February 2016’, C(2016) 1219 final.


\textsuperscript{111} Ibid, p. 5.
the areas of priority identified during the Schengen evaluations also should focus on the hosting of Frontex operational support and utilization of EU funding.

4.1.4. Thematic analysis of the announced Schengen evaluation of Italy 2016

According with multi-annual programme, an announced evaluation of Italy was carried out in March 2016. The evaluation covered all relevant areas of external border management (IBM, air and sea borders – Italy has no external land borders). In accordance with the established methodological framework, the following analysis will focus on recommendations relating to IBM and the external sea border.

*Table 6: Overview of detected irregular migrants on the Eastern Mediterranean Sea route in the period 2014-2018 (monthly detections)*

---

Compliant, but improvement necessary?

The evaluation was carried out at a time, which can be characterised as relative calm before the storm. From April onwards – and only one month after the evaluation – the Central Mediterranean route\textsuperscript{113} became the main route for irregular migration to the EU (at least until the Western Mediterranean sea route took over during 2018).\textsuperscript{114} In total 181,500 irregular migrants – the majority from sub-Saharan, West Africa and the Horn of Africa – were detected in the Central Mediterranean in 2016 (18\% increase compared to the year before) with the vast majority departing from Libya.\textsuperscript{115} Search and rescue operations play a central role, which are mainly undertaken by Italian law enforcement authorities, EUNAVFOR Med or Frontex with NGO vessels involved in less than 5\% of the incidents. Furthermore, this route has by far seen the largest share of fatalities reported in the Mediterranean with IOM estimating that 2,892 people went missing in 2015 and 4,767 in 2016 in their attempt to reach Europe.\textsuperscript{116}

Following the adoption of the evaluation report, the Council adopted a decision addressing the deficiencies identified during the announced evaluation on 17 December 2017.\textsuperscript{117} The decision sets out 52 recommendations for remedial action. 28 of 52 recommendations focus on IBM or the external sea border. Ten of the 28 recommendations are to be given priority by Italy during the follow-up.

\textsuperscript{113} Malta is also considered to be part of the Central Mediterranean route. Very few irregular migrants arrived in Malta during the migration crisis. Most migrants rescued between Libya and Malta were taken to Italy in accordance with the operational plan of Frontex Joint Operation Triton hosted by Italy.


\textsuperscript{115} Frontex (2017b), p. 18; 20; 32.


\textsuperscript{117} Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border of 17 February 2017, Document 6357/17.
The result of the thematic analysis shows that Italy should focus on capacity building (five recommendations) and improving the overall strategic framework by establishing a national IBM strategy and implementing action plan by strategic risk analysis for decision-making in relation to investments and allocation of resources in the medium and long term. As part of this process, Italy should develop permanent coordination structures and defined procedures including for joint strategic planning of national capabilities based on clear priorities.

The recommendations related to capability development (16 recommendations) compliments the recommendations related to capacity. The following priorities should be considered by Italy: a) further improving and formalising the cooperation between the national and local border management authorities, b) improving the functioning of the National Coordination Centre by integrating existing systems in order to create a comprehensive national situational picture, b) further developing the radar system by integrating systems and increase the
coverage to improve sea border surveillance, c) improving the national risk analysis system, and d) developing border guard capabilities by ensuring adequate basic and specialised training.

All but one recommendation related to operational performance (seven recommendations) focus on border checks procedures and can particularly be linked to need for adequate training. There are no specific recommendations regarding the operational performance of sea border surveillance. One recommendation concern the requirement to register all irregular migrants at the recently established Pozzallo Hotspot and a need to establish contingency plans to ensure this can also be done in case of a massive influx. Considering the very dynamic situation at the external border, Italy’s geographical location and the migratory pressure, the need for proper contingency planning is essential.

In summary, there are several shortcomings identified in the recommendations, which are considered relevant from a strategic point of view. This involves the need to establish a more structured approach to strategic border management by establishing a national IBM strategy and the necessary supporting structures to underpin this approach in the medium and long term including – also in the short term – proper contingency planning covering the entire external border, enhancing the current border surveillance system to create situational awareness and ensuring border guard capabilities.

4.1.5. Thematic analysis of the unannounced Schengen evaluation of Spain 2015

In March 2015, an unannounced evaluation was carried out of Spain. The evaluation was carried in a period of relative calm regarding irregular migration flows targeting Spain, especially considering the situation in the central and eastern Mediterranean. Between 6,400
and 8,500 persons was detected annually in the period from 2011-2015 on the Western Mediterranean route from North Africa to Spain, especially via Morocco. According to Frontex, key factors accounting for the stable situation was an efficient cooperation between Spain and Morocco, joint surveillance activities and the effective return of those detected crossing the border irregularly.\textsuperscript{118} The low migration pressure changed rapidly during the second half of 2017, and during 2018, the Western Mediterranean route became the most widely used route for irregular migration to Europe.

Table 8: Overview of detected irregular migrants on the Western Mediterranean route in the period 2014-2018 (monthly detections)\textsuperscript{119}

At the time of the evaluation, Spain was mainly affected by seasonal fluctuations in the number of persons entering through established border crossing points in the south of Spain

\textsuperscript{118} Frontex (2016), p. 6; 21.

\textsuperscript{119} Frontex, ‘Detections of illegal border-crossings statistics download (updated monthly)’, \url{https://frontex.europa.eu/along-eu-borders/migratory-map} (assessed 6 April 2019).
with ferry connections to Morocco stretching the national capacity to check large number of passengers and seasonal workers entering and exiting Spain. To this end, Frontex has for several years been assisting Spain through the seasonal Joint Operation Minerva in the summer and autumn months.

The unannounced evaluation focussed on the border control point ‘Port of Algeciras’ in the south of Spain. Following the evaluation, the Council adopted a decision\textsuperscript{120} setting out 15 recommendations of which two are given priority: border checks of third country nationals and implementation of the Carriers Liability Directive.\textsuperscript{121} The seasonal operation ‘Cross the Strait of Gibraltar’ carried out by the Spanish authorities with an aim to curb risks related to higher passenger flow and detection of cross-border crime was complimented by the evaluation team.

**Table 9: Results of the thematic analysis of the unannounced evaluation of Spain, March 2015\textsuperscript{122}**

<table>
<thead>
<tr>
<th>No. of recommendations</th>
<th>Category</th>
<th>Priority</th>
<th>Capability</th>
<th>Capacity</th>
<th>Performance</th>
<th>Key figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Border control</td>
<td></td>
<td>No</td>
<td>2</td>
<td>6</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Border control Total</td>
<td></td>
<td></td>
<td>3</td>
<td>7</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Inter-agency cooperation</td>
<td></td>
<td>No</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inter-agency cooperation Total</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk analysis</td>
<td></td>
<td>No</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk analysis Total</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td></td>
<td>No</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training Total</td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Key figures</td>
<td></td>
<td></td>
<td>7</td>
<td>1</td>
<td>7</td>
<td>15</td>
</tr>
</tbody>
</table>

\textsuperscript{120} Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Spain on the application of the Schengen acquis in the field of management of the external border of 12 November 2018, Document 14183/18.


\textsuperscript{122} Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external borders (Algeciras Port) by Spain of 12 December 2016, Document 15482/16.
In contrast to the other evaluations examined here, the result of the thematic analysis discloses a more narrow and operational focus of the evaluation centred on the activities carried out by the local border control authorities with two-thirds of the recommendations concerning border checks procedures and issues related to specialised and refreshment training.

Overall, the applied analytical framework show an almost equal division between recommendations dealing with capability development (seven recommendations) and operational performance (seven recommendations). Only one recommendation focus on capacity building, which have been the main source for input for strategic planning and prioritisation in the other evaluations.

An interesting finding, considering the increased number of irregular migrants targeting Spain since 2017, is the recommendation for Spain to ‘increase the effectiveness of the reaction capability and enhance situational awareness’ by considering to ‘integrate the data from all authorities participating in sea surveillance and all other relevant information systems’.

Overall, the results of the evaluation do not set of any major alarms and the language used is less crisis-stricken than the evaluations of Greece and Italy resembling the calm and stable situation on the Western Mediterranean Sea route at the time of the evaluation.

**4.1.6. Thematic analysis of the announced Schengen evaluation of Spain 2017**

The operational situation during the announced evaluation of Spain in September 2017 was quite different from the situation during the unannounced evaluation 2.5 years before by the end of 2017 the number of migrants detected on the Western Mediterranean route has reached a new record high more than doubling compared to the previous year. According to Frontex,
the increased flow was particularly due to an increased flow of sub-Saharan migrants attempting to cross the Strait of Gibraltar in rubber dinghies and a suspected increased activity of people smuggling networks in the area.\footnote{Frontex (2018b), p. 19.}

The evaluation was carried out as a part of the multi-annual programme and covered all relevant areas of external border management (IBM, air, land and sea borders). In accordance with the established methodological framework, the following analysis will focus on recommendations relating to IBM and the external sea border.

The Council decision addressing the deficiencies identified during the evaluation\footnote{Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Spain on the application of the Schengen acquis in the field of management of the external border of 12 November 2018, Document 14183/18.} sets out a total 66 recommendations. 39 of the 66 recommendations concern IBM and/or the external sea border. Nine of the 39 recommendations are marked as priority focussing mainly on shortcomings identified in relation to the establishment of a national IBM strategy, staffing levels, inter-agency cooperation, border surveillance, specialised training and the registration of irregular migrants.
Table 10: Results of the thematic analysis of the announced evaluation of Spain, September 2017

<table>
<thead>
<tr>
<th>No. of recommendations</th>
<th>Category</th>
<th>Priority</th>
<th>Capability</th>
<th>Capacity</th>
<th>Performance</th>
<th>Key figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Border control</td>
<td></td>
<td>No</td>
<td>3</td>
<td>3</td>
<td>11</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Border control Total</td>
<td></td>
<td></td>
<td>4</td>
<td>3</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>Governance</td>
<td></td>
<td>No</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>2</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Governance Total</td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Inter-agency cooperation</td>
<td></td>
<td>No</td>
<td>5</td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>3</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Inter-agency cooperation Total</td>
<td></td>
<td></td>
<td>8</td>
<td></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Migration management</td>
<td></td>
<td>Yes</td>
<td>1</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Migration management Total</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Risk analysis</td>
<td></td>
<td>No</td>
<td>3</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Risk analysis Total</td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Training</td>
<td></td>
<td>No</td>
<td>4</td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Training Total</td>
<td></td>
<td></td>
<td>5</td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Key figures</td>
<td></td>
<td></td>
<td>21</td>
<td>7</td>
<td>11</td>
<td>39</td>
</tr>
</tbody>
</table>

The thematic analysis of recommendations related to **capacity building** (seven recommendations) show improvements to be made in relation to the a) overall governance structure by establishing a national IBM strategy, a supporting multi-annual action plan and a permanent national quality control mechanism and b) ensuring sufficient and trained staff for performing border checks and the registration, screening and interviewing of irregular migrants.

More than half of the recommendations focus on shortcomings related to **capability development** (21 recommendations). In addition to proving input to capacity building a number of supplementary strategic priorities are identified: a) upgrading of the national sea border surveillance system in order to enhance situational awareness as well introduce compensatory measures to avoid gaps in sea border surveillance, b) enhancing and formalising inter-agency cooperation between the national border management authorities, c) developing the risk analysis system and exchange of information in view of improving
situational awareness, operational decision-making and risk-based allocation of resources, d) ensuing systematic fingerprinting of arriving irregular migrants including the necessary technical equipment at the border crossing points and police stations involved in the registration procedure, e) ensuring a uniform level of basic and specialised training based on coherent planning.

Recommendations related to operational performance (11 recommendations) focus entirely on the performance of border checks procedures and can particularly be linked to need for adequate training.

In summary, it is considered that Spain should prioritise improvement of the overall governance structure by applying the European IBM concept including strategic planning and cooperation between all relevant national authorities and a robust risk analysis system to support strategic and operational decision-making. Furthermore, Spain should upgrade the national sea border surveillance system to ensure situational awareness and reaction capability as well as ensure sufficient and trained staff to perform border control and first reception tasks.

The next part of this chapter will briefly examine the key vulnerabilities on the Eastern, Central and Western Mediterranean routes identified during Frontex’s baseline assessments and contextualised with the outcomes to the result of the thematic analysis carried out above.
4.2. Contextualising Schengen evaluation results with key vulnerabilities in external border management

The first round of vulnerability assessments was carried out in 2017 following the entry into force of the EBCG Regulation in October 2016. As mentioned in chapter 3 on the methodological framework, the recommendations issued to each Member State following the assessment are classified and there is therefore less publicly available material available for examination compared to the recommendations following Schengen evaluations.

Generally, the same themes that are assessed both in Schengen evaluations and vulnerability assessment such as issues related to border checks, border surveillance, risk analysis and registration and screening of irregular migrants. In contrast to the qualitative nature of Schengen evaluations, vulnerability assessments are based partly on a quantitative analysis based on predefined objective criteria supplemented by qualitative analysis of textual information provided by the Member States to identify areas for further assessment to establish underlying reasons for identified vulnerabilities and changes over time. This should lead to a more objective instrument reducing the risk related e.g. bias of Schengen evaluators. However, as there is still a significant level of human inter-action in the assessing of vulnerabilities these risks are not entirely eliminated. Considering the current scope and nature of vulnerability assessments that are based on a large amount of numerical data as well as qualitative textual information, an entirely qualitative approach would moreover not be suitable as it would leave out valuable information.

Similarly to the recommendations issued following a Schengen evaluation, the sheer number of vulnerabilities detected does not by itself say anything about the actual vulnerability of a certain border section or the preparedness of a Member State to face upcoming challenges.
Furthermore, it should be noted that not all vulnerabilities result in an issued recommendation. Still, the national level is expected to take vulnerabilities into account in the overall management of border control activities much as Member States would usually do with vulnerabilities identified in the national risk management system. Vulnerabilities should therefore feed into the decision-making level and strategic priority-setting.

Table 11: Overview of detected vulnerabilities on the Eastern, Central and Western Mediterranean routes in 2016 and 2017 (percentage of all vulnerabilities detected per year)\textsuperscript{125}

<table>
<thead>
<tr>
<th></th>
<th>Eastern Mediterranean</th>
<th>Central Mediterranean</th>
<th>Western Mediterranean</th>
<th>% of vulnerabilities on the 3 routes</th>
</tr>
</thead>
<tbody>
<tr>
<td>General border</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>management</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Border Surveillance</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Border checks</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Registration,</td>
<td>5</td>
<td>1</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>screening and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>referral mechanisms</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk analysis</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>% of all vulnerabilities</td>
<td>9</td>
<td>11</td>
<td>12</td>
<td>6</td>
</tr>
</tbody>
</table>

The above examination is based on the vulnerabilities identified per migratory route per year. As other countries are also affiliated with the three routes – Malta with the Central Mediterranean and Bulgaria with the Eastern Mediterranean – a direct correlation between vulnerabilities and Member States/routes or direct comparison between vulnerabilities and the results from the

thematic analysis is not possible. What is possible, however, is to extract general gaps, synergies and themes to supplement the areas of priority identified in the thematic analysis.

In general, it can be concluded that the results of the vulnerability assessments to a certain extent compliments the results from the Schengen evaluations by both replicating and adding new insights to identified shortcomings.

According to Frontex, the Mediterranean routes predominantly saw challenges regarding strategic border management, need for improvement of border surveillance and establishment of proper contingency planning and registration and accommodation capacity underlining the need to ensure structures to appropriately manage irregular migration flows at sea borders. Furthermore, Frontex also provides an indication of the nature of the recommendations issued following the baseline assessment. This includes recommendations to prepare performance improvement planning in relation to sea border surveillance to increase reaction and interception capability at sea, updating and testing of contingency planning in case of large-scale irregular migration flows as well as preparation of strategic plans to increase accommodation capacity.

Notably, identified vulnerabilities in risk analysis make for a very little percentage of detected vulnerabilities on all the three routes and are almost totally lacking in 2018. This contrasts with the considerable number of Schengen recommendations that all three Member States received in this area. However, it is also believed that carrying out a quantitative analysis of a Member States’ capacity and capability to carry out risk analysis is almost impossible as there is very little quantitative data on which to base an assessment. For example, the number of risk analysis products issued by a Member State says nothing about the quality of the analysis and consequently might be better left for Schengen evaluations, where there is a better possibility to carry out a qualitative assessment of the entire system and outcomes.
The vulnerability assessment instrument is considered to complement the thematic analysis by identifying similar themes and areas that can feed into strategic decision-making. The description of detected vulnerabilities and the examples of issued recommendations provided by Frontex also indicates that vulnerability assessments can be just as strategic in nature as a Schengen evaluation; or reversely that Schengen evaluations can be just as operational and technical in scope as vulnerability assessments. For example, both instruments have resulted in recommendations relating to strategic planning, upgrading of border surveillance systems and establishment of accommodation facilities. This shows that some synergies persist between the two instruments as they identify similar themes and work along the same lines but also poses questions on the benefit of running two separate and heavy processes.

### 4.3. Results of qualitative interviews and replies to the interview guides

The below overview of the replies given by the Commission, Frontex, Spain and Italy show the main features influencing strategic border management. The narrative is quite noticeable with the Member States being concerned with setting concrete priorities and defining practical and operational actions addressing identified shortcomings and of further standardisation and harmonisation without an eye for national sovereignty. The Commission and Frontex seem more concerned with issues of solidarity and shared responsibility.
**Table 12: Overview of replies to stakeholder interviews and interview guides**

<table>
<thead>
<tr>
<th>Question</th>
<th>Commission</th>
<th>Frontex</th>
<th>Spain</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Most important EU IBM elements</strong></td>
<td>All components have equal importance</td>
<td>Shared responsibility and setting a common direction</td>
<td>Inter-agency cooperation</td>
<td>Border control, interoperability of EU systems, quality control and third-country cooperation</td>
</tr>
<tr>
<td><strong>Strategic priority areas</strong></td>
<td>European Agenda on Migration incl. saving lives, reception capacities, referral mechanism and ensuring funding to implement these initiatives.</td>
<td>Full implementation of EBCG concept and utilization of funds. <strong>SEM</strong></td>
<td>Increase budget and HR and enhance third country cooperation. <strong>SEM</strong></td>
<td>Carry out risk analysis training together with Frontex. Establish national IBM strategy. Improve basic training in line with CCC. Implement 24/7 function of NCC. Improve inter-agency cooperation between Police and Customs.</td>
</tr>
<tr>
<td><strong>Challenges in setting strategic priorities</strong></td>
<td>Difference in political and operational agenda. Political priorities do not always fully match recommendations.</td>
<td>Constantly changing operational and legislative environment.</td>
<td>Constraints in national budget to increase capacities, technical means and HR.</td>
<td>Third countries, esp. Libya, reluctant to cooperate. Handling of mass influx of irregular migrants.</td>
</tr>
<tr>
<td>Question</td>
<td>Commission</td>
<td>Frontex</td>
<td>Spain</td>
<td>Italy</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Response of priorities to main challenges</td>
<td>Short-term priorities have responded fully. Medium term priorities not fully established according to the operational situation. Migration crisis solved by political and not operational means.</td>
<td>Partly. Did not successfully manage to overcome or get ahead of all challenges.</td>
<td>Measures have responded to challenges.</td>
<td>Effective, adequate and in line with main challenges, recommendations and priorities.</td>
</tr>
<tr>
<td>Recommendation for improving European IBM in frontline MS</td>
<td><strong>General</strong>&lt;br&gt;Need technical and operational strategy as interface between political and operational level. Need stronger follow-up on SEM and active participation of COM, Frontex and MS.</td>
<td>European IBM is a joint effort. Time.</td>
<td>Remember connection between border management and law enforcement. European IBM to reinforce national IBM and not replace it.</td>
<td>Harmonize procedures and exchange of best practices. European IBM need to consider specific situation and features of MS.</td>
</tr>
<tr>
<td><strong>Frontline MS</strong>&lt;br&gt;Need full implementation of European IBM and strategic approach with commitment from all stakeholders.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Particularly noteworthy, is the Commission’s statement that the migration crisis was solved by political and not operational means such as the EU-Turkey Statement and that medium to
long-term prioritisation have not been at a sufficient level. In the next chapter, the outcomes of the EU quality control mechanisms described above will be explored, which if applied correctly can support and act as key drivers for organisational development and strategic border management.
Chapter 5: EU quality control mechanisms as drivers for organisational development

From the thematic analysis, three overarching themes to complement strategic priority-setting can be established. *Firstly*, all three Member States should improve their strategic approach to border management by aligning their governance systems with the European IBM concept including establishing medium to long-term capacity and capability planning with clear financing and priorities. EU funding mechanisms should be fully utilized. Priorities should be based on strategic risk analysis and outcomes of EU and national quality control mechanisms. *Secondly*, national border surveillance systems should be upgraded to ensure full situational awareness and reaction capability. *Thirdly*, all three Member States should ensure sufficient registration, screening and reception capacity to properly handle large influxes of irregular migrants supported by contingency planning in case the operational situation changes, which the recent years’ developments show it can quickly do.

Receiving the necessary operational support through Frontex and other relevant EU agencies is also essential. On one hand, it is a way for the Member States to receive direct assistance in handling a difficult situation, and on the other, a way for other Member States to show solidarity and shared responsibility by deploying their own resources to the common external border. All three Member States are hosts to one or more Frontex operations receiving considerate operational support. However, consistent deployment gaps persist prompting questions on the extent of Member State solidarity and response capability.
Increasing pressure to adapt to external influences and integrate internally\(^{126}\) such as
requirements from the political level to meet EU/Schengen standards and a continuous
requirement to implement new initiatives driven by changes to the EU legislative and policy
framework is a challenge for the national authorities. Furthermore, the constantly changing
operational environment also influences the workload and processes that national authorities
must undertake, which means an increasing focus on prioritisation and organisational
development.

One recommended approach to manage this change would be to take a planned and
systematic approach to introducing change by following Kotter’s ‘Eight Steps’ and
maximising on internal strengths and external opportunities.\(^{127}\) This includes developing
national IBM strategies with clear vision, mission and values, communicating them to all
levels of the organisation and implement them through careful strategic planning.

As requests and main drivers for change often originates from the EU and/or political level
and thus outside the immediate sphere of influence for many involved, it is likely that some
stakeholders will be resistant to implement and embracing them. Therefore, the introduction
of changes should be translated into a national context and anchored in the national
organisation with managers and employees on all levels taking responsibility – the key being
a strategic approach to organisational development. This is a challenging point considering
the many national authorities involved in border management in the Member States, who will
have to face organisation development together, whilst at the same time keeping their own
attributes and competences.

\(^{126}\) E. Schein, ‘Coming to a New Awareness of Organizational Culture’ (1984) 25(2), Sloan Management
Review, pp. 3-16.

Review, pp. 59-68.
These considerations do not only apply to the national level. It is also evident that the Commission and Frontex will have to take responsibility and facilitate changes within their organisations including for initiatives which they might not be directly responsible for, but still have a large stake in implementing. For example, during their interviews both the Commission and Frontex officials mentioned considerable challenges with the synergies between the Schengen evaluations and vulnerability assessments by referring to the fact that the mechanisms are very new and acknowledging that the interactions between the two processes should be enhanced. The Commission’s official found that the vulnerability assessment process ‘should be further developed in terms of consistency and transparency’, while the Frontex’s Deputy Executive Director referred to the lack of Frontex involvement in Schengen evaluations:

I think the link between Schengen evaluations and the Agency properly still needs to be made stronger because formally speaking we have an observer role which we can contribute to, but we are not as much involved in Schengen evaluations as the Member States are.

These observations can possible be ascribed to a resistance to change. With the increased institutionalisation in the field of border management and the enhanced mandate of Frontex, difficulties may arise in terms of cooperation on all levels and creates a risk of internal and external conflict. Strengthening the organisational development with change agents (e.g. through leaders) that can act as intermediators and facilitating the new approach between the various actors involved across the board will be crucial.
A recommendation for overcoming resistance and getting rid of old habits and structures is to apply the three stages of Lewin’s Change Model\textsuperscript{128} (unfreeze – change – refreeze) to focus on modifying the behaviour of stakeholders, both on management and employee level, to prepare, implement and solidifying changes: Taking into consideration that new unscheduled and scheduled initiatives are introduced continuously, it will be hard for organisations to systematically control the process. Therefore, it is important and recommended to celebrate the goals achieved along the way to keep employees motivated and inspire leaders leading the change to continue their efforts. This will also go a long way to increase the possibility of success of future changes and the organisational development initiatives, which will inevitably come.

It is evident that the recommendations from the Schengen evaluations of Greece, Italy and Spain provide quite detailed, technical and concrete actions to be taken. This gives less flexibility and room for manoeuvre for Member States when defining strategic priority areas and determining specific follow-up actions and a risk of creating ‘tunnel vision’ by getting lost in detail. Although, the Commission’s official stated that the Commission take on board the different approaches applied by Member States to a given migration phenomenon during evaluation, it was also acknowledged that this is not a major concern: ‘But we do not care so much. We care very much and try to ensure that the standards that are the legislation, that are the Schengen Borders Code, that are the whole Schengen acquis, are implemented.’

Considering the wide scope of the Schengen acquis with its detailed rules on how Member States should carry out border management, the scope of Schengen evaluations is therefore enormous, and it cannot be expected that single experts or even the team is able to consider

\textsuperscript{128} S. Cummings et al., ‘Unfreezing change as three steps: Rethinking Kurt Lewin’s legacy for change management’, (2016) 69(1) Human Relations, pp. 33-60.
everything. Thus, an evaluation will always be a sample and albeit not one which is always compatible with other evaluations. The vulnerability assessment is also very detailed but with more measurable findings based on objective criteria. However, the assessment is entirely dependent on the data that the Member States provides, does not include the same peer-to-peer review as the Schengen evaluation mechanism or provide for the possibility to carry out unannounced visits. Consequently, it is entirely up to Frontex to ensure that assessments are objective prompting questions of transparency and transferability of outcomes and trust between the different stakeholders.

In terms of defining strategic priority areas for enhanced border management in the frontline Member States, the analysis shows that these should focus on developing comprehensive and efficient structures and tools for governing the national border management systems. This includes the development of national IBM strategies supported by strategic planning in the form of actionable plans linking capacity building and capability development in all areas of IBM to enhance operational performance. These strategies should also aim at enhancing inter-agency cooperation, especially as these southern Member States are characterised by numerous actors in the field of border management. They should also focus on further developing comprehensive national systems for sea border surveillance and management as well as structures for the full implementation of the hotspot approach.

The strategic priorities defined on national level were found to largely to respond to the results of Schengen evaluations and vulnerability assessments. Some parts went unanswered and some additional/new priorities were discovered during the interview such as Spain prioritising third country cooperation, which was not included as a shortcoming in the Schengen evaluation. It goes unanswered whether international cooperation was a part of the evaluation. It could be that the evaluation team considered the cooperation sufficient or it
could be that they simply did not have focus on this part. Rapid operational changes can also have advanced the prioritisation of third country cooperation from the Spanish side.

According to the Commission’s official further improvements to strategic priority-setting on the national level can be made, especially to the further harmonization of the national and European priorities. It can also be argued that the Commission should do the very same, namely taking on board key national developments.

However, one of the imperative elements influencing strategic priority-setting in external border management is the overall national priorities – not only in relation to border management, but public management on a wider scale. As many authorities involved in border management carry out a wide range of tasks, many not directly linked to border management (e.g. law enforcement or military); they will always be shaped by other factors influencing strategic priorities. Therefore, border management authorities must continuously struggle and strive towards staying high on the political agenda if they are to be successful in requiring the needed resources for implementing strategic priorities.

On the EU-level, the strategic priorities of the Commission were mainly influenced by the Commission’s own European Agenda on Migration and European Agenda on Security129, which is hardly surprising as the very objective of the agendas are to set the strategic priorities of the Commission. However, further considerations in relation to the priorities identified by both EU quality control mechanisms could improve overall EU priorities. Having these mechanisms feeding into the priorities on the EU-level is very important they are to really position themselves in strategic border management and being used fully.

It is argued that neither the Schengen evaluation mechanism, nor the vulnerability assessment concept take a regional or EU-wide approach when being applied in practise. Both mechanisms focus on the state-of-play in the individual Member States thus providing for an increased risk of tunnel vision in their application.

The peer-to-peer nature of Schengen evaluations is a strong feature contributing to the overall transparency of evaluations with the methods for arriving at results in the vulnerability assessment including the algorithms applied to the objective criteria is seen as less transparent. For example, when the Commission official responded: ’Today it is me, tomorrow it is you and we together go to evaluate a third colleague. Therefore, it is always like this and I think this is very good. In the vulnerability assessment, I mean, it is so secret.’

However, the limited access to the background information to a wider group of stakeholders, with e.g. Schengen evaluation reports and vulnerability assessments recommendations being restricted, can constrain the Member States in their effective regional or EU-wide cooperation and exchange of information, which is a requirement according to the Schengen Borders Code and an important part of effective implementation of European IBM. Furthermore, many Member States do not wish to publish these results as they deal with weaknesses and shortcomings in the very core of their national border management systems and are often seen to contain information related to public security.

Thus, focus should be on improving regional and EU-wide cooperation without hampering the concerns of the Member States related to the sensitive information. One way to overcome this weakness could be to establish regional cooperation networks in an environment based on

---

130 Schengen Borders Code, Article 17(1): ‘The Member States shall assist each other and shall maintain close and constant cooperation with a view to the effective implementation of border control, in accordance with Articles 7 to 16. They shall exchange all relevant information.’
trust building more than a mere obligation to cooperate, where Member States voluntarily can learn from each other and share experiences related to the outcomes of quality control mechanisms. This should be linked to national governance of IBM thus ensuring that all relevant stakeholders can participate.

However, the lack of synergies both in relation to procedures and outcomes of the two mechanisms established in the analysis above is also supported by the interviewed officials from Frontex and the Commission mainly since both are ‘young babies’. In this context, Frontex’s Deputy Executive Director considered that the agency’s role in Schengen evaluations could be made stronger as one way of improving interaction between the two mechanisms.

One of the weaknesses in relation to the Schengen evaluation mechanism is found to be the lengthy and cumbersome procedures both in relation to the follow-up and adoption of evaluation reports by the Commission, recommendations by the Council and assessments of action plans by the Commission. In our case study, the adoption of recommendation took between three and fourteen months, therefore averaging almost ten months. With the fast-changing dynamics on the external border, this is simply not effective. If we also add the three months’ time limit for Member States to deliver an action plan and the subsequent delivery of the assessments from the Commission if defined actions are adequate, it is very evident that the system is in dire need of improvement in this regard. The Commission official also stated that the lengthy Commission procures was a problem and argued that Member States are sometimes slow and lack transparency in their follow-up.

The research reflects that the outcomes of Schengen evaluations and vulnerability assessments do in fact contribute to improving IBM in the frontline EU Member States. Both mechanisms reveal concrete recommendations for improvement, which according to research
findings are taken on board by the Member States in their follow-up. Even if some recommendations can be considered less relevant, i.e. recommendations focussing on the ‘mistakes on the day’ by individual border guards instead of overall weaknesses in the system they are considered to have an added-value in enhancing overall border management systems in terms of capacity building, capability development and operational performance. However, some changes and improvements should be considered.

It is argued that there is a need for further development of a strategic approach to border management by fully implementing the European IBM concept with all stakeholders being committed to and taking responsibility in fulfilling their tasks. This argument is supported by the interviews with officials from both the Commission and Frontex. For example, the Commission official stated that the frontline Member States ‘need strategies, they need a coordination group, they need to assess the division of the national institutions, they need to put together the national institutions that are responsible for border management. They need to improve the strategic planning and the strategic approach to border management.’

It is argued that it should be seriously considered to combine the two mechanisms under the overall umbrella of the Schengen evaluation mechanisms with the vulnerability assessments feeding into Schengen evaluations similarly to general and targeted risk analysis carried out by Frontex. In doing so, enhanced transparency could be ensured, as the Member States will have a more active role in determining which vulnerabilities should be defining overall weaknesses the national border management systems. Furthermore, Frontex’s role would also be enhanced not in the evaluations per se but in providing information further qualifying evaluations leaving the matter of issuing recommendations to the Council. This lessens the tensions that the addition of vulnerability assessments has put on the cooperation and trust between Frontex and the Member States.
In terms of increasing the efficiency and effectiveness, the required capacity to deal with quality control mechanisms should be ensuring in order to enhance the follow-up procedure considering the slow and cumbersome processes in place. Furthermore, the link to funding mechanisms should be enhanced by giving the Member States a more active role in setting priorities related to funding and increasing awareness in applying them, e.g. by providing concrete advice in evaluation reports, recommendations or other on actions that are fundable via EU solidarity mechanisms.

It is argued that EU quality control mechanisms could increase their regional dimension. For example, Schengen evaluations under the old mechanism were carried on a regional basis with evaluation teams visiting clusters of Member States. Although recommendations were still issued for each Member States this approach fostered cooperation between Member States in the same cluster.\textsuperscript{131} Considering the similarities in strengths, weaknesses, opportunities and threats experienced in different regions, enhanced regional cooperation on the operational level could prove useful for both short, medium and long term planning as Member States could share experiences and find areas of common interest to maybe jointly explore.

The dynamic shifts in migratory patterns both in terms of routes and nationalities of irregular migrants can partly be credited to a pendulum effect caused when the external border is strengthened in one border section it immediately influences the neighbouring section as irregular migrants will continue to target the country with the best possibility of achieving their objectives. However, the perceived vulnerability of a border is not the main reason for

\textsuperscript{131} E.g. the Nordic countries established both formal and informal modes of cooperation to prepare for their evaluation in 2011. These channels were also used for more general operational cooperation and sharing of experiences. According to the interviewed stakeholders, such regional cooperation is not established in the Mediterranean region.
migrants to target a specific route. This is also influenced by push and pull factors such as the political and socio-economic situation in the countries of origin and the workings of organised smuggling networks. The shift in migratory patterns is therefore also credited to external developments.

The expectations to recently adopted technical and operational strategy for European IBM strategy are sky-high as it shall act as an interface and combine and translate many quite technical and demanding areas with a great deal of actors involved. Time will tell what its influence on the European IBM process will be. However, as also put by the official from Frontex:

But what I would like to make very clear is what the technical and operational strategy is not: if you have a problem then you go to the doctor, and then the doctor says, ‘I will give you a technical and operational strategy and if you implement that then you will be fully fine.’ A technical and operational strategy is something that we jointly need to live. This is not like a handbook for a better life or guidelines on how to perform better. This is something that we will as the European Border and Coast Guard, and I repeat, will be able to jointly implement or we will not be able to jointly implement.

Therefore, it is important that in addition to implementing any strategies related to IBM the national and European authorities change their mind-sets ‘to live along the lines of European IBM’ by fully taking the concept of shared responsibility on board when determining strategic priority areas and hence also thinking outside the immediate scope of their own national border sections. However, to do so will require time and considerate efforts by the national authorities, time often being a shortage in the JHA field characterised by fast changes to the legislative and policy framework.
Chapter 6: Conclusion and recommendation

6.1. Conclusion

Border management is a shared responsibility between the EU and the Member States, which was reconfirmed with the adoption of EBCG Regulation in 2016 uniting national border management authorities and Frontex under a common European Border and Coast Guard.\(^{132}\) Still, the approach taken in the methodology is not considered regional or EU-wide. Therefore, the usage of EU quality control mechanisms as key influencers in setting overall priorities should be increased to exploit the full potential of these mechanisms.

The peer-to-peer nature of Schengen evaluations is a strong feature contributing to the overall transparency of evaluations, which could be considered transferred in some way or format to the vulnerability assessment instrument to increase transparency and the level of inter-action amongst stakeholders in line with the provisions of the Schengen Borders Code and as an important part of effective implementation of European IBM.\(^ {133}\) This should take into account the sensitive nature dealing with weaknesses and shortcomings in the very core of the national border management systems that are included in the assessments, which can constrain the Member States in their effective regional or EU-wide cooperation and exchange of


\(^ {133}\) Article 17(1) of the Schengen Borders Code: ‘The Member States shall assist each other and shall maintain close and constant cooperation with a view to the effective implementation of border control, in accordance with Articles 7 to 16. They shall exchange all relevant information.’
information. Therefore, enhanced focus should be on improving regional and EU-wide cooperation without hampering the concerns of the Member States related to the sensitive information. One way to overcome this weakness could be to establish regional cooperation networks in an environment based on trust building more than a mere obligation to cooperate, where Member States voluntarily can learn from each other and share experiences related to the outcomes of quality control mechanisms linked to national governance of IBM ensuring that all relevant stakeholders participate.

However, the lack in synergies between the Schengen evaluation mechanism and vulnerability assessments in relation to scope, procedures and outcomes established in the analysis and supported by the interviewed officials from Frontex and the Commission should be handle in the wider development of EU quality control.

This development should also focus on the cumbersome and lengthy processes related to the follow-up on evaluations and assessment and the Commission’s enhanced scrutiny powers in monitoring the progress have proven difficult for the Commission to handle efficiently, especially related to the adoption of evaluation reports and providing assessments of action plans, which also influence the adoption of recommendations. In our case study, the adoption of recommendation took on average a bit less than 10 months. If we also add the three months’ timeline for Member States to deliver an action plan and the subsequent delivery of the assessments from the Commission if defined actions are adequate, it is very evident that the system is in dire need of improvement in this regard. With the fast-changing dynamics on the external border, this is simply not effective and the mechanism cannot do its job properly as a main influencer of strategic border management and strategic planning, a view also shared by the Commission official, who also stated that Member States themselves are also sometimes slow and lack transparency in their follow-up.
In terms of defining strategic priority areas for strategic border management in the frontline Member States, it is found that most major themes are repeated in all three evaluations, which has also been supported by examination of vulnerability assessment outcomes. Focus should therefore be on developing a comprehensive and efficient structures and tools for governing the national border management systems. This includes the development of national IBM strategies supported by long-term strategic planning linking capacity building and capability development in all areas of IBM in order to enhance operational performance and strengthening the external borders. As a key function, strategies should also aim at enhancing inter-agency and international cooperation between the numerous actors involved in border management, especially in the frontline Member States, to ensure a comprehensive and horizontal accord and agreement on current and future developments. The management and full implementation of the hotspot approach, including appropriate contingency planning to handle large influxes of irregular migrants but also other developments that can influence the external border such as security developments. Furthermore, the further development of comprehensive national systems for sea border surveillance ensuring full situational awareness and reaction capability is also important in the further development of border management.

Whether issued recommendations are accurate in terms of responding to the operational situation on the ground or whether they have been fully implemented is outside the scope of this research. However, what was identified in this research was that the strategic priorities defined on national level, which was found to largely to respond to the main challenges and included additional topics relevant to the national authorities. For example, Spain and Italy also prioritised third-country cooperation in their follow-up but also as key components of European IBM. However, according to the Commission official further improvements to
strategic priority-setting on the national level can be made, especially in relation to the further harmonisation national priority-setting with European priorities and utilization of EU funding.

National priorities must also consider the many influences outside the IBM sphere and not directly linked to border management, such as law enforcement or military authorities, who will continuously be influenced by other factors within their domain such as combatting crime ‘inland’ or contributing to military operations ‘abroad’. Therefore, border management authorities must continuously do their utmost to stay high on the political agenda if they are to be successful in the medium to long-term.

On the EU-level, the strategic priorities of the Commission were mainly influenced by the Commission’s own agendas on migration and security, which is hardly surprising as the very objective of the agendas are to set the strategic priorities of the Commission. However, further considerations in relation to the priorities identified by EU quality control mechanisms could improve these priorities and support the strategic approach. Having these mechanisms feed into the strategic prioritisation, not only on national level but also on the EU-level, is extremely important if they are to position themselves in the strategic management and their scope being used fully.

Strong external border and further progresses will be dependent on legislative and financial support to enable the strategical process, capacity building, capability development and operational performance.

The outcomes of Schengen evaluations and vulnerability assessments are considered to contribute to improving European IBM and drive organisational development. In terms of the EU frontline Member States, results from both mechanisms have revealed concrete
recommendations for improvement, which largely have been taken on board by the Member States in their follow-up.

It is argued here that the two mechanisms should be combined under the overall umbrella of the Schengen evaluation mechanism with the vulnerability assessments feeding into Schengen evaluations much as general risk analysis carried out by Frontex does today. In doing so, enhanced transparency could be ensured, as the Member States will have a more active role in determining which vulnerabilities should be defining overall weaknesses the national border management systems. Furthermore, Frontex’s role would also be enhanced not in the evaluations per se but in providing information further qualifying evaluations leaving the matter of issuing recommendations to the Council. This lessen the tensions that the addition of vulnerability assessments has put on the cooperation and trust between Frontex and the Member States.

In terms of increasing the efficiency and effectiveness, enough capacity to timely deal with quality control mechanisms should be ensured. Furthermore, it should be considered to enhancing the link to funding mechanisms giving the Member States a more active role in setting priorities related to funding and increasing awareness in utilizing them.

Another important element in improving strategic border management on the EU and national levels is the recent adoption of the technical and operational strategy for European IBM. This strategy shall act as the main interface between the political and national levels as well as provide linkage between the different IBM components. However, an IBM strategy does nothing by itself and it is argued the national and European authorities change their mind-set ‘to live along the lines of European IBM’ by fully taking on board the concept of shared responsibility when determining strategic priority areas and hence also thinking outside the immediate scope of their own national border sections. However, to do so will require time
and considerate efforts by the national authorities, time often being a shortage in the JHA field characterised by fast changes to the legislative and policy framework.

6.2. Recommendation

Firstly, border management authorities agencies should apply a strategic approach to organisational development in order to effectively implement changes by translating them into a national context and anchoring them in the national organisations with managers and employees on all levels taking responsibility.

Secondly, border management authorities and Frontex should establish European IBM strategies fully taking on board all components and all relevant authorities. This should be complemented by developing strategic risk analysis capabilities and incorporating quality control mechanisms to support medium to long-term priority-setting including the development of sufficient border management capacities and capabilities.

Thirdly, national border management authorities should align their national European IBM strategies with the technical and operational strategy for European IBM and ensure an efficient governing structure on all levels and the required capacity and capability to implement the strategy effectively through concrete and actionable plans taking into account national and European objectives and ambitions in terms of external border management.

Fourthly, the synergies between the Schengen evaluation mechanism and vulnerability assessment instrument should be developed by ensuring the active participation of all stakeholders involved in implementation and follow-up. This should be done by including the
Member States more actively in the vulnerability assessment instrument, Frontex in the Schengen evaluations and Member States in the prioritisation of funding mechanisms.

*Finally,* the concept of EU quality control mechanisms should be reorganised by creating one combined compliance and performance measurement mechanism encompassing elements of both the Schengen evaluation mechanism and vulnerability assessment instrument. Schengen evaluations should continue to be the main mechanism for compliance and performance measurement with vulnerability assessment feeding into the mechanism just as Frontex risk analysis does today. This could also reduce some of the considerate resources spend by all actors and make for a more efficient system. In this context, the current time-consuming process of adopting evaluation reports and issuance of recommendations should be enhanced in order to render the whole process more efficient.
References


14. Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of management of the external borders by Greece of 12 February 2016, Document 5985/16.

15. Council Implementing Decision setting out a Recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk of 12 May 2016. Document 8835/16.
16. Council Implementing Decision setting out a recommendation on addressing the
deficiencies identified in the 2015 evaluation on the application of the Schengen
acquis in the field of management of the external borders (Algeciras Port) by Spain of
12 December 2016, Document 15482/16.

17. Council Implementing Decision setting out a recommendation on addressing the
deficiencies identified in the 2016 evaluation of Greece on the application of the
Schengen acquis in the field of management of the external border of 17 February

18. Council Implementing Decision setting out a recommendation on addressing the
deficiencies identified in the 2016 evaluation of Italy on the application of the
Schengen acquis in the field of management of the external border of 17 February

19. Council Implementing Decision setting out a recommendation on addressing the
deficiencies identified in the 2017 evaluation of Spain on the application of the
Schengen acquis in the field of management of the external border of 12 November

20. Council of the European Union, JHA Conclusions from the 2768th session of the
Council of the European Union, Brussels, 4-5 December 2006.

from the 3354th session of the Council of the European Union: Annex on the legacy
of Schengen evaluation within the Council and its future role and responsibilities
under the new mechanism’, Brussels, 5 December 2014.

23. EPP, ‘Schengen: MEPs against Council decision to change legal basis for new Schengen area evaluation mechanism, *EPP*, 12 June 2012, 
(assessed 4 February 2019).


38. European Council, 2768th session of JHA Council meeting, Brussels, 4-5 December 2006.


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


76. Rijpma, Jorrit (2016b), ‘Study for the LIBE Committee of the European Parliament: The Proposal for a European Border and Coast Guard: evolution or revolution in
Compliant, but improvement necessary?


Appendices

1. Interview guide to European Commission and Frontex

1. What elements of the concept “European Integrated Border Management” do you consider as the most important?

2. Based on the results from Schengen evaluations of the external border of the EU’s southern Member States, what do you consider were the main strategic priorities defined at EU level (e.g. policies, budget, capacity, training, cooperation)?

3. Based on the results from Frontex’s vulnerability assessments of the EU’s southern Member States, what do you consider were the main strategic priorities defined at EU level (e.g. policies, budget, capacity, training, cooperation)?

4. What do you consider are the main challenges in terms of strategic priority-setting?

5. What was the main challenges in implementing the strategic priorities on the political and operational level?

6. To what extent do you consider that the strategic priorities have responded effectively and efficient to the main challenges?

7. What do you consider are the main similarities and differences in how the EU has addressed the results from Schengen evaluations and vulnerability assessment in the individual southern EU Member States?

8. To what extent do you find that the results of Schengen evaluations and vulnerability assessments have complimented strategic priority-setting?

9. To what extent do you consider that the results from Schengen evaluations and Frontex’s Vulnerability Assessments has contributed to an effective Integrated Border Management system in the southern EU Member States?

10. What are your recommendations for improving European Integrated Border Management in the southern EU Member States?
2. Interview guide for Member States

1. What elements of the concept “European Integrated Border Management” do you consider as the most important?

2. Based on the results from Schengen evaluations of the external border of your country, what do you consider were the main strategic priority areas defined on national level (e.g. policies, budget, capacity, training, cooperation)?

3. Based on the results from Frontex’s vulnerability assessments of your country, what do you consider were the main strategic priority areas defined on national level (e.g. policies, budget, capacity, training, cooperation)?

4. What do you consider were the main challenges in terms of priority-setting in the area of border management within your Member State?

5. To what extent do you consider that the strategic priorities have responded effectively and efficiently to the main challenges identified during Schengen evaluations and vulnerability assessments?

6. What was the main challenges in implementing the strategic priorities on the political and operational level?

7. To what extent do you find that the results from the Schengen evaluations and vulnerability assessments have complimented strategic priority-setting?

8. Is there any regional cooperation on Schengen evaluations and/or vulnerability assessments at the operational/political level?
   If yes, please briefly explain the nature of this cooperation.

9. What are your recommendations for improving European Integrated Border Management in the southern EU Member States?
3. Template Participation Consent Form (for an interview)

1. I hereby agree to participate in an interview in connection with research being conducted by Signe Højland Jensen in connection with her work for her dissertation.

2. The interview will be not be videotaped. In the interview I will not be identified by name.

3. I hereby authorize the researcher to audiotape the interview:
   - YES / NO (please circle the applicable option).

4. I understand that I can decide to withdraw from the research at any moment, and that all information I have provided prior to my withdrawal decision shall be immediately deleted.

5. I understand that, upon completion of the interview, the information content of the interview may be used as follows (please your preferred option(s) by ticking the box(es)):
   - Material may be quoted in the dissertation of Signe Højland Jensen.
   - Material from this interview may be quoted in the dissertation of Signe Højland Jensen, but I wish to remain anonymous.
   - My comments are confidential for the information of Signe Højland Jensen in the writing of her dissertation only and may not be quoted.
   - I would like to receive a printed copy of the interview transcripts.

6. I may request that portions of the interview are edited out of the final copy of the transcript.

7. I understand that the conclusion of this particular research will be kept in a safe location by Signe Højland Jensen and that the material from the interview will be destroyed upon Signe Højland Jensen’s graduation from the European Joint Master’s in Strategic Border Management. Should Signe Højland Jensen wish to publish her research, I understand that I will be asked to give my consent after having reviewed the final text of the dissertation.

8. If I have questions about the European Joint Master’s in Strategic Border Management programme, I know I can contact Training Project Officer Viktorija Pokule, European Border and Coast Guard Agency, Plac Europejski 6, 00-844 Warsaw, Poland, Tel. +48 22 205 9381, email Viktorija.Pokule@frontex.europa.eu.

Interviewer signature: ________________________________

Interviewee signature: ________________________________ Consent date: ____ / ____ / ____

Name and position: ________________________________________________

Institution: ________________________________ Country: ________________________________
4. Transcript of the interview with Frontex

Date: 13 February 2019, 13.23 (24:51 min.)

Method: Face-to-face interview at Frontex headquarters

Interviewee (BK): Berndt Körner, Deputy Executive Director, Frontex

Interviewer (SJ): Signe Højland Jensen

SJ: What elements of the concept European Integrated Border Management do you consider the most important?

BK: I have done thinking about this first question already, because I somehow was a bit stuck by something that is not typically integrated in the legal provisions, but as I consider as one of the core issues, is that we have to change our mindsets to live along the lines of European Integrated Border Management. We have the elements clearly stipulated in article 4 (of the EBGC Regulation, red.), we have the responsibility. There have been numerous talks on political level on how to proceed, but as with every new element that somehow interferes with some well-accustomed practices, may they be good or bad, it requires that we change our mindset and that we are able to live along those lines. With the implementation of the 1624 Regulation, the European Border and Coast Guard have been bounded. The shared responsibility has been stipulated but now we have to become ready to live along those lines and this is something that I consider the most important. Because if I live along those lines, the 4-tier Access Control Model or the different elements under Article 4 or the overarching elements like Fundamental Rights training and Research and Development will fall quite naturally.

SJ: To sum up, it is more the shared responsibility and the fact that if you integrate the way of thinking then everything else will follow easier.

BK: I think we have seen it, if you allow me, during yesterday’s discussion on the Technical and Operational Strategy, the more we talk about it, the more we somehow try to understand each other, the easier somehow, the whole issue becomes. Talking along the same lines, with talking the same language, with having the same thoughts, it might not be one hundred percent resembling our own individual beliefs, but we agree on a common direction.

SJ: So, it is setting a direction?

BK: Yes.
SJ: I can only but agree with on this part. So one of the long standing traditions are these Schengen evaluations which have been carried out. Even before there was something called Frontex, there was some kind evaluation of how we did things on the national level. It is more policy oriented but from your experience, how do you see these results of the evaluations, I am thinking about the recommendations which are very concrete, have they been defining or considered in defining overall EU policy? And I am thinking here on Frontex level, the more operational level?

BK: I think the link between Schengen evaluations and the Agency properly still needs to be made stronger because formally speaking we have an observer role which we can contribute to, but we are not as much involved in Schengen evaluations as the Member States are. That is the first part. The second part is; Schengen evaluations in the original version when it was still Schengen was something that regularly in particular intervals popped up in the Member States, so every Member State was being prepared when the Committee comes and then to relax a bit when the Committee goes knowing that only after certain periods of time they would come again, which would require them to be prepared early enough in order then to be prepared when they are in. This then changed a bit when after Amsterdam (Treaty, red.), when Schengen was integrated into the EU context and the whole process became a bit more as a peer review mission among practitioners with better sets of assessments. This was the positive element, it was more of an eye to eye level discussion on the situations. Where we definitely did not succeed at that time was the recommendations and the follow-up on the recommendations, which then led to the fact that we now have the new Schengen Evaluation Mechanism, where this is now being handled according to the new regulation and administered via Commission leads (leading experts, red.). We still have a rather young baby, meaning the Schengen Evaluation Mechanism vis-à-vis another young baby called the Vulnerability Assessment vis-à-vis another young baby which is the European Integrated Border Management system. And I can only come back to what we already discussed under the previous question; that we have to find our relationship towards each other, we have to find our ways, how we communicate, how we exchange the views, how we familiarize ourselves and only if we succeed in agreeing on what is mine and what is yours, and I am satisfied with what I have and I am fine with what you have, then we will properly be able to continuously grow right next to each other. For the time being, I think there have been improvements, you know that we mentioned them also today, the Commission mentioned them, but there is definitely room to grow.

SJ: Are there any certain areas, for example we have in my Member State (Denmark, red.) a lot of recommendations on training, for example, and we were thinking okay what does this mean? And from these recommendations we have to prioritise how do we improve and what should be improved. On the EU level, is there any sort of way of collecting these recommendations both from Schengen and the Vulnerability Assessment to see where are the weaknesses and the strengths and where should we prioritise?
Compliant, but improvement necessary?

BK: I think this would need to go into two different directions. Because if we stick with the Vulnerability Assessment, the Vulnerability Assessment is the constant health check, as it is very often called. So basically the main aim of the Vulnerability Assessment is not directed towards best practices, towards collection or further development of these issues but as regards an overall status “are we all fine” or is someone having a particular problem that needs particular attention or are we suspicious that there might be bit of a problem. I see there are more grounds in the future European Integrated Border Management, because as we discussed and as we commonly agreed in the current draft (of the Technical and Operational Integrated Border Management Strategy, red.), we will hopefully soon agree on the Technical and Operational Strategy and this Technical and Operational Strategy will be embedded in the constantly changing environment. And that might mean special occurrences in the migration fields, it might mean challenges coming in from the legislative side, new challenges coming from research and innovation, new technical developments that we all have to live with. So I think that there we can much more easily put a positive spin that might enable all of us to benefit from each other, might bring us forward, might bring us further up into regions where we then jointly say we have jointly to achieve something.

SJ: So you mention that the challenges are, for example, the changing environment. Other things in terms of setting priorities, anything you have experienced already now or foresee would be a challenge in setting these priorities?

BK: I think a definite challenge, in particularly looking at the geographical area that you are addressing in your thesis, is a full implementation of a European Border and Coast Guard concept with all bits and pieces attached to it, requires commitment and responsibility from each level. We have a tremendous amount of funds available. It will be able, first of all, to utilize them and to exploit the funds to the best the concept. Secondly, to really bring in the necessary responsibility, so that each and every one attached to it fulfils the tasks that he or she might have to take care of. It will definitely not be that somebody will manage to get a free ride because some others managed to take him or her with them. This is, if I may use the picture, a chain of equally strong links, were each and everybody will have the necessary responsibility also to be there for the other one and there to live up to the expectations. Of course, there will be challenges but then we will be quite easily able to address solidarity and supporting each other. But to support each other requires in the first instance that everyone tries to do his or her best by themselves in order to then to be able to count on the solidarity and support from each other.

SJ: So solidarity both in terms of in terms of the Member States themselves, as you said to the best themselves, but also in terms of all Member States supporting each other and seeing it all coming together?

BK: Yes.
SJ: I think you also addressed it just now, but implementing these strategies is also an element of utilizing. Is there any specific event or something that comes to your mind that this was a particular struggle, for example we had this nice and fine prioritized goal of implementing something new in the southern region and we struggled with this particular…?

BK: There is one series of events that struck my mind, where something happened that was to me a bit unexpected, because we are often in the JHA field occupied by fast changes in the building frame or in the legislative structure or whatever it might be. And when we got the task to implement the Technical and Operational IBM Strategy we managed to build up a kind of training, but I never experienced it as a training. It was a collection of interested who wanted to work on realizing an idea. And this discussion was so calm and constructive and clearly structured with a way forward that I thought this is a very rare event how committed people can work together and bringing an idea to life.

SJ: So this was very successful in bring everyone together?

BK: Yes.

SJ: I have myself experience from that training and it was indeed very very good. It could be on the particular topic of this training or more specifically looking at the southern region; so, a lot of things have been done from Frontex’s side to assist the countries in the south. Which of the initiatives have responded most efficiently (to the challenges, red.)? Is it the deployment of staff from the Member States, is it more structural or other initiatives?

BK: This is a tricky one. Openly admitting, if you look at the southern part of this area of free movement, we have to say that according to the developments in the migration field, and the statistics that we have both have a knowledge of, the southern part, meaning the part exposed to the Mediterranean base, is the most exposed one. And if we are honest towards each other, we can say that we have managed to contain certain things, but I could not easily admit that we have successfully managed to overcome certain developments or to get ahead of certain elements. This is an issue where I have my doubts where we will ever be able to successfully win. Because, what do I mean, we have the Western, the Eastern and the Central Mediterranean routes, we have every now successfully (…) the Western, the Eastern and Central Mediterranean route, and then two months later we have increases at the other ones where we were not successful. We have to perceive this as a properly global phenomenon and we still have to accustom our views in a way that we are really able to absorb this global picture. We have to, let me start the other way around. I very often have times when I think about the last EU accession round. Where at the beginning it was quite an adventure to get in touch with accession candidate countries and work with them and help in their preparations and get ready and so on. So what we are having now, is basically, properly not so much different, but in a much bigger geographical scope. In order to understand developments we now need to travel to the Sub-Saharan regions,
we need to tackle flight connections all over the world, we need to familiarize ourselves with happenings in Latin America, in the Far East, we need to understand wartimes situations being them in Afghanistan or unstable environments being them in the Far East or them being in the African continent in order to understand certain migration movements. We need also to be able to work with those countries in order to be able to explore if can we support, where can we support. We need to be trustworthy to them and then to be able to support and then to be able to turn certain developments around so that we can say we are able to work with those developments.

SJ: And that is obviously not only a task for the Agency but also…?

BK: This is a task for the whole European Border and Coast Guard.

SJ: But properly there are also tasks going beyond what the Agency and Member States…?

BK: Yes, of course. I mean with the whole of the European Border and Coast Guard. A few days ago I was in a meeting, where we discussed certain developments, and then I as a funny contribution said that in some countries we are faced with LOs, ILOs, ALOs, EMLOs, and EURLOs. Those are different brands of liaison officers, so sometimes there are very many delegates from many different Member States and European institutions gathered in one particular country trying to fulfil their tasks. But we need to make it effective, we need to make it efficient, and we need to also work there in a joint way and this goes way beyond the Agency – this covers us all.

SJ: Do you think the Technical and Operation IBM Strategy in this way be able to, what was also at some point said by the Chairman of the Management Board, to make some sense out of the mess of liaison officers?

BK: I don’t know if the strategy will make sense of liaison officers. First of all, we have some binding legislation that accompanies us. But the work with the Technical and Operation Strategy, the common work along those lines and if we agree a set of activities devoted to this task might very well bring this forward. But what I would like to make very clear is that this Technical and Operational Strategy is not, if you have problem then you go to the doctor and then the doctor say I will give you a Technical and Operational Strategy and if you implement that then you will be fully fine. A Technical and Operational Strategy is something that we jointly need to live. This is not like a handbook for a better life or guidelines on how to perform better. This is something that we will as the European Border and Coast Guard, and I repeat, will be able to jointly implement or we will not be able to jointly implement.

SJ: As you said, it is change of mindsets?

BK: Yes, of course.

SJ: So it is a way to elaborate this on paper, this change of mindset. The next question I have is, and I hope I put it in a way that is understandable, how do you consider the main similarities or differences on how the EU, and in this sense also Frontex, has
addressed the results, and now I am coming back to the Schengen evaluations and Vulnerability Assessments in the individual Member States? Has it been approached in the same way for every Member States or is there a difference? It could also be seen in terms of migration pressure or other focus that could influence this?

BK: I see two issues in this context. This first one is that due to the different level of exposure to migration issues there is definitely a difference in addressing those issues. We once, many many years ago, used to have an enormous pressure at the Eastern land border and the pressure at the Eastern land border is now, if you allow me to say, peanuts compared to the migrations pressure at the blue borders in the south. And the second issue is still, and I am coming back to the one of the previous questions, that the links between Schengen evaluations and the Agency are still not really so strong. It might be that maybe some results from the Vulnerability Assessments would then be crossed-matched with some results from Schengen (evaluations, red.) that would then show that we have two-times the same thing. Or it might be the case that a series of Schengen evaluations might point at a technical problem that might also occur in the Vulnerability Assessments that might lead to a joint operation. So there the things can definitely be stronger. But this is also, as we discussed before, that all three babies are quite young and that they still need to grow and get used to each other so that they can fully unfold what they are specializing in and accepting each other while specializing.

SJ: And this is both on Agency and Member State level that it takes time to learn these things?

BK: Yes, we have to stop now…

SJ: Okay, just a last question. Any recommendations on how to improve European Integrated Border Management?

BK: Hahaha

SJ: Yes, it is a little question.

BK: Yes, is an interesting question. I will give you an interesting answer. We have both gone through the process of the Technical and Operational IBM Strategy, we have both been in the Schengen evaluation field and you have studied it now, I assume, very thoroughly. One of the positive things is that many people are really devoted in those tasks, and the negative things is that sometimes I get the feeling that people would like to have more time to really work in those fields because we sometimes under tremendous pressure.

SJ: I think that is very true. Okay, thank you very much for your time, Berndt.

BK: You are welcome.
5. Transcript of the interview with the European Commission

<table>
<thead>
<tr>
<th>Date</th>
<th>15 March 2019, 11.30 (41:09 min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method</td>
<td>Telephone</td>
</tr>
<tr>
<td>Interviewee (COM)</td>
<td>Andreea Nicoliu, Policy Officer, Schengen and Border Management Unit, DG Home, European Commission</td>
</tr>
<tr>
<td>Interviewer (SJ)</td>
<td>Signe Højland Jensen</td>
</tr>
</tbody>
</table>

SJ: So if you could briefly introduce what it is you do in the Commission?

COM: Yes, I am a Policy Expert in the Schengen and Border Management Unit in DG Home and I am dealing mainly with Schengen evaluations and policy development in the area of Integrated Border Management. Together with my colleague, we are responsible for the file on the synergies between the Vulnerability Assessment and the Schengen Evaluation Mechanism. I am the main responsible for the file related to the thematic evaluation of the IBM strategies and the customs cooperation, so the cooperation between customs and the border guard at the border. So, this is basically my main area of responsibility at the Commission.

SJ: Yes, it is a big area and it is very relevant for what I am looking at. So Andreea, I think I will just jump to the questionnaire and you are free to answer in any way you wish of course.

COM: So, what elements of the IBM concept do you consider as the most important? In general, or for these three countries?

SJ: I am taking a regional perspective but you are welcome to also take a more general perspective. But if you could try to keep a perspective on what has happened in the southern parts of Europe.

COM: So from my perspective, the Integrated Border Management components should not be ranked as irrelevant or relevant, but the specific situation of the Member States should be taken into account when discussion important or not important. For instance, for the southern countries search and rescue plays a central role. For the northern countries, north-eastern countries or eastern countries like Slovakia and Czech Republic, search and rescue might not be so relevant. Therefore, I think for the southern part, the IBM components should be considered and levelled according to the situation in the respective Member States because Integrated Border Management should not be a once size fits all but be very specific to the situation in the Member States. Of course, also respecting and ensuring the general approach and
the integrated and harmonized approach which have been identified at EU level. So, having said that, for the southern countries, Italy, Greece and Spain, I think that all IBM components have equal importance. Why? Because if you see the threats, the challenges, the vulnerabilities and also the impact that the whole system plays and triggered and on the overall functioning of the Schengen area, these three countries are at the core of the functioning of the Schengen area. Therefore, I do not think we can say that something is more important than the other. Even, for instance, the quality control mechanism, even, for instance, components like the financial issues, could have equal importance like border control and the other (components, red.). It is a system that has to be put in motion.

SJ: So, it is actually that it is all the components combined in one that makes the overall system?

COM: Yes, Integrated Border Management should be integrating all components and in these three countries especially.

SJ: We will just jump quickly to the second question. So the results of the Schengen evaluations of these three countries. I am sure you are aware of some of the findings which were found. So which ones do you consider were the main findings to be used for strategic priority-setting on EU level? Here I am also thinking in terms of the Commission and what Frontex has supported these Member States with and not only what these Member States themselves have done.

COM: Now, there are issues to be discussed. The political priorities of the Commission does not always fully match with the priorities that the Schengen evaluation identifies. Therefore, of course, the Commission has their priorities for these three countries, mainly focusing on saving lives and ensuring the right reception capacities and the positive implementation of the referral mechanism, meaning the identification, the registration and the fingerprinting of the migrants. So, ensuring the budgetary and the funding for these activities. Mainly, this is the Commission priorities. This is the core. This is of course doubled by the security part, meaning that the countering of cross-border crime, in particular countering of human trafficking, and also the facilitation part and the networking and fight against cross-border crime, and these networks should be a priority and also to see through the referral mechanism, who are these persons in terms of security, e.g. screening, who are these people entering the European Union? This is the general Commission line. The general Commission line is complemented by the Sch-Eval134 recommendations that have been identified as a core for all three countries. The strategic approach towards border management is sometimes not reaching the required standards; with the lowest level in Greece, mid-level to low level in Italy and the, I think, the best level of strategic border management in Spain. The inter-agency cooperation in Spain is totally lacking. They have a lot of problems. So, this component is also

134 Schengen evaluation
important for them and for the others as well. So, these are basically the most important issues. In our case, Sch-Eval related things, our concerns go towards the way they perform border checks, so the border control component, which is lacking. You will see that Greece has a big non-compliant in the unannounced visit on border checks complemented with what they had in the first evaluation. Italy, although we had not seen anything in Sch-Eval when we were there, because the Italian authorities did not show anything, not even one border check at the sea border, that was for unacceptable, so it is also lacking. In Spain, there are also a lot of things to improve. So, what I also have to underline that although in Spain there is a functioning border surveillance system for sea borders, Italy and Greece are totally lacking a strategic concept for border surveillance, which is also very important.

SJ: Okay, it is visible from the findings, or let’s say the recommendations, that there is a lack here. So, you said in the beginning that the findings and recommendation does not always match the priorities set by the Commission. I might be jumping a bit ahead here, but it is quite interesting how you perceive this part of the lack or not fully matching [priorities]. One question here could be why and another one how to improve this part?

COM: Why? Because the political agenda is different from the operational agenda and is sometimes disconnected. And what can be done to better harmonise these two parts? Basically, this is what I can say and what I would like to underline.

SJ: If we look at the Vulnerability Assessment, which is run by Frontex, but some of the findings and recommendations, to my understanding, also match some of the findings from the Schengen evaluations. So, does these results play in to the Commission’s work and priorities in the area of border management?

COM: We have full access to all Vulnerability Assessments, we receive all the baseline assessments, the simulation exercises and emergent threat assessments. We know all the recommendations and we take them into account when preparing each Sch-Eval. It is important that for the Member States, the VA is not so easily accessible, and this causes a lot of problems. For us it is not a problem because we have access. So, the recommendations, so far, of the Vulnerability Assessment have been harmonized with Sch-Eval because it is clear we cannot identify different things. But whilst Sch-Eval issues normally 30, 40, 50, 60 recommendations for one Member State given the scope of Sch-Eval that covers the whole IBM area, the Vulnerability Assessment is just limited to a few recommendations and sometimes not very relevant, I can say. I mean, how much (…) the SIS system (…) could be relevant, but there are other things which could be more relevant – for instance in Greece related to border checks than the functioning of SIS. I mean there are things to improve in both mechanisms, but I think with Vulnerability Assessment there is another issue which is not very supportive. They way that the Agency reads the (EBCG, red.) Regulation which states than when appropriate the ED shall issue a recommendation. And they have understood this as whenever they want, they can issue a recommendation. Even
though there are findings, they are playing a little bit politically with the Member States. But that is my personal opinion. Whilst in Sch-Eval, when we have a finding then we have a recommendation. So, it is clear-cut and very transparent and being a peer-to-peer process, you know very well, the credibility is by far higher. So, for instance, I have been to the unannounced visit to Greece at the border with the Republic of North Macedonia and we have identified that border surveillance is totally lacking at the land border between these two countries. There was nothing about these issues in the Vulnerability Assessment. And I could continue with a lot of issues. This is why I am saying that the process should be further developed in terms of consistency and transparency. I do not know if it is good or bad to have this process so strict and so hidden. I think that the Sch-Eval process can have better outcomes because all Member States are a part of it.

SJ: So it is the transparency, also in Sch-Eval, which makes it more functioning, is that what you are saying?

COM: Yes, I could say so. It is the transparency and also the peer-to-peer character. So, everybody is there. Today it is me, tomorrow it is you and we together go to evaluate a third colleague. So, it is always like this and I think this is very good. In the Vulnerability Assessment, I mean, it is so secret.

SJ: If we jump to question number 4, which is on the main challenges in terms of setting priorities, you answered it already a little bit, but from my research and general knowledge, I know that there is a lot of information available for which you could base your work both on national level and EU level. So, I could come properly come with a conclusion that that is one challenge – that there is an overload of information. But do you have other challenges, it could also be in terms of funding or cooperation with Member States or anything that you could consider a challenge in this regard.

COM: Strategic priority-setting?

SJ: Yes.

COM: Funding and cooperation are also very important and they are totally lacking. They are not harmonized. This is what we are trying to do – to harmonise Sch-Eval with VA and with the funding. So, recommendations from Sch-Eval with VA and with the funding and priorities in the Member States for getting the funding. Now, they are totally disconnected. Secondly, are the priorities in the Member States given the inter-agency cooperation? Most of the Member States have more than one institution involved in border management and therefore the priority-setting is heavily impacted by this fact. So, we have a lot of conclusions and we have seen that in countries that have one or maximum two institutions that are dealing with border management, the level of border management is higher than in countries that have 6, 5, 4, 3 institutions. So, from my perspective this is also a very important short-coming. Then, the national priorities are not always harmonized with the European priorities. Even though Frontex should have had a very important role to play, I do not see it very relevant to support Member States to reach the European priority-setting. I do
not know if Member States use Frontex to their best potential. So, that is also a very important issue. There are different priorities for the Member States in the European Union. So, having said that, it is also very important to underline that the southern and northern countries will never have the same priorities. So the European Union should be more focused to cover all priorities and not only priorities of the frontline Member States and be a bit more balanced in the priority-setting. Sometimes, we are more focused on migration management and not focused on the security aspects and border management is a law enforcement exercise.

**SJ:** You mentioned this part with Frontex’s role and this is also linked to the next question on implementing. So the Agency’s role in supporting the Member States, what do you consider are the challenges in the work done on the political level in the Commission and the work that Frontex does? You mentioned a gap in knowledge or priorities?

**COM:** Not so big between the Commission and Frontex. That is another discussion. My personal opinion is that Frontex cannot reach the Member States at the requested level and they cannot meet the requirements from the Member States. For instance, if we in Sch-Eval issue a recommendation and we recommend a Member State to ask for Frontex support in this regard, Frontex is not ready to deliver in a coherent, organized and coordinated way support for the Member States in different areas. For instance, let me give you a brief example, in one Member State who had not implemented Eurosur and had serious deficiencies in the area border checks, we had recommended to set a focal point in the main airport and also to ask Frontex support to set the Eurosur node [technical IT component of the Eurosur system]. It was not delivered according to our expectations and they have no strategic thinking in this process and we have to push a lot from the Commission so that Frontex acknowledge that their role is to support the Member States. They are not the European Border and Coast Guard, they are one component supporting the 32 components of the European Border and Coast Guard. And this is what is lacking in the Agency. They want to run their own show. And it should not be like that.

**SJ:** So, do you think this technical and operational IBM strategy could possibly support or improve this work done by the Agency?

**COM:** That is the main aim of the technical and operational strategy. And behind the curtain, the legislator had exactly this issue in mind. So we need an interface, a binding interface, providing linkage between all these components and this was the main idea behind the technical and operational strategy.

**SJ:** If we look at question number 6 and go a bit back to the years 2015-2017 in the southern Member States and the priorities set on EU-level, do you think that they responded effectively and efficiently to the challenges in terms of border management in these three countries? We can look here at short-term, medium term and long-term response?
COM: The short-term priorities responded fully, because they had to react and this is what happened. In terms of the priorities set in the longer term in the Commission, it is too difficult for me and I would like to ask you to discuss this with somebody else. I have my personal opinion about this. I think that we have reacted and not been proactive, strategically and coherently preparing the whole system to face any kind of challenges. So, the overall EU border management system was totally not prepared to face any kind of challenges. The Schengen Evaluation Mechanism as described by the first Council document was almost inefficient because when we go to the Member States, we see that the level of implementation is not so high, firstly. And secondly, there are issues that have not been tackled and we are trying now to give more substance to the whole process. And the Member States were not prepared to face this issue, so long-term priorities were not the right ones, firstly. And secondly, medium-term priorities were not aware or established according to the operational situation. And the forecast and the analysis aspect was very poor, I think. But the short-term priorities were of course, I think, met. And let’s not forget that the crisis was solved by political means and not by operational means. Meaning that the EU-Turkey Agreement and the support to the Libyans solved the migration crisis and not the referral mechanism and whatever measure Frontex implemented.

SJ: So it is more a political solution than an actual operational response?

COM: Yes, and I fully take responsibility on this statement.

SJ: You mentioned that you tried to give the Sch-Eval more substance?

COM: Yes. Comparing the two mechanisms, the first one we give more substance for sure. If you read the report, if you read the recommendations and if you read relevant follow-up and everything. It is still not perfect, we have a lot of things to develop, but it is an ongoing process.

SJ: So, I do not think this a secret for anyone that the follow-up can be considered slow in nature?

COM: Yes, because of the Commission’s procedures. With the revision of the current SEM Regulation we should together think to have a solution. This is the only problem we have with Sch-Eval mechanism nowadays, the lengthy procedures given the Commission’s procedures, and secondly, the lack of measures to be taken if we identify that a Member States does not implement the recommendation.

SJ: Are you thinking about sanctions or something else here?

COM: Yes, we need sanctions. Sorry to say, but we need sanctions.

SJ: Andreea, I will try to jump to question number 7, which I do not know if it is very clear. But what do you consider are the main differences and similarities in how the results from both Sch-Eval and Vulnerability Assessments has been addressed in the individual Member States? So, is there a difference in how the situation in for example Greece was handled compared to the situation in Italy and Spain?
COM: I do not really follow this question.

SJ: So what I am thinking about here – when setting the priorities for how to address results from Sch-Eval or Vulnerability Assessment is there similarity or difference between how the situation, for example, the situation in Greece was handled compared to for example Spain? Not only thinking about the context of irregular migration flow but thinking here also about if they were used differently. So for example, when you tried to follow-up with Greece was it the same approach as with the other Member States?

COM: No, with Greece the follow-up was very slow and almost inexistent. So very low level of implementation. The real results in the field are … they have done a lot of course compared to the baseline situation or initial situation but it has been very slow and not coordinated and structured at all. Spain, was a bit better. Italy, it is not so transparent because when we were there with Sch-Eval for the mission in Italy, the Sch-Eval team did not have the opportunity to evaluate because the Italian authorities were not transparent and tried to hide issues from the Sch-Eval team. (…) We did not see anything. This is all over the report.

SJ: But the approach from the Commission towards all Member States has been the same or are there differences in the approach?

COM: No, the Commission has a very coherent and harmonized approach – the same approach to all Member States. In this regards there is no difference.

SJ: That was also a part of this complicated question, so thank you very much.

COM: The similarities with VA is very difficult to discuss, because there are no similarities. The process is so different. The content of the questions we have in Sch-Eval and VA is the same, but the processes are very different. They (Frontex staff working with the Vulnerability Assessments, red.) are analysts, they evaluate capacities and we are more focused on the strategic and operational level and we test the overall functioning of the system. Yes, for instance, we take into account that the Member States have very different approach to a given migration phenomenon. But we do not care so much. We care very much and try to ensure that the standards that are the legislation, that are the Schengen Borders Code, that are the whole Schengen acquis, are implemented. With the Vulnerability Assessment, the situation is totally different. They are looking at the capacities, so prevention and reaction.

SJ: So from this and also the results of the Vulnerability Assessments, so far at least, has this complemented the way that priorities are set? You also mentioned in the beginning that it was a little bit lost in detail?

COM: It is very lost in detail and it is very young. It still needs to function. I am not sure the Member States… I am pretty sure they have taken into account the results from the Vulnerability Assessment but I am not sure if they have fully considered them. Actually, I am not sure. It is too early. We will go there and we will see. It is too early for the strategic planning because we have … I saw the strategies, I saw how
they did. They have taken both into account, Sch-Eval and VA, but it depends also on how recommendations have been drafted. I can say that usually the Sch-Eval recommendations are taken into account. I have not followed so closely the VA recommendations because it is not my job. Usually VA recommendations are only like three recommendation compared to like 40 in ours, so they are usually included somehow.

SJ: I can say from my own perspective that Member States are trying to follow up but as it is quite detailed what you have to do compared to Schengen evaluations where you can also take a bit broader scope it can be a challenge.

COM: Yes, this is to take into account for example that your SIS system has not functioned 10 hours.

SJ: If we look at question number 9 on the results from Sch-Eval, and also Vulnerability Assessment to some extent, how do you think they have contributed to an effective IBM system in the southern Member States? To what extent have they contributed? Are we getting there with these too mechanisms?

COM: No, not yet, we are far from there.

SJ: And how could we get there?

COM: Sanctions. We need to have a follow-up. If we do not have any … and we care what is recommended, sorry to say, it is not efficient. We recommend, and then what happens? Nothing. And they know this. Believe me, we were in the same places in the same Member States and we saw the same things. Nothing happened.

SJ: So you can issue as many recommendations in either mechanism but if there are no sanctions then?

COM: No, if we do not have a coherent cycle and some measures to be taken if measures are not implemented then it is useless.

SJ: So, from this we can jump to the last question on the list. So recommendations for improving border management in the southern Member States?

COM: The point is that… they need fully fledged IBM to be implemented there with all the components in the required format. They need strategies, they need a coordination group, they need to assess the division of the national institutions, they need to put together the national institutions that are responsible for border management. They need to improve the strategic planning and the strategic approach to border management. All three of them. The best one that implements at the highest standard the IBM compared to the other two, but the other two, they have a lot of things to do too. If we do not have any kind… a strong follow-up and more interaction from the Commission, the Agency and the other Member States in the peer-to-peer review. Unannounced visits. All the time pressure on them to implement the basics of IBM.

SJ: And a part from this strategic work and follow-up and pressure from let’s say both the Commission and maybe also the other Member States, I am guessing here, how
do you think they could get there? Are there any tools or cooperation mechanisms, for example on EU or regional level that could assist here?

**COM:** For instance in Greece, we recommended them to for certain parts of the border to set up a European capacity building project, like a training project. You know, how the assessing countries (candidate countries for the European Union, red.) used to have. With a strategic advisor and experts from the European Union that have the expertise to come and to assess the situation and to see what has to be done. Exactly this, because all the (IBM, red.) area is suffering. If we count the training system, staffing, risk analysis, border checks, border surveillance, equipment, financing, the way they use EU money. We cannot retrieve the projects, nobody knows how many projects they have.

**SJ:** So it also a lack of information flowing from the Member States to the Commission?

**COM:** The system as such is set in a wrong way.

**SJ:** And how could this be changed, a part from the sanctions bit, to also improve the situation?

**COM:** You cannot improve the situation, if they are not committed at national level to do it. Sorry to say. You cannot do anything and we do not have any tools to ask them to. How many times do we have to go there and tell them the same things?

**SJ:** Okay, I think we got around everything and all my questions. Do you have anything you would like to add?

**COM:** No, I think this was it.
6. Response to interview guide from Italy

<table>
<thead>
<tr>
<th>Date received</th>
<th>20 February 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method</td>
<td>E-mail</td>
</tr>
<tr>
<td>Respondent</td>
<td>High-ranking official from the Italian Ministry of Interior</td>
</tr>
</tbody>
</table>

**Question 1: What elements of the concept “European Integrated Border Management” do you consider as the most important?**

We attach great importance to the concept of border control, which is linked to the implementation of the current legal framework (art.8 Schengen Border Code, art. 4 (a) Reg. EU 1624/2016, Passenger Name Record Directive, Foreign Terrorist Fighters indicators) and the interoperability of the European information systems (EES, ETIAS, SIS-II). However, it is pivotal that a sound border control is associated to an efficient quality control mechanism based on the Schengen evaluation, the Vulnerability assessment and the national audit. This will ensure efficiency as long as these tools are designed to work in synergy and avoid overlaps. Moreover, we believe that cooperation with Third Countries is an essential element of the concept of European Integrated Management. According to our experience, in fact, you can effectively implement measures to facilitate legitimate border crossings, as well as measure to prevent migrant smuggling, trafficking in human beings, terrorism and cross-border crime, as long as you have a good cooperation with Third Countries, particularly neighbouring ones.

**Question 2: Based on the results from Schengen evaluations of the external border of your country, what do you consider were the main strategic priority areas defined on national level (e.g. policies, budget, capacity, training, cooperation)?**

The Schengen evaluation, which took place in March 2016, identified a few important shortcomings to be addressed in order to ensure full implementation of the Schengen *acquis*:

- **Risk Analysis**: training on risk analysis to be in line with CIRAM 2.0. To this aim, we will be running, along with Frontex, a dedicated training in June. Such a training will be held at the General Directorate for Immigration and Border Police and will be involving police officers posted all over the Italian BCPs.

- **IMB**: to draft a national IBM strategy, identifying strategic priorities. In order to address such a shortcoming a working group was set up, involving all the concerned national authorities, with the task of drafting a 2018-2020 strategy, which was timely delivered.
• **Training:** to provide training in line with CCC. In this respect, we will be hosting the trial of CCC IAC tests at the Police Academy in Cesena.

• **Border Surveillance:** NCC functions to be fully implemented 24/7. NCC is now running on a 24/7 basis.

• **Inter-Agency Cooperation:** inter-agency cooperation to be improved at local level by establishing memoranda of understanding between Police and Customs. A MoU is being defined in Orio al Serio (Bergamo airport) and an Italian expert is being trained as a Frontex’s advisor in this field.

**Question 3:** Based on the results from Frontex’s vulnerability assessments of your country, what do you consider were the main strategic priority areas defined on national level (e.g. policies, budget, capacity, training, cooperation)?

The vulnerabilities concern mostly border control, since database queries were considered as insufficient in relation to the number of border checks, although Frontex has acknowledged a clear improvement in 2017 in this respect. In order to comply with the recommendation to increase queries, we made the strengthening of human resources and the improvement of technologies our major priorities. Within the national plan for increasing police staff, a significant part is allocated for border police related tasks. Moreover, a specialized training is planned to be delivered in the first quarter of 2019 for 140 officers, as well as a course on forged documents (level 2) for 20 officers. As for technology, we can mention the establishment of e-gate systems at airports and the use of API data for 51 air routes. As soon as we complete the Baseline Assessment, within the VA 2019, we will definitely get a positive feedback on the implemented measures.

**Question 4:** What do you consider were the main challenges in terms of priority-setting in the area of border management within your Member State?

Due to the alarming migratory pressure, which was reported in recent years at the Italian sea borders, the main challenge, in terms of priority-setting, was to reach out to those authorities of neighbouring third countries, which were reluctant to cooperate with us (Libya in particular). We believe that the significant efforts put in such an endeavor eventually paid off, since the number of illegal border crossings dropped significantly over the last two years. This result was also achieved in cooperation with the European Commission, UNHCR and IOM. At the same time, a major challenge was represented by the implementation of the hot spot concept, making sure that the enormous number of migrants landing in Italy were properly handled, screened and registered. We were also as successful in this respect.

**Question 5:** To what extent do you consider that the strategic priorities have responded effectively and efficiently to the main challenges identified during Schengen evaluations and vulnerability assessments?
The strategic priorities, which were set up in the wake of the Schengen, and NPV evaluation, in accordance with the main challenges identified, proved to be effective and adequate. In fact, the Action Plans aiming to address such challenges were drafted in line with the given recommendations and the identified priorities. That prompted, inter alia, to establish a permanent working group, involving all the relevant national authorities, in charge of drawing up the national strategy for IMB and keeping it updated.

**Question 6: What were the main challenges in implementing the strategic priorities on the political and operational level?**

The actual challenge, at political and operational level, was to implement the strategic priorities in a consistent and coordinated way. In Italy there are numerous authorities, reporting to different Ministries, being tasked to implement the strategy, each one in their own remit. Therefore coordination in the implementation, both at central and at local level, was definitely the main challenge, associated to the handling of EU funds.

**Question 7: To what extent do you find that the results from the Schengen evaluations and vulnerability assessments have complimented strategic priority-setting?**

This is not very clear. We assume it might be covered by the answer given to question no. 5.

**Question 8: Is there any regional cooperation on Schengen evaluations and/or vulnerability assessments at the operational/political level? If yes, please briefly explain the nature of this cooperation.**

In this respect, it is worth mentioning, at national level, the inter-agency cooperation between Police, Guardia di Finanza and Coast Guard, in relation to the SCEVAL and VA at sea borders. Moreover, such a cooperation is underpinned by a sound legal framework dating back to 2002, which gives the Ministry of Interior – Central Directorate for Immigration and Border Police – the strategic role of coordinating Navy, Guardia di Finanza, Coast Guard and other national authorities in the field of maritime border surveillance.

At regional level, it is worth mentioning the excellent cooperation with neighbouring Member States/SACs, resulting in field visits, information exchange and workshops (Slovenia, Austria, Switzerland and France).

**Question 9: What are your recommendations for improving European Integrated Border Management in the southern EU Member States?**

In order to improve the integrated management of external borders in southern EU countries, it is crucial to bear in mind that we need to harmonize procedures and exchange best practices, without demanding or expecting to make them homogeneous. In this respect, while drawing up the operational EIBM Strategy, we need to take into account the specific situation
and features of the countries which are most exposed to the migratory pressure, including their geographical location, their administrative structure and finally their economic situation and financial constraints.
7. Response to interview guide from Spain

<table>
<thead>
<tr>
<th>Date received</th>
<th>5 March 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
<td>E-mail</td>
</tr>
<tr>
<td><strong>Respondent</strong></td>
<td>High-ranking official from the Spanish Ministry of Interior</td>
</tr>
</tbody>
</table>

Question 1: What elements of the concept “European Integrated Border Management” do you consider as the most important?

There are two main elements as most important:

- An accurate and comprehensive exchange of information through an existing exchange tool as EUROSUR.
- Cooperation among the national authorities responsible for border control and other institutions which perform their duties at the borders.

Question 2: Based on the results from Schengen evaluations of the external border of your country, what do you consider were the main strategic priority areas defined on national level (e.g. policies, budget, capacity, training, cooperation)?

The main strategic priority areas of Spain would be:

- To increase budget and human resources for border management
- To enhance the cooperation with the neighbor third countries.

Question 3: Based on the results from Frontex’s vulnerability assessments of your country, what do you consider were the main strategic priority areas defined on national level (e.g. policies, budget, capacity, training, cooperation)?

The main strategic priorities would be:

- To increase the capacity for hosting irregular immigrants
- To increase cooperation based on the implementation of the contingency plans.

Question 4: What do you consider were the main challenges in terms of priority-setting in the area of border management within your Member State?

The constraints of the national budget to increase capacities, technical means and human resources aimed to border management.
Question 5: To what extent do you consider that the strategic priorities have responded effectively and efficiently to the main challenges identified during Schengen evaluations and vulnerability assessments?

Most of the measures taken place through the respective action plans have responded to all the challenges identified during Sch-Eval and VA.

Question 6: What was the main challenges in implementing the strategic priorities on the political and operational level?

The constraints of the national budget to increase capacities, technical means and human resources aimed to border management.

Question 7: To what extent do you find that the results from the Schengen evaluations and vulnerability assessments have complimented strategic priority-setting?

Not too much because the results came from a reduced and limited study of the border situation and not from a daily and deep process of analysis.

Question 8: Is there any regional cooperation on Schengen evaluations and/or vulnerability assessments at the operational/political level? If yes, please briefly explain the nature of this cooperation.

No.

Question 9: What are your recommendations for improving European Integrated Border Management in the southern EU Member States?

It is necessary to bear in mind that border management are fully engaged and connected with other law enforcement activities.

Besides the EIBM should reinforce the national IBM and not try to overlap and replace them.
Compliant, but improvement necessary?