



Analysis

Border guards, planes, “thermal vision vans” and heartbeat detectors – who is equipping Frontex?

Chris Jones, May 2014

- **Total number of national border guards available to Frontex increases by over 30% from 1,885 in 2013 to 2,484 in 2014**
- **Amount of technical equipment Member States make available – including boats, planes, “thermal vision vans”, heartbeat detectors and dogs – also grows**
- **Frontex’s “response capacity will be strengthened” in 2014 through “further development” of European Border Guard Teams and the Technical Equipment Pool**

Over the last few years, the EU border agency Frontex has seen a "steady and continuous increase" in the number of border guards and the amount of technical equipment made available by Member States for Frontex-coordinated joint operations. The agency has plans to enhance its powers by "exploring the possibilities for the further development of the TEP [Technical Equipment Pool] by establishing new categories of technical equipment, such as Frontex's own equipment or procurement of services for border control."

These comments were made by Ilkka Laitinen, the agency's Executive Director, in the 2014 report 'Annual Information on the Commitments of the Member States to the European Border Guard Teams and the Technical Equipment Pool', drawn up by the agency for the European Parliament. Compared to the agency's 2013 report, it shows significant increases in the number of border guards and the amount of technical equipment available to the agency. The agency's 2014 work programme outlines an overarching goal for Frontex to progressively increase its operational capability through commitments from Member States, as well as the acquisition of its own equipment.

Benjamin Ward of Human Rights Watch has recently argued that the EU's migration policies are marked by: “a superficial adherence to European values concerning respect for rights, access to asylum, and humane treatment,” masking “a brutal reality driven by base politics.” [1] Ongoing allegations of violations of fundamental rights during Frontex operations seem to bear out this statement. [2]

The growth in manpower and equipment available to Frontex is facilitating the development of its repressive functions. Yet the agency continues to deny that it could in any way be

[1] Benjamin Ward, '[Europe's spectacle of compassion for migrants](#)', *OpenDemocracy*, 15 May 2014,

[2] '[Frontex must comply with its human rights responsibilities says the Council of Europe's Parliamentary Assembly \(PACE\)](#)', *FIDH*, 6 March 2014; Judith Sunderland, '[Frontex Should Respect Rights, Even on the High Seas](#)', *Human Rights Watch*, 6 June 2013; Ian Traynor, '[EU border police 'turning blind eye' to abuse of migrants in Greece](#)', *The Guardian*, 21 September 2011

responsible for violations of fundamental rights during the operations it coordinates, and refuses to implement a mechanism through which individuals who claim to have had their rights violated during Frontex-coordinated joint operations can file complaints. Proposals to "increase the intensity of operational activities," outlined in the 2014 Work Programme, [3] mean that there is an increasingly urgent need for such a mechanism.

European Border Guard Teams: contributions from the Member States

European Border Guard Teams were introduced by the 2011 amendments to the Frontex Regulation, [4] Article 1b of which states that: "The Agency shall constitute a pool of border guards called European Border Guard Teams... for possible deployment during joint operations and pilot projects." Contributions come from "all EU Member States applying the Schengen acquis" and Norway and Switzerland (Schengen Associated Countries) also participate.

The total number of border guards available to the European Border Guard Teams (EBGT) has increased by over 30%. The 2013 report [5] states that Member States made available 1,885 guards, while the 2014 report [6] puts this figure at 2,484 (see Table 1, below). This far exceeds the minimum requirement of 1,850 border guards, as decided by the Frontex Management Board in May 2012. Some of the biggest contributors – in terms of absolute numbers made available – were Austria (151 in 2012, 160 in 2013), Denmark (150 and 129), Spain (247 and 231), the Netherlands (181 and 191) and Romania (208 and 223).

Participation by the UK and Ireland (non-Schengen countries) is decided "on a case-by-case decision by the Frontex Management Board," according to the 2013 report., The two countries are allowed to make contributions under Article 12 of the Frontex Regulation, but seemingly only the UK has done so, with special rules in place: "For the time being, officers from the UK who are deployed on operational activities have the status of special advisors," says the 2014 report.

Article 3b of the Frontex Regulation defines how EBGT are to be established. The Management Board, following a proposal by the Executive Director, shall decide "on the profiles and the overall number of border guards to be made available," and that Member States' contributions "shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States."

13 different border guard profiles have been identified as necessary by the Management Board:

- Field press officers;
- Debriefing experts;
- Screening experts;
- Second-line interview experts;
- Frontex support officers for deployment and logistics;
- Second-line airport officers;
- First-line officers;
- Advanced level document officers;
- Border surveillance officers;

[3] Frontex, '[Work Programme 2014](#)'

[4] [Regulation \(EU\) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation \(EC\) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union](#)

[5] Frontex, '[Annual Information on the Commitments of the Member States to the European Border Guard Teams and the Technical Equipment Pool, 2013](#)', March 2013

[6] Frontex, '[Annual Information of the Member States to the European Border Guard Teams and the Technical Equipment Pool, 2014](#)', March 2014

- Frontex support officers for the Frontex situation centre;
- Frontex support officers;
- Mobile operational unit officers;
- Stolen vehicle detection officers.

Unless Member States are "faced with an exceptional situation substantially affecting the discharge of national tasks" they are obliged to "make the border guards available at the request of the Agency [Frontex]," which must submit its request at least 45 days prior to deployment.

According to the 2014 report:

"At the end of 2013, the overall number of border guards in the EBGT stood at almost 2,500 and is still growing as Member States make their contributions... Frontex is in the comfortable position of having more officers available for possible deployment on operational activities."

European Border Guard Teams: contributions from Frontex

Frontex is also able to contribute officers to EBGT (see Table 2). The agency's contribution is made up of "seconded guest officers" (SGOs) who have been placed at Frontex's disposal by Member States on a temporary basis (for example, for a six month period) in line with Article 3b(3) of the Frontex Regulation. "Subsequently, Frontex deploys the SGOs to different joint operations in accordance with operational needs and the recommendations of the risk analyses," says the 2014 report.

2013 was the first time that Frontex issued a "call for secondment" to the Member States. The 50 officers subsequently seconded to Frontex were drawn from 11 Member States and selected "by using an internal selection procedure and taking into consideration for operational needs." The agency plans to acquire 57 seconded guest officers in 2014 based on "operational needs" identified through "the annual bilateral negotiations" with Member States. The selection procedure for the 2014 call "should be finalised by the end of April 2014," says the report, although no information on this has been made public. The agency's 2014 work programme also says:

"To ensure effectiveness of Frontex coordinated JO [joint operations] by qualifying EBGT members and officers deployed at JO to a harmonised and high quality standard with full respect of fundamental rights."

This is expected to cost €1,050,000.

Member States' commitments to the Technical Equipment Pool

Article 7(3) of the Frontex Regulation states that:

"Member States shall contribute to the technical equipment pool... The contribution by Member States to the pool and deployment of the technical equipment for specific operations shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with these agreements and to the extent that it forms part of the minimum number of equipment for a given year, Member States shall make their technical equipment available for deployment at the request of the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. Such requests shall be made at least 45 days before the intended deployment. The contributions to the technical equipment pool shall be reviewed annually."

Technical equipment made available by the Member States can be deployed during joint operations and pilot projects at the external borders of the EU (Article 3 of the Frontex Regulation), during rapid interventions (Article 8a), and during joint return operations.

Statistics in the 2014 report show increased commitments from Member States in all but two categories of technical equipment (see Table 3, below) , in many cases far exceeding the agency's requirements as set out in the 'Overall Minimum Number of Technical Equipment' (OMNTE, see Table 4).

The number of coastal patrol boats (vessels with "autonomy less than 600 nautical miles") available to Frontex has grown from 137 to 196 (the OMNTE requirement was 34 in 2013 and 35 in 2014), with Greece's provision of 55 boats making up the majority of the increase.

The agency's need for offshore patrol vessels (vessels with "autonomy more than 1500 nautical miles") has also been surpassed - it required 13 in 2013 and 14 in 2014, but Member States have made available a total of 17 and 26 respectively. The biggest contributor is Italy, with 7 in 2013 and 6 in 2014, while Greece has leapt from contributing none in 2013 to 10 in 2014.

Member States' contribution of coastal patrol vessels ("autonomy between 600 and 1500 nautical miles") is even more impressive. At the beginning of 2013 Member States had made available a total of 59, compared to a requirement of 16, and at the beginning of 2014 63 were committed, compared to a requirement of 29.

Similarly, Frontex saw a need for 6 helicopters in 2013 (Member States committed 47) and 9 in 2014 (Member States had committed 53 as of January 2014). Italy was once again a major contributor (25 in both years). France and Germany come next, each making available 4 helicopters in both 2013 and 2014.

The number of dogs available to the agency leapt from 3 in 2012 to 32 in 2013, an increase of over 966%. The Netherlands and Slovenia were the only contributors of dogs in 2012; in 2013 they were joined by Austria, Belgium, Switzerland, Spain, Finland, Norway and Romania. Despite the vast growth in canine commitments, it was still not enough to meet the OMNTE requirements of 79 dogs in 2012 and 95 in 2013.

The amount of equipment made available for border checks (such as "mobile laboratories", heartbeat and carbon dioxide detectors) also increased significantly, jumping from 187 to 224. Poland and Romania were largely responsible for this increase. However, it is unclear how this number compares to the requirements of the OMNTE (see notes to Table 4, below).

The number of fixed-wing aircraft committed dropped (from 90 in 2012 to 43 in 2013), as did the amount of hand-held equipment such as night vision goggles and cameras (from 99 to 67). However, the OMNTE for both 2013 and 2014 stipulated a requirement for just 22 fixed-wing aircraft, and the drop in the overall number made available is largely due to Italy's commitment decreasing from 62 to 8. The requirement for hand-held equipment is not clear (see notes to Table 4).

Buying in

Frontex has coordinated dozens of joint operations since its inception, and its 2014 work programme makes clear its intention to "increase the intensity of operational activities," in part by "prioritising the use of participating Member States' assets (EBGT, guest officers and technical equipment)." [7] The operations can take place at land borders (as with Joint Operation Jupiter), sea borders (Poseidon), or airports (Eurocup). [8] The agency also coordinates joint return (i.e. expulsion) operations.

The agency is also planning to "[explore] the possibilities for the further development of the TEP [Technical Equipment Pool] by establishing new categories of technical equipment, such as Frontex's own equipment or procurement of services for border control." This will be "[b]ased on pilot activities in 2013". This may be a reference to Frontex's attempts to acquire

[7] Frontex, '[Work Programme 2014](#)'

[8] [Jupiter](#); [Poseidon](#); [Eurocup](#)

a plane for aerial surveillance of the Greek-Turkish border, a project accompanied by frequent setbacks.

In May 2013, the agency signed a €118,000 contract with the Austrian firm Scotty Group under which the company was supposed to provide an optionally-piloted surveillance aircraft – which can be flown with or without a pilot on board – and its accompanying ground station to be used for two weeks during July, when weather conditions permit increases in irregular border-crossings. However, the trial never took place as Scotty Group failed to obtain a flight licence from the Greek government. [9]

Nevertheless, Frontex continued to consider optionally-piloted aircraft as “a long term option” for use in airspace where rules prevent the use of unmanned drones. It subsequently tried to purchase “aircraft equipped with multi-intelligence sensors, radio communication means, ground station and personal equipment, in order to perform aerial surveillance at the external EU land border between Greece and Turkey,” but the contracting procedure was cancelled after the agency received “no suitable tenders”. [10] More recently, a contract was awarded by Frontex to Spanish company Isdefe, to carry out a study on “solutions for under-foliage detection” – that is, radars that can see through plants and trees. [11]

Gear for the guards

In recent years, Frontex has managed to secure a considerable increase in the amount of technical equipment it can access from Member States’ supplies and has ongoing plans to acquire its own. The agency intends to make use of increases in personnel and equipment by expanding its operational activities. At the same time, it steadfastly refuses to establish a mechanism through which individuals who claim to have had their rights breached by officers during Frontex-coordinated joint operations can seek redress by filing complaints with the agency. Frontex maintains that such issues remain the responsibility of Member States. Its director, Ilkka Laitinen, has reportedly gone so far as to claim that “Frontex is not legally capable of violating human rights.” [12]

Frontex’s commitment to train members of EBGT “to a harmonised and high quality standard with full respect of fundamental rights” is welcome, but this is no substitute for a formal complaints mechanism, the need for which becomes ever more urgent with the expansion of the agency’s operational capabilities.

[9] Nikolaj Nielsen, ‘[EU looks to ‘hybrid drones’ for legal shortcut on migration](#)’, *EUObserver*, 14 October 2013

[10] ‘[Frontex cancels surveillance plane contract due to lack of interest from companies](#)’, *Statewatch News Online*, October 2013

[11] ‘[Seeing through trees: Frontex commissions study on “solutions for under-foliage detection”](#)’, *Statewatch News Online*, February 2014

[12] Niels Frenzen, ‘[Interview with Frontex Director Laitinen](#)’, *Migrants at Sea*, 24 March 2014; See also: European Ombudsman, ‘[Full Summary on Frontex Inquiry](#)’, February 2014

Official statistics

The information in the tables below is taken from the official reports 'Annual Information on the Commitments of the Member States to the European Border Guard Teams and the Technical Equipment Pool' for 2013 [13] and 2014. [14]

Table 1 - Contributions of the Member States to the European Border Guard Teams

Member State	AT	BE	BG	CH	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR*
Number (2013 report)	151	36	71	62	11	24	150	29	72	26	247	77	51	-
Number (2014 report)	160	33	94	68	11	23	129	29	66	48	231	70	78	15
Member State	HU	IT	LV	LT	LU	MT	NL	NO	PL	PT	RO	SE	SI	SK
Number (2013 report)	35	43	39	98	1	22	181	37	19	40	208	47	72	26
Number (2014 report)	35	82	130	17	139	32	191	50	136	228	223	65	72	29

Table 2 - Contribution of Frontex to the European Border Guard Teams

Member State	BG	DE	DK	EL	ES	IT	LV	NL	PL	RO	SI
Number	1	1	2	2	6	11	2	1	4	17	3

[13] Frontex, ['Annual Information on the Commitments of the Member States to the European Border Guard Teams and the Technical Equipment Pool, 2013'](#), March 2013

[14] Frontex, ['Annual Information of the Member States to the European Border Guard Teams and the Technical Equipment Pool, 2014'](#), March 2014

Table 3 - Commitments to the Technical Equipment Pool by Member State and type of equipment

Asset	Offshore patrol vessels		Coastal patrol vessels		Coastal patrol boats		Fixed-wing aircraft		Helicopters		Thermal vision vans and mobile units		Patrol cars		Equipment for border checks		Hand held equipment		Dogs		
	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	
AT									1	1	6	6			2	2			2		2
BE					1	1			1	1											2
BG			1	1							8	8									
CH														1					6		1
CY			1	1																	
CZ											1	1									
DE	1	1							4	4	3	3	3	3	1	1	10	10			
DK														10	10		2				
EL		10		4		55		5		1					10						
EE							1	1			1	1									
ES	1	1	5	5	1	1	2	2	2	2					1		15	14			4
IS	1	1					1	2													
FI	1	1			2	2	1	1	1	1	1				4						8
FR	2	2	3	3	10	10	4	4	4	4											
HR														3							
HU											5	5	1	1			19	19			
IT	7	6	32	32	41	41	62	8	25	25											
LV			1	1		2	1			1	2	2			25	25	7	7			
LT					1				3	3	1	2	2	2	2	2	1	1			
LU							8	8				1			11	11					
MT						3	3	3													
NL					1	1	1	1				2	2		129	129				1	1
NO																					4
PL	1	1					2	2	2	2	2	2				40	40				
PT	2	2	11	11	79	79	3	3	1	1			50	50	2	2	3	3			
RO	1	1	5	5	2				1	1		2		15		10					8
SI									2	4	3	3	6	6			4	4	2	2	
SK							1	1						2							
SE								2													
Totals	17	26	59	63	137	196	90	43	47	53	33	39	74	93	187	224	99	67	3	32	
	Offshore patrol vessels		Coastal patrol vessels		Coastal patrol boats		Fixed-wing aircraft		Helicopters		Thermal vision vans and mobile units		Patrol cars		Equipment for border checks		Hand held equipment		Dogs		

Notes to Table 3

The figures provided for 2013 come, in the words of the 2013 report, from "the end of 2012". The figures for 2014, according to the 2014 report, are from "an excerpt made on 31 January 2014 using data from the OPERA system." OPERA is "an e-platform for the management of operational resources (both human and technical) deployed in Frontex-coordinated activities," according to Frontex's 2011 General Report. [15] It was launched in 2012 as a pilot project.

The two annual reports provide definitions of the technical equipment made available to Frontex:

- Offshore patrol vessel (OPV): a vessel with autonomy more than 1500 nautical miles;
- Coastal patrol vessel (CPV): a vessel with autonomy between 600 and 1500 nautical miles;
- Coastal patrol boat (CPB): a vessel with autonomy less than 600 nautical miles;
- Thermal vision vans or "thermo-vision vehicles" (TVV): a vehicle equipped with thermal camera for surveillance;
- Mobile units: "vehicles equipped with radar or other sensors for border and coastal surveillance";
- Equipment for border checks: "mobile laboratories, i.e. vehicles equipped with communications systems, computers, printers or other equipment for document checks"; heartbeat detectors; and carbon dioxide (CO2) detectors, designed to enable detection of people breathing within a vehicle;
- Hand-held equipment: night vision goggles and hand-held thermal cameras.

The 2014 report also mentions "fast interception boats" as being included in the TEP, but none are listed in the table.

[15] Frontex, '[General Report 2011](#)', 2012

Table 4 - Overall Minimum Number of Technical Equipment (OMNTE)

Asset	Offshore patrol vessels		Coastal patrol vessels		Coastal patrol boats		Fixed-wing aircraft		Helicopters		Thermal vision vans		Patrol cars		Mobile labs		Heart beat detectors		Dogs		
	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	
Year																					
Jan											3	3	5	3						2	2
Feb											3	3	5	3						2	2
Mar											3	4	5	4				1	2	2	
Apr					4				1		5	8	8	5			1	1	5	3	
May	1	1		3	6	7	3	3	1	1	6	10	8	7	1	1	1		5	7	
Jun	2	2		3	6	7	3	3	1	1	6	10	14	7	1	1	1		5	7	
Jul	3	3	2	7	6	7	4	5	1	2	6	10	14	7		1			22	6	
Aug	3	4	4	7	6	7	5	5	1	1	6	10	8	7				1	22	27	
Sep	3	3	4	7	6	4	5	4	1	2	6	6	8	7				1	5	28	
Oct	1	1	2	2		4	2	2		1	4	6	5	7	1	1	1	1	3	5	
Nov			2						1	3	5	5	6					1	3	4	
Dec			2							3	3	5	3						3	2	
Totals	13	14	16	29	34	36	22	22	6	9	54	78	90	66	3	4	4	6	79	95	
MS*	17	26	59	63	137	196	90	43	47	53	33	39	74	93	-	-	-	-	3	32	

* Member States' commitments, as listed in the table 'commitments to the Technical Equipment Pool by Member State and type of equipment'.

Notes to Table 4

In the OMNTE tables in the two annual reports, 'mobile labs' and 'heart beat detectors' take the place of the categories 'equipment for border checks' and 'hand held equipment' in the tables listing the equipment committed by Member States. Confusingly, both 'mobile labs' and heart beat detectors come under the category of 'equipment for border checks' in the tables on Member States' commitments. It is therefore unclear what requirements - if any - are set out in the OMNTE for hand-held equipment such as night vision goggles and hand-held thermal cameras. No comparative figure for Member States' commitments has been provided in the 'mobile labs' or 'heart beat detectors' columns due to this confusion.

The OMNTE requirements are set each year by decision of the Frontex Management Board. The requirement for 2013 was established by Management Board Decision 20/2012, made in September 2012. The requirement for 2014 was established by Management Board Decision No 5 of 26 March 2013. Neither of these decisions has been made public, and in general the publication of Management Board Decisions seems to occur on an ad-hoc basis.