

EP LIBE Committee Questions to Frontex Executive Director

Fundamental Rights Officer Appointment

The amended Frontex regulation that establishes the creation of the fundamental rights officer (FRO) also mentions that this officer is to be designated by the Agency's Management Board (MB).

Accordingly work has been developed and Frontex MB already decided on the profile and on the timeline for the designation of the FRO.

The selection procedure is ongoing as planned by the MB.

As it has been said in previous EP debates on this issue, Frontex establishment plan does not foresee a position (AD10) that could be used for the designation of the FRO and therefore it has been agreed with the Commission to propose the creation of such position in an amendment to be tabled to the 2012 Budget. This amendment however has not yet been initiated by the Commission.

Frontex, according with the current restrictions related to budget and staff, has proceeded to several internal adjustments and redeployment of existing staff in order to comply with its Annual Programme of Work and constant requests from MS and EU Institutions.

Frontex has made thorough evaluation on the internal possibilities in order to ensure the designation of the FRO by the deadline established by the Management Board. More concretely, an ongoing recruitment procedure of another post has been suspended and that post would be upgraded to establish the post of FRO before the time when the eventual budget amendment 2012 will be in force. Additionally, an existing staff member of Frontex, experienced in the field of Fundamental Rights, has been assigned the tasks of the FRO, until the start date of employment of the FRO.

Guidelines for Sea Operations - did Frontex reflect on consequences if General Attorney Opinion becomes Court Decision?

Frontex is carefully accompanying the developments and awaits the final decision from the European Court of Law.

According to the General Attorney Opinion, and following EP initial proposal, the current guidelines should remain into force until new ones are adopted.

How WA with Third Countries respect personal data exchange issues?

Exchange of information with Third Countries, covered by the working arrangements signed by Frontex, does not cover any kind of personal data exchange. Since the Amendment of Frontex Regulation that the Agency is allowed to process personal data within certain limitations and those do not cover the possibility of transmission of such data to external partners, including third countries.

What kind of improvements can be achieved on cooperation with Turkey in controlling immigration flows? Can Frontex operate in Turkish territory under the signed MoU?

The fact that Frontex signed a MoU with the competent Turkish authorities is a first step to enhance cooperation with that third country, even if the implementation of such cooperation is expected to be developed in a long term period.

Some practical contacts are already taking place and the development of bilateral cooperation activities at the external border of Greece can also contribute to the overall development.

Concerning the possibility for Frontex to operate in Turkish territory, and although the MoU text does not contain any specific reference to this possibility, we must refer to the amended Frontex regulation text. According to article 14 1), in its second paragraph, Frontex and the MS have to respect EU norms and standards whenever cooperation with third countries takes place on the territory of those countries, which means that generically speaking Frontex can operate on the territory of third countries.

Frontex can also, according with the same article paragraph 5), launch and finance technical assistance projects in third countries regarding matters covered by the regulation.

It's important nevertheless to state that Frontex can only carry out operational activities in third country territory if the host MS for the Join Operation, Frontex and the Third Country agree on such activities on a case by case basis.

Is Frontex part of the Police cooperation on the Evros?

Frontex participates as an observer in the bilateral meetings between Greek and Turkish authorities on mutual cooperation at the external border.

Did Frontex reply to Ombudsman?

Yes, Frontex already sent a comprehensive reply letter to the Ombudsman enquiry on Frontex fundamental rights obligations last 16 May. The text of the reply will soon be available in Frontex website.

What will be the composition of the "Consultative Forum"?

According to the decision taken by Frontex Management Board last 23 May, the following organizations will be invited to participate in Frontex Consultative Forum: European Asylum Support Office (EASO), European Union Agency for Fundamental Rights (FRA) and United Nations High Commissioner for Refugees (UNHCR) - pursuant to Frontex regulation -, Council of Europe CoE), International Organization for Migration (IOM) and the Organization for the Security and Co-operation in Europe (OSCE) - due to their mandate and expertise in the promotion and respect of Fundamental Rights in the field of border and migration management - and a maximum of 9 Civil Society Organizations promoting the respect of fundamental rights in the fields of border and migration management.

In order to ensure a transparent selection procedure of the Civil Society Organizations, a public call for applications with objective and verifiable selection criteria has already been published.

Other organizations or individuals in a personal capacity may be invited to participate at the Consultative Forum to ensure that it remains an open Forum and that the required expertise is available.

What is the state of play of adoption of rules for suspension or termination of Join Operations?

The internal work on the definition of the rules that will determine the suspension or termination of Join Operations coordinated by Frontex is in the final stage and is expected to be adopted very soon.

Is the compulsory solidarity established by the amended regulation functioning?

The profiles and overall number for the European Border Guard Teams has been adopted by Frontex Management Board during the last meeting on 23 May. Following this decision, Frontex already sent to the MS the request for appointment of the national experts.

In the meantime a pilot project is being carried over on the deployment of long term seconded national experts for Join Operations.

Equipment - what to buy and/or lease

According to the existing Regulation Frontex will plan for the year 2013 the minimum number of technical equipment needed for the Join Operations all over the year. After the bilateral talks and agreement with all Member States on their contribution to the pool and for the specific operations, the Agency can have a better assessment of the technical equipment that is still needed to carry over its duties and that could be leased or acquired for that purpose.

Frontex risk analysis based on nationality constitutes discrimination to the individuals of such nationalities

Frontex risk analysis reports (based on the Common Integrated Risk Analysis Model) take in consideration several different indicators that help to identify the different types of irregular immigration flows and to prepare on one hand the MS authorities in the planning of their activities at the external border and on the other hand the planning of the Joint Operations that the Agency will coordinate during the year. Nationality or country of origin are between these indicators and serve in one hand to create a picture of the migratory reality towards the EU territory, but also to create awareness to border authorities on different trends and modus operandi developed by criminal organizations involved in trafficking or smuggling of human beings, which normally are directly associated to certain nationalities and/or countries of origin.