

Special Report

Frontex's support to external border management:

not sufficiently effective to date



EUROPEAN
COURT
OF AUDITORS

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Executive summary

I The Schengen Convention created a single area of movement without internal border checks. The surveillance and control of external borders are essential for facilitating the free movement of people and goods within this area, while seeking to guarantee internal security and prevent potential threats at the borders.

II Established in 2004, Frontex became the European Border and Coast Guard Agency with the adoption of Regulation (EU) 2016/1624. This significantly extended its original mandate and empowered it to facilitate European integrated border management at the EU's external border, where Member States retain responsibility.

III Only three years later, Regulation (EU) 2019/1896 increased Frontex's powers to enhance it from a support and coordination- role to an operational role. This involved an exponential increase in resources, introducing a standing corps of 10 000 operational staff by 2027 and an average budget of €900 million per year.

IV We audited whether Frontex carried out four out of its six primary activities effectively to contribute to implementing European integrated border management, and thus supporting Member States to prevent, detect and respond to illegal immigration and cross-border crime. We also examined the preparedness of Frontex to fulfil its new and expanded 2019 mandate. This is the first time we have looked at how Frontex performs these activities, as defined in the 2016 Regulation. Our report is timely since the last external evaluation of the agency was published in July 2015, and Regulation (EU) 2019/1896 was approved without an impact assessment. The audit covered the period from the end of 2016 (when Frontex's new responsibilities came into force) until February 2020.

V Overall, we found that Frontex's support for Member States/Schengen associated countries in fighting against illegal immigration and cross-border crime is not sufficiently effective. We found that Frontex has not fully implemented its 2016 mandate and we highlighted several risks related to Frontex's 2019 mandate.

VI We found that although a functional information exchange framework is in place to support the fight against illegal immigration, it did not function well enough to provide accurate, complete and up-to-date situational awareness of the EU's external border. An adequate information exchange framework has not yet been established for cross-border crime. This affects the capacity of Frontex and Member States to monitor external borders and, if necessary, to respond quickly to any threats detected.

VII Frontex found it difficult to use national border control authorities' reporting under the European border surveillance system and there are legal constraints on using the data located on the pan-EU systems for risk analysis purposes. Moreover, it is unable to apply the common integrated risk analysis model applied by most Member States.

VIII Ongoing issues of data completeness and quality beset the data-collection process of Frontex's vulnerability assessment, even though Member States should provide the information Frontex needs.

IX With regard to joint operations, the deployment of resources to prevent, detect and target cross-border crime is not yet sufficiently developed in Frontex's day-to-day activities. As it lacks information on actual cost and performance, Frontex's operational reporting fails to inform decision-makers adequately.

X Frontex has not taken the measures necessary to adapt its organisation to address the mandate it received in 2016. We have identified shortcomings in human resources planning in the risk analysis and vulnerability assessment units, and in communication between the units covered by the audit, which represent an important risk for the effectiveness of the new operational role of the Agency.

XI Finally, we consider that there is a significant risk that Frontex will struggle to carry out the mandate assigned to it by the Regulation (EU) 2019/1896. The exponential increase in resources made available was agreed without a needs and impact assessment on Member States, and without an evaluation of Frontex's activities since 2015.

XII On the basis of these conclusions, we address specific recommendations to Frontex and the Commission to:

- improve the information exchange framework and the European situational picture;
- update and implement the common integrated risk analysis model and secure access to other sources of information;
- develop the potential of the vulnerability assessment;
- improve Frontex's operational response;
- address the challenges posed by Frontex's new mandate.

Introduction

01 The entry into force of the Schengen Convention in 1995 saw the abolition of internal borders, and the establishment of the Schengen Area for the free and unrestricted movement of people. Currently, the Schengen Area comprises 26 European countries¹.

02 In the conclusions of the EU summit held in Laeken in December 2001, Member States stated that “Better management of the Union’s external border controls will help in the fight against terrorism, illegal immigration networks and the trafficking in human beings. The EU Council asks the Council and the Commission to work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created”².

03 In order to implement European integrated border management, the European Parliament, the Council and the Commission established Frontex³ in 2004⁴. The Agency was created under the premise that responsibility for control and surveillance of external borders is shared with the Member States and this has not changed throughout the subsequent amendments of the founding regulation of Frontex.

04 The Agency’s first mandate was to enhance and support inter-agency and operational cooperation among the Member States’ border control agencies, and to develop and promote common policies on training, risk assessment and joint operations. Accordingly, its original name was the “European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union”.

¹ 22 EU Member States (Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden), together with Iceland, Liechtenstein, Norway and Switzerland.

² Presidency conclusions, European Council meeting in Laeken of 14-15 December 2001, point 42 (SN 300/1/01 REV 1).

³ From the French “Frontières extérieures”.

⁴ [Council Regulation \(EC\) No 2007/2004](#) of 26 October 2004 (OJ L 349, 25.11.2004, p. 1).

05 The Frontex founding regulation has been amended four times: in 2007⁵, 2011⁶, 2016⁷ and 2019⁸, each of which has progressively expanded the agency's mandate, functions and budget (from €19 million in 2006 to €330 million in 2019).

06 The first amendment, in 2007, expanded the initial mandate via the so-called "RABIT regulation", which enabled the Agency to deploy rapid border intervention teams to Member States. The teams would intervene, for a limited period, at the request of any Member State faced with urgent and exceptional situations resulting from a large influx of migrants through irregular channels. This saw the first reference to "immigration", a phenomenon not mentioned in the 2004 Regulation.

07 In 2011, increasing migration flows in the Mediterranean Sea, caused primarily by political events in North Africa, together with shortcomings and limitations on the operational side of the agency, led to the second amendment of the Frontex founding Act. The main changes concerned Frontex's operation of information systems, also within the European border surveillance system; a greater coordinating role in joint return operations, joint operations and pilot projects; and a new possibility for Frontex to buy equipment alone or in co-ownership with a Member State, and to send liaison officers to third countries.

08 During the migration peak of 2015, EU's co-legislators and the Commission took the view that Frontex, which had a limited mandate to support Member States in securing their external borders, had insufficient staff and equipment. Frontex relied for its resources on voluntary contributions by the Member States, and lacked the authority to conduct border-management operations and search-and-rescue efforts. They had concerns that these limitations would hinder Frontex's ability to effectively address and remedy the situation created by the refugee crisis. This led, in 2016, to the third amendment of the Agency's founding regulation⁹, which entered into force on 6 October 2016, and to Frontex being renamed the "European Border and Coast Guard

⁵ [Regulation \(EC\) No 863/2007](#) of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams (OJ L 199, 31.07.2007, p. 30).

⁶ [Regulation \(EU\) No 1168/2011](#) of the European Parliament and of the Council of 25 October 2011 (OJ L 304, 22.11.2011, p. 1).

⁷ [Regulation \(EU\) 2016/1624](#) of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p. 1).

⁸ [Regulation \(EU\) 2019/1896](#) of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

⁹ [Regulation \(EU\) 2016/1624](#) of the EU Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard.

Agency” with enhanced tasks and powers on both the operational and the monitoring/coordination sides of border management. The regulation also established the European Border and Coast Guard, consisting of the Agency and the national authorities responsible for managing borders.

09 Article 4 of Regulation (EU) 2016/1624 defines the components of European integrated border management (see **Box 1**). For the first time, European integrated border management legally aimed, as stated in recital 2 of the regulation, to “manage the crossing of the external borders efficiently and address migratory challenges and potential future threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension and ensuring a high level of internal security within the Union. At the same time, it is necessary to act in full respect for fundamental rights and in a manner that safeguards the free movement of persons within the Union”.

Box 1

Components of Integrated Border Management

- (a) Border control, including measures to facilitate legitimate border crossings and, where appropriate, measures related to the prevention and detection of cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism, and measures related to the referral of persons who are in need of, or wish to apply for, international protection;
- (b) search and rescue operations for persons in distress at sea, launched and carried out in accordance with EU regulations and with international law, taking place in situations which may arise during border surveillance operations at sea;
- (c) analysis of the risks for internal security and of the threats that may affect the functioning or security of the external borders;
- (d) cooperation between Member States, supported and coordinated by the agency;
- (e) inter-agency cooperation among the national authorities in each Member State which are responsible for border control or for other tasks carried out at the border and among the relevant EU institutions, bodies, offices and agencies;
- (f) cooperation with third countries in the areas covered by the Frontex regulation, focusing on neighbouring countries and on those third countries

which have been identified by risk analysis as being countries of origin and/or transit for illegal immigration;

- (g) technical and operational measures within the Schengen area which are related to border control and are designed to address illegal immigration and to counter cross-border crime more effectively;
- (h) return of third-country nationals who are the subject of return decisions issued by a Member State;
- (i) use of state-of-the-art technology, including large-scale information systems;
- (j) a quality control mechanism, in particular the Schengen evaluation mechanism and possible national mechanisms, to ensure the implementation of EU border-management legislation;
- (k) solidarity mechanisms, in particular, EU funding instruments.

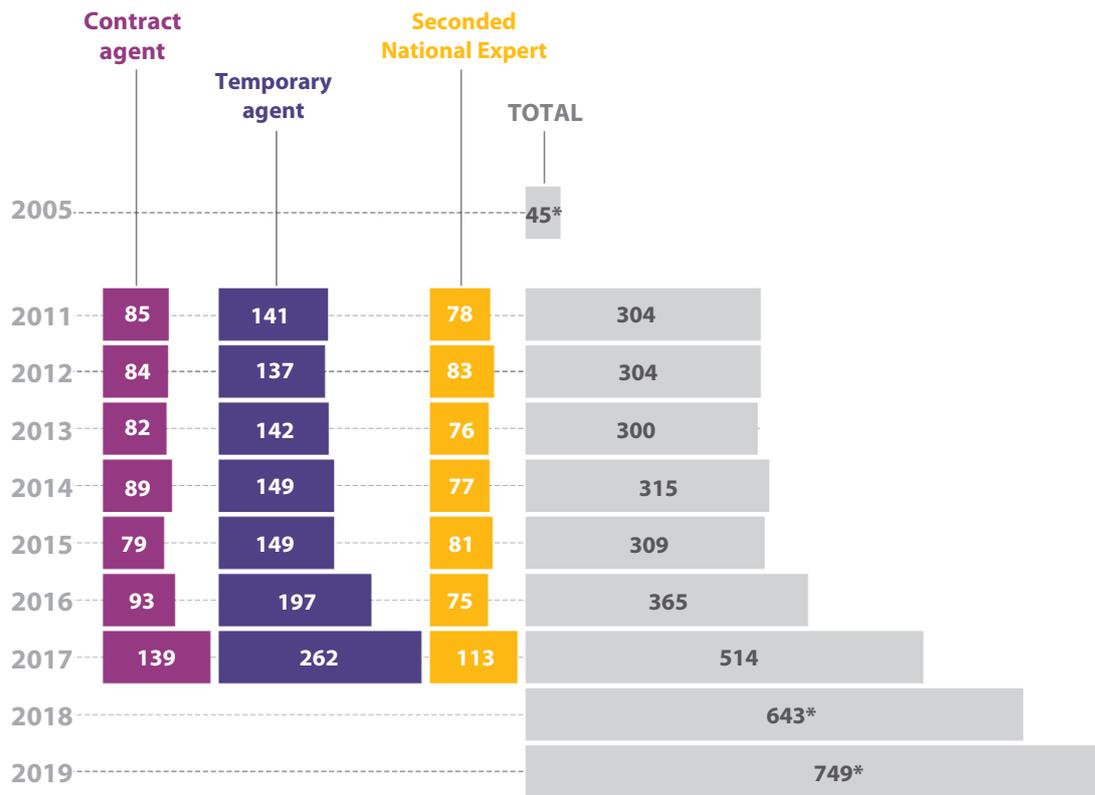
10 The ambition of EU’s co-legislators and the Commission was to obtain a strengthened and fully operational European Border and Coast Guard “in order to address citizens’ concerns regarding security and safety for the Union”¹⁰. Accordingly, in September 2018, i.e. only two years after the previous amendment came into force, the European Commission put forward a proposal for a new regulation for the agency. The Council cited urgent need as justification for the absence of either an impact assessment for the new legislation or an evaluation of the previous mandate. The new regulation came into force on 4 December 2019. *Annex I* shows the main changes in the European Border and Coast Guard agency’s mandate in the 2016 and 2019 amendments.

11 The leading measure of this amendment was to establish a standing corps, the EU’s first uniformed law-enforcement service. The aim of this body would be to address the “capability-expectations gap” resulting from the agency’s dependence on the Member States/Schengen associated countries for contributions in terms of border guards and equipment. Composed of Frontex statutory staff and staff seconded on a mandatory basis from European countries for long and short term periods, the corps will be built up gradually until it reaches 10 000 staff in 2027, including 3 000 border and coast guards, return escorts and experts (see *Figure 1* and *Figure 2*). At the same time, the Frontex budget is set to increase from €460 million in 2020 to an average of €900 million/year, to cover the agency’s upgraded tasks and functions¹¹ (see *Figure 3*).

¹⁰ COM(2018) 631: Proposal for a new regulation on the European Border and Coast Guard.

¹¹ COM(2018) 631 final.

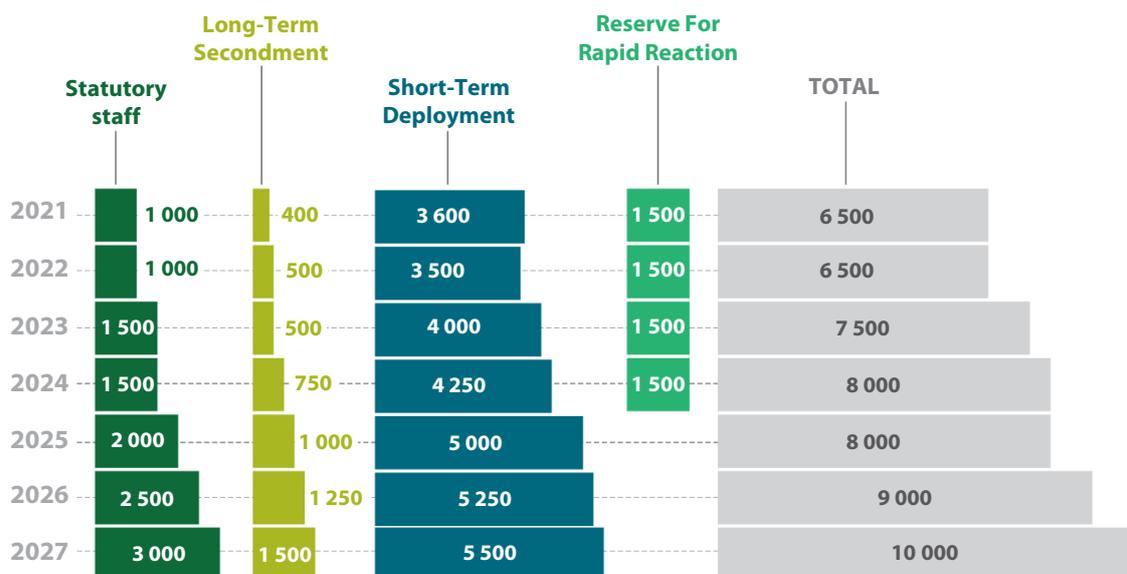
Figure 1 – Frontex’s actual workforce, 2005-2019



* Breakdown not publicly available

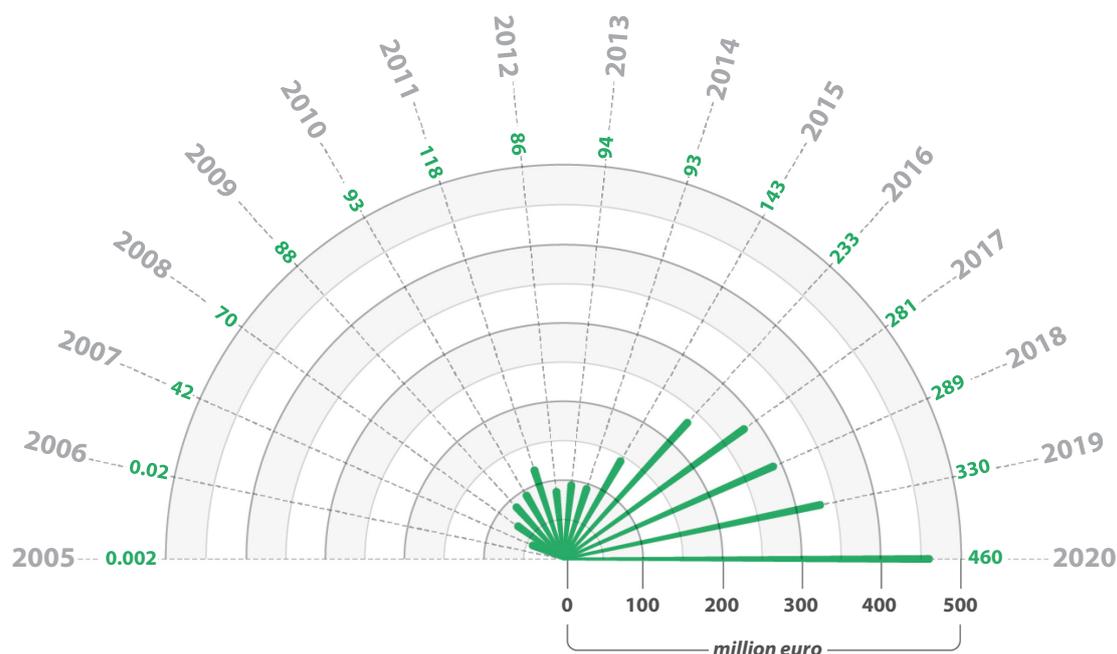
Source: ECA, based on Frontex’s Annual Reports.

Figure 2 – Capacity of the standing corps per year and category



Source: ECA, based on Regulation (EU) 2019/1896.

Figure 3 – Frontex’s Annual Budget



Source: ECA, based on Frontex’s Annual Reports.

12 The following tasks are considered to be Frontex’s primary activities in order to support Member States/Schengen associated countries in managing the EU’s external borders, described by Frontex in the following terms:

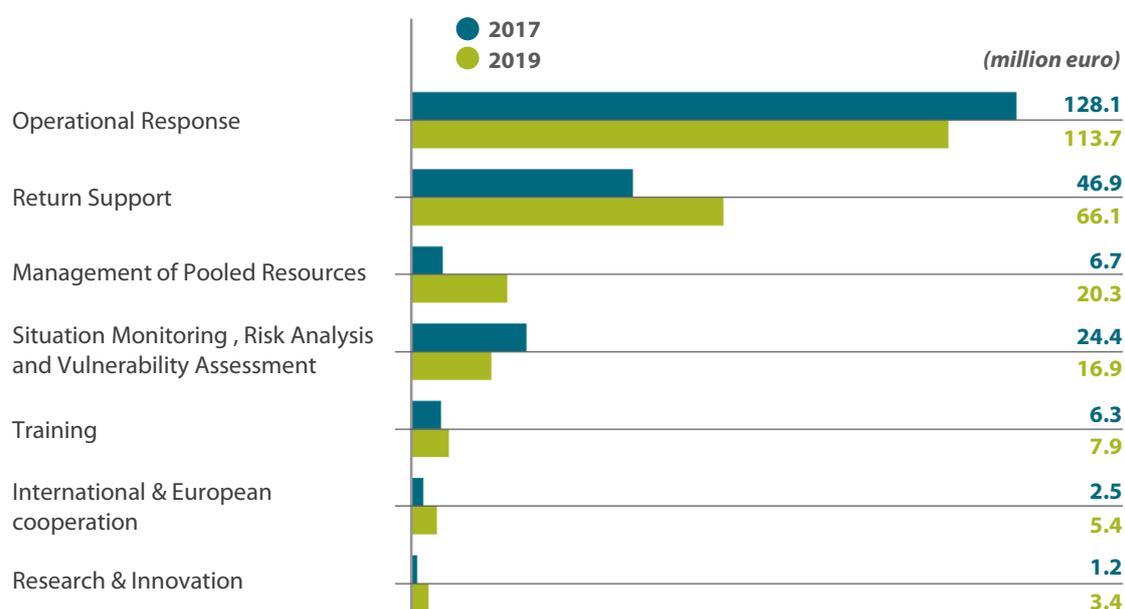
- **situation monitoring** is to provide an as detailed, accurate and up-to-date picture as possible of the situation at the EU external borders;
- **risk analysis** is to build up a picture of patterns and trends in irregular migration and cross-border criminal activity, including human trafficking, at the external borders;
- **vulnerability assessments** are to evaluate the capacity and readiness of each Member State to face challenges at its external borders, including migratory pressure;
- **joint operations and rapid border interventions** (known as **operational response**), coordinated and organised by Frontex, are to assist Member States at external areas which are under significant migratory pressures. In its operations, the agency deploys European Border and Coast Guard teams along with vessels, aircraft, vehicles and other technical equipment provided by Member States;
- **return operations** are to assist Member States upon request, or at the agency’s initiative, in carrying out return operations by organising or coordinating national and joint operations between different Member States, assisting them with

forced return operations and voluntary departures; organise or coordinate return operations where the means of transport and escort officers are provided by the non-EU country of destination;

- **Frontex training** is to develop training curricula and specialised courses in a variety of areas to guarantee the highest levels of professional knowledge among border guards across Europe.

13 The operational costs of these activities are presented in *Figure 4*.

Figure 4 – Operational costs in 2017 and 2019



Source: ECA, based on Frontex's Financial Statements.

Audit scope and approach

14 For this audit we examined four out of Frontex's six primary activities to see how effectively they contributed to implementing European integrated border management, and how well Frontex prepared to fulfil its new mandate.

15 To answer the main audit question, we addressed three sub-questions:

- (i) Is Frontex fulfilling its 2016 mandate as regards the fight against illegal immigration?
- (ii) Is Frontex fulfilling its 2016 mandate to fight cross-border crime?
- (iii) Is Frontex well prepared to fulfil its new and expanded 2019 mandate?

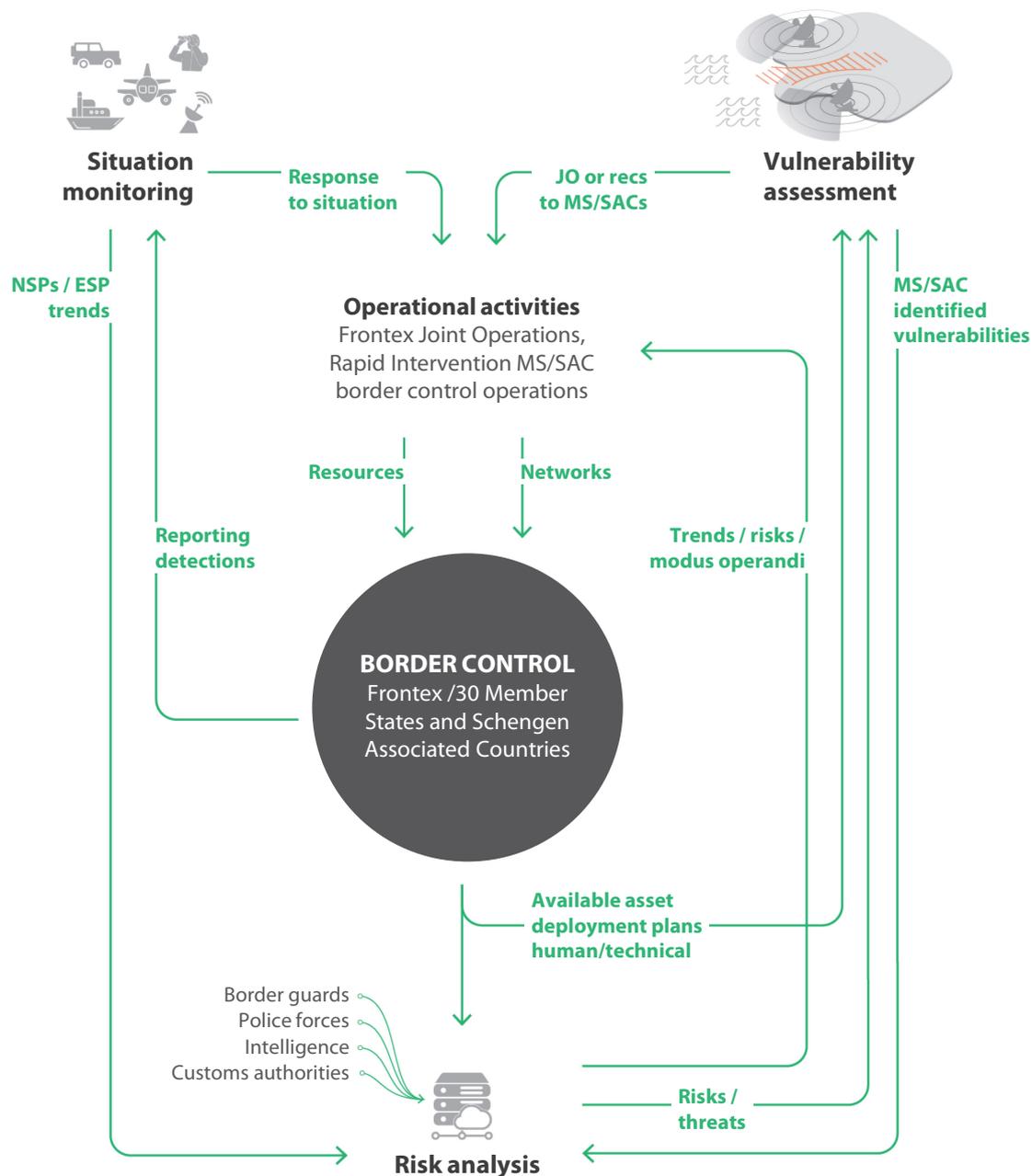
16 In 2019, we reported on Frontex's return operations (28 % of operational costs)¹². This performance audit focused on Frontex's other four main activities: situation monitoring, risk analysis, vulnerability assessment and operational response. As the management of pooled resources (9 %) is complementary to the operational response (48 %), it has been indirectly included within the scope of the audit. Together, these activities represented 64 % of Frontex's €236.7 million operational costs in 2019 (see [Figure 4](#)).

17 This is the first time we have looked at how Frontex performs these activities, as defined in the 2016 regulation. Our report is timely since the last external evaluation of the agency was published in July 2015, and Regulation (EU) 2019/1896 was approved without an impact assessment.

18 These primary activities of the agency are intended to support the national authorities, at both national and EU levels, in effectively controlling their external borders, and are mutually reinforcing. A failing in one area of activity can have a negative impact on other areas of activity. Conversely, effective action in one activity can have a mutually positive impact on activities in other areas. For example, correct identification and correction of a vulnerability identified during vulnerability assessments can result in enhanced operational control, thereby improving situational awareness and leading to more complete risk analysis (see [Figure 5](#)).

¹² ECA special report 24/2019 on Asylum, relocation and return of migrants: Time to step up action to address disparities between objectives and results.

Figure 5 – Expected contribution of Frontex’s primary activities to effective border control



Source: ECA.

19 The audit covered the period from the end of 2016 (the year Frontex’s new responsibilities came into force) until February 2020. Frontex’s activities regarding the respect for and the protection of fundamental rights are not included in the scope of this audit.

20 To perform the audit, we visited our auditee, Frontex, and met representatives of the agency’s various units. We also held meetings with the border authorities of Poland and Italy, as a sample of countries where the agency was conducting joint land,

air and maritime operations, and visited facilities where these operations were being conducted. We sent questionnaires to the other 25 Member States and have received 20 replies (see *Annex II* - no replies from Cyprus, Greece, Ireland, Netherlands and Slovenia). Lastly, our audit work included desk reviews of documentation received from Frontex and from the Italian and Polish national authorities, as well as reports and papers published by national authorities, research bodies and academics.

Observations

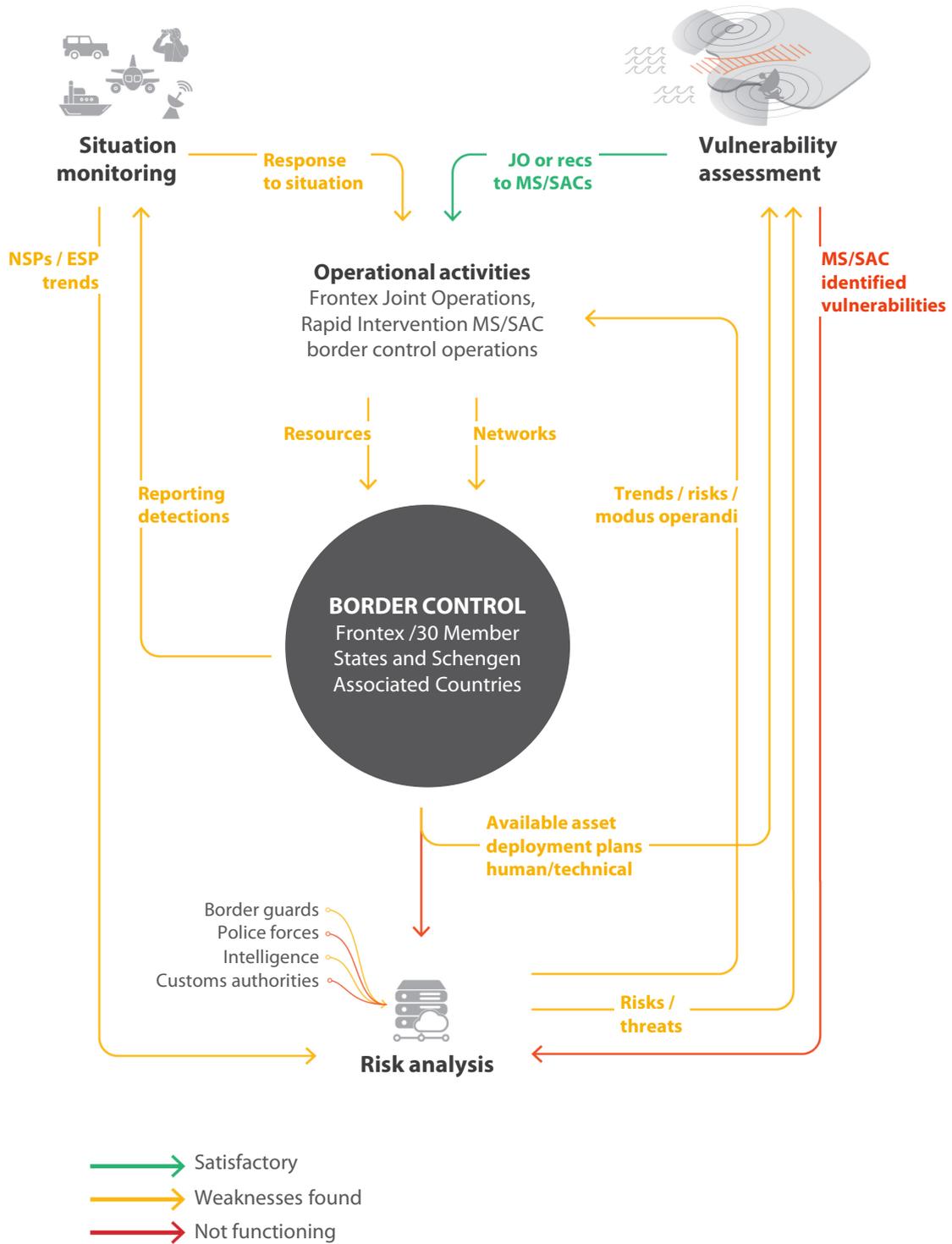
There are shortfalls in information available to Frontex and in its activities to fight against illegal immigration

21 In this section we examined whether Frontex is fulfilling its 2016 mandate as regards the fight against illegal immigration by:

- (i) making use of an information exchange framework to provide a detailed, accurate and up-to-date picture of the situation at the EU external borders;
- (ii) carrying out its activities in such a way as to support Member States/Schengen associated countries; and
- (iii) providing information about the impact or cost of its activities.

22 *Figure 6* summarizes our findings.

Figure 6 – Weaknesses detected in Frontex’s primary activities when supporting the fight against illegal immigration



Source: ECA.

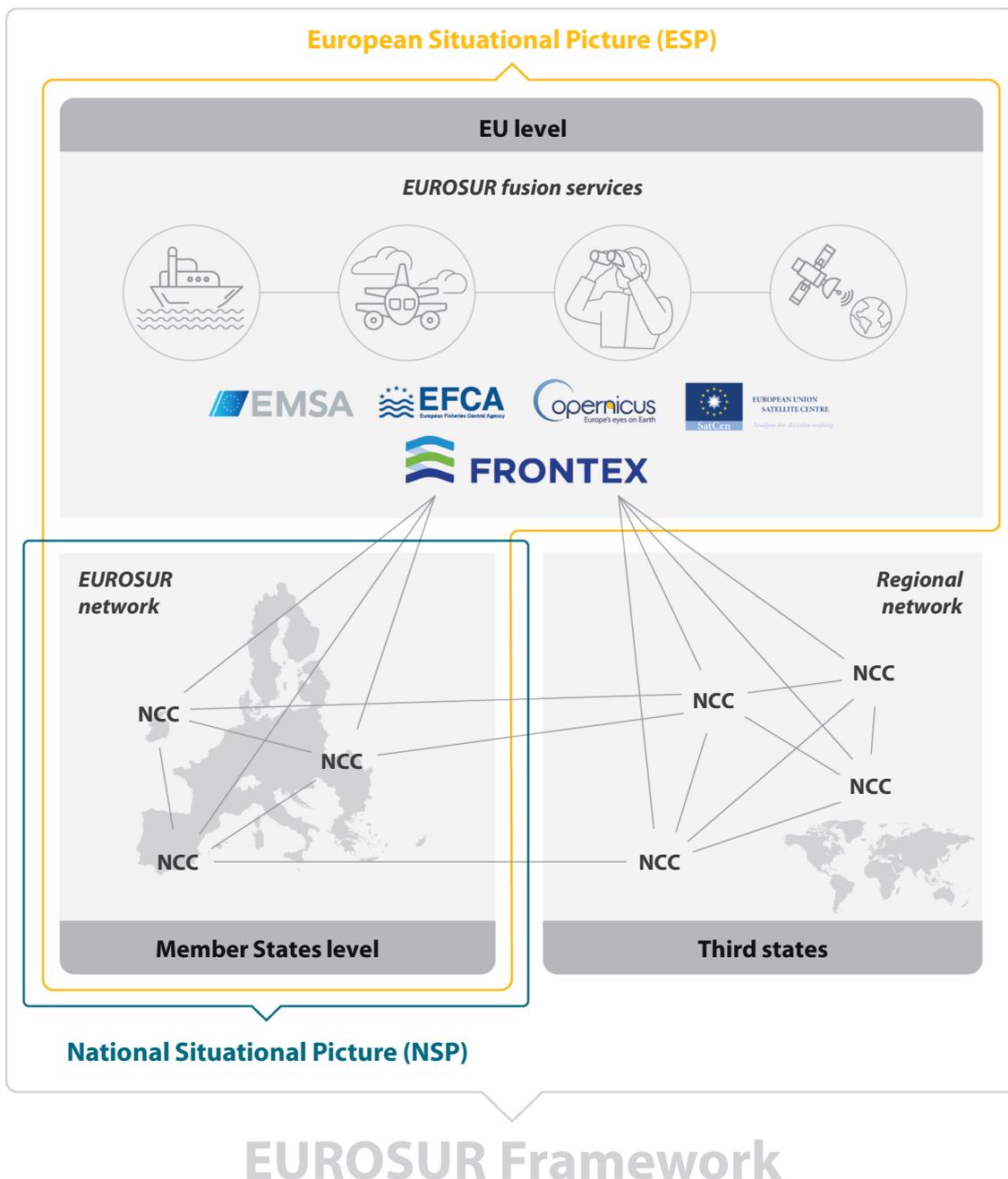
There are gaps and inconsistencies in the information exchange framework

Situation monitoring

23 Regulation (EU) No 1052/2013 established the European border surveillance system (EUROSUR)¹³, a framework for information exchange and cooperation between Frontex and the various national authorities involved in border surveillance. Within this framework, Frontex shares the European situational picture with Member States. The European situational picture is a graphical interface that presents near-real-time incident data and information received from various national border authorities brought together in the national coordination centre, as well as data that have been obtained from deployed surveillance tools, such as sensors, platforms and other sources (see [Figure 7](#)). In this way, Frontex seeks to support Member States by improving situation monitoring and reaction capability along the external borders and the pre-frontier area.

¹³ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 295, 6.11.2013, p. 11).

Figure 7 – EUROSUR framework and networks of National Coordination Centres (NCC)



Source: ECA.

24 This regulation, which develops the *Schengen Acquis*, requires Member States/Schengen associated countries to record all relevant events that occur along the borderline between land-border crossing points (known as “the green border”) and within the maritime border (known as the “blue border”). It does not oblige them to report events that occur at actual border crossing points.

25 The intention of the regulation was to provide Frontex with reasonably robust information to contribute to the situational picture of events that occur at the external border along the main migratory routes, e.g. Central, Eastern and Western Mediterranean, as well as the West Balkans land route. However, our SR 20/2019¹⁴ noted weaknesses in Member States' implementation of the regulation (see [Box 2](#)).

Box 2

EUROSUR – Weaknesses identified in ECA special report 20/2019

- While some countries do indeed enter data into EUROSUR on a near-real-time basis, others do so only once a week. This means that an incident at the border (i.e. the arrival of a large group of migrants) might not appear in the European system until up to one week later.
- Member States/Schengen associated countries submit their reports in different formats, meaning that the data cannot be easily aggregated and may not even be accessible to other Member States/Schengen associated countries for technical reasons. Data quality can suffer as a result.
- Some Member States/Schengen associated countries report incidents on a case-by-case basis, while others provide only aggregated data.
- Some Member States/Schengen associated countries create an incident report for each individual, while others create one incident report covering several people. This means that the statistics on the number of incidents reported are difficult to use because they are not consistent or comparable. It also makes it difficult for Frontex to monitor developments and prioritise the allocation of additional resources as needed.

26 In addition to the exemptions for land and sea border crossing points, Member States/Schengen associated countries are not obliged to report illicit air-border crossings, either at air border crossing points or into national airspace. While a minority of Member States/Schengen associated countries voluntarily report border events that occur at border crossing points, the majority do not. This means that the European situational picture compiled by Frontex does not provide a near-real-time picture of the situation at the EU's air border, or at land and sea border crossing points. This is also corroborated by Member States' replies to our questionnaire.

¹⁴ ECA special report 20/2019: EU information systems supporting border control - a strong tool, but more focus needed on timely and complete data.

27 Moreover, there are no agreed standards in operation between Member States concerning the performance capabilities of their border surveillance or other control equipment. This complicates Frontex's role in identifying potential vulnerabilities to Member States' detection capabilities for border control, and may lead to undetected border crossings and therefore under-reporting of events in EUROSUR.

28 The establishment of the national coordination centre (NCC) network across the 30 Member States/Schengen associated countries can be viewed as a significant achievement. The NCC coordinates and exchanges information between authorities with responsibility for external land- and sea-border surveillance at national level, as well as with the other NCCs and the agency. When several national authorities are involved in border control, the NCC is often used as a 'platform' to foster inter-agency cooperation between several organisations belonging to different ministries. The NCC is responsible for maintaining the national situation picture.

29 Nevertheless, the network has not implemented fully all of the functions that were set out in the regulation. For example, the operational and analysis layers of EUROSUR have not been implemented in a comprehensive or consistent fashion. *Annex III* provides information on the functions set out in the regulation and their implementation by the various Member States and Schengen associated members.

Risk Analysis

30 Frontex found it difficult to use EUROSUR data for statistical risk-analysis purposes because the Member States/Schengen associated countries do not submit their EUROSUR reports in a consistent manner and use different formats, as reported in *Box 2*. Furthermore, the level of reporting within the analysis and operational layers of EUROSUR is minimal due to Member States security concerns, and cannot be relied upon by Frontex for risk analyses conducted at EU level. The operational layer contains no information on assets or on the operational sublayers in most cases because the network was not accredited until January 2018¹⁵. To overcome these issues with EUROSUR, Frontex's risk analysis unit requests a statistical feed from the Frontex risk analysis network (FRAN) that is provided directly by Member States/Schengen associated countries from their national systems and includes data concerning all border types.

¹⁵ Commission SWD(2018) 410, p. 22, and ECA SR 20/2019, paragraph 27.

Frontex's activities were not sufficiently developed to provide an effective support to Member States/Schengen associated countries

Situation monitoring

31 On a daily basis, Frontex dispatches timely and relevant information to national authorities regarding the situation at the external borders via the European situational picture. It also provides information about specific events that occur within the operational areas assigned to Frontex's joint operations. In addition, Frontex offers services to support and add value to Member States' operational activities. It also provides real-time surveillance platforms (such as aerial surveillance) that have enabled real-time operational responses to events in cases where Member States'/Schengen associated countries' assets or joint operation assets were present. This can be very useful in distress situations. Member States recognised the benefit of these services in their responses to our questionnaire.

32 However, Frontex's situational awareness of the events occurring at the external borders in near-real time is hampered by weaknesses (in terms of completeness, consistency and timeliness) in the quality of the data used to generate the European situational picture, as outlined in [Box 2](#) and paragraph [24](#). This results in a patchwork of national situational pictures rather than a single, uniform European situational picture. Unfortunately, previous attempts to homogenise data entry (particularly by adopting different revisions of the EUROSUR handbook) have not corrected these issues.

Risk Analysis

33 Since Frontex was set up in 2004, its mandate has included risk analysis at its core. The objective of this risk analysis is to inform decision-making in Frontex, the Member States and the Commission. Risk analysis supports Frontex's activities, e.g. identifying new *modi operandi*, migration routes, fighting cross-border crime by identifying smuggling routes, fraudulent documents, and trafficking in human beings, all of which are part of the agency's operational remit.

34 In addition to the EUROSUR information, Frontex also collects a wide range of data from Member States, EU bodies, partner countries and organisations, as well as from its own operations (especially at migrant reception interviews and debriefing sessions) in order to identify the key factors influencing and driving migratory trends. This includes assessments of topography, demography, crisis prevention, geopolitics and intelligence, which are not available in EUROSUR. Frontex also uses open source data (i.e. from other EU partners and international organisations) on the situation at

Europe's borders and beyond. FRAN, the dedicated network of intelligence experts and risk analysts, produces quarterly reports.

35 Frontex's main products from the risk analysis unit are:

- an annual risk analysis;
- special risk analyses on the western Balkans and the EU's eastern borders;
- *ad hoc* briefings on emerging risks, which are often generated in response to specific information requests from the Commission or the Council.

36 Frontex's risk analysis activities have contributed to building up FRAN, a community of European risk analysts and intelligence experts. By agreeing on and applying common standards, Frontex has facilitated communication between colleagues from other countries. In addition, all Member States have access through FRAN to each other's FRAN-related data for their national risk analysis activities.

37 However, for legal reasons and for the purpose of data protection Frontex does not have access, for risk-analysis purposes, to the data located on the pan-EU systems hosted by eu-LISA¹⁶ (responsible for the operational management of large-scale IT systems), which are essential instruments for implementing the EU's asylum, border management and migration policies. These systems, which keep records of visa data, asylum applications and movements of people, missing persons (especially children) and information on certain properties, do not provide Frontex with any statistical reports that it can use for risk-analysis purposes, apart from publicly available statistics.

38 Frontex has been tasked with developing¹⁷ a common integrated risk analysis model (CIRAM) that should be applied by the agency and the Member States¹⁸. 95 % of the 20 Member States that replied to our questionnaire are applying this common methodology to their national risk analysis. However, the agency itself is unable to apply the model because it cannot adequately assess the vulnerability of specific border sections (see **Box 3**). Although Member States/Schengen associated countries share their border control assets and the respective deployment plans with Frontex's

¹⁶ <https://www.eulisa.europa.eu/>

¹⁷ Article 4 of Regulation (EU) No 1168/2011.

¹⁸ Article 11 of Regulation (EU) 2016/1624.

vulnerability assessment unit, the latter did not share this information, at the time of the audit, with Frontex’s own risk analysis unit.

Box 3

Frontex and the application of CIRAM

CIRAM defines risk as a function of threat, vulnerability and impact:

- a “threat” is a force acting upon the external borders characterised by both its magnitude and likelihood;
- a “vulnerability” is defined as the capacity of the system to mitigate the threat;
- an “impact” is determined as the potential consequences of the threat.

In order to properly assess whether the planned mitigation of a threat will be effective, Frontex needs to know the resources available to the system and how their deployment is planned so it can adequately assess what, if any, vulnerability arises and what the potential impact might be. As this information is not available to Frontex risk analysis unit, the agency is unable to apply the CIRAM methodology to its risk analysis products.

39 In response to our questionnaire, Member States reported that they appreciated the quality of Frontex’s risk-analysis products. However, they also reported that the lack of a common, structured distribution system limits the availability and impact of these products. For example, the Frontex one-stop shop (FOSS) is the only formal, common platform that shares information between European border guards, and Member States believe that the information available on it is very useful for the border guards’ activities. However, access to FOSS is limited to those border guards participating in Frontex operations, and only for as long as they are deployed. Moreover, the Joint Research Centre (JRC), which provided the underlying technology of FOSS, is no longer providing software updates, maintenance or helpdesk functionality. This represents a risk to the continuity of the platform and, therefore, to the information it contains. To date, there has been no discussion within Frontex concerning a replacement for FOSS.

Vulnerability assessment

40 The vulnerability assessment requires Frontex to monitor and assess the availability of the Member States’ technical equipment, systems, capabilities, resources, infrastructure and the properly skilled and trained staff needed for border control. Member States have to supply the vulnerability assessment unit with the

required information to allow the assessment to take place. The objective is to assess Member States' capacity and readiness to face present and future threats and challenges at the external borders. This assessment should cover Member States' capacity to carry out all border management tasks, including their capacity to deal with the potential arrival of large numbers of people on their territory.

41 The vulnerability assessment process entered its fourth year of operation in 2020 after it was introduced by Regulation (EU) 2016/1624. During this period, Frontex has compiled an unprecedented picture of Member States' capacities and vulnerabilities at individual border sections, as the Member States also reported in their responses to our questionnaire. The 2017 and 2018 vulnerability assessments were completed in spite of severe resource constraints, which had an impact on the quality of the work. For example, in 2016, Frontex had just three posts allocated to the task, a figure, which rose to 23 posts (of which 15 were filled) in 2018, and 25 posts (of which 23 were filled) in 2019. We looked at a sample of five assessments and found that the vulnerability assessment unit had not noted the fact that one Member State had not declared one land border crossing point in 2017 and 2018, meaning that the vulnerability assessment unit did not assess it.

42 The vulnerability assessment process has developed as its methodology has been refined. However although Member States are required to provide reliable data, Frontex's vulnerability assessment unit continues to report ongoing issues related to Member States' incomplete and poor quality data that forms the basis for the procedure. In 2019, for example, data completion rates among Member States/Schengen associated countries ranged from 53 % to 98 %. In their replies to our questionnaire, two Member States cited national security as justification for their refusal to provide Frontex with the information it had requested.

43 Lastly, in line with the provisions of the 2016 regulation, the vulnerability assessment process is currently limited to national capacities and vulnerabilities. The assessments were not made at EU or regional level. We found that an EU-wide assessment would:

- be most appropriate in the context of the future deployment of the Frontex standing corps. Frontex's own capacity to deal with challenges at the external borders could then be regularly evaluated;
- identify any overlapping vulnerabilities in neighbouring countries or countries that belong in the same regional operating environment. Such vulnerabilities create interdependence between the Member States concerned;

- o evaluate the scale and efficiency of cooperation among the various EU agencies involved¹⁹.

Operational response

44 Since it was established, Frontex's operational response has mainly focused on supporting Member States in fighting illegal immigration, to a large extent via joint operations at the external borders (mainly at sea, but also on land or at airports). Such operations are carried out both with national resources and with (human and technical) resources that are pooled by participating countries or provided by Frontex, and coordinated by Frontex. They are requested by Member States, prioritised by Frontex on the basis of their importance and the resources available, and implemented according to an operational plan.

Joint operations

45 The location of the most important irregular migration routes to the European Union has meant that almost 80 % of Frontex's joint operations budget is devoted to operations carried out at sea. Some of these (e.g. Minerva and Poseidon) also cover checks at border crossing points, but the main focus is essentially border surveillance, and most operations have been active since 2006 and 2007. We present more detailed information about Frontex's joint maritime operations in [Annex IV](#). The effectiveness of the support provided to the Mediterranean Member States for managing the migratory pressures of the past 15 years, was confirmed by all the parties we interviewed and has not been analysed further in this audit.

46 Frontex allocates most of the remaining 20 % of its joint operations budget to establishing focal points at seaports, airports and land-border crossing points, where Frontex makes border guards available at key points on the EU's external borders. The audit assessed the added value of Frontex's land and air focal points (international airports are perceived as being at great exposure to irregular migration). It concluded that they have a minor impact on overall border control. This was due to the small volume of human resources deployed, the short length of their deployment and the low number of focal points, which participate in the operations.

Rapid border intervention

47 A Member State under urgent and exceptional pressure at its external border, especially where large numbers of non-EU nationals are trying to enter its territory

¹⁹ ECA special report 22/2020 addressed inter-agency cooperation, an important component of the EIBM.

illegally, may ask Frontex to deploy a rapid border intervention on its territory for a limited period. So far, only Greece has activated the mechanism, on four occasions.

48 The effectiveness of Frontex’s rapid border interventions requires familiarity among those involved in the process, and the establishment of effective procedures in Member States to request such intervention (see [Box 4](#)).

Box 4

Hindrances to Frontex’s rapid interventions

- The rapid intervention in Greece in 2020 was a success, mostly because there was pre-existing infrastructure and the intervention took advantage of existing expertise, coordination and reporting structures, as well as the experience gained from the Poseidon joint operation.

However, should a rapid intervention become necessary outside the operational areas of the main maritime joint operation, Frontex has to organise regular exercises that involve member states – especially the potential hosts of a rapid intervention – so that all those involved are well prepared. Regular annual exercises for rapid interventions have been held since 2007. However, there was no exercise in 2019.

- In the sample of vulnerability assessment reports we examined (see paragraph [41](#)), we found that 40 % of member states did not have procedures in place to request a Frontex rapid intervention. In these cases, we noted that:
 - Member states had not defined criteria that would trigger a request to Frontex for rapid intervention assistance;
 - Member states’ national procedures did not include a procedure for requesting a Frontex rapid intervention;
 - detailed information was lacking about the escalation plan in a crisis situation.

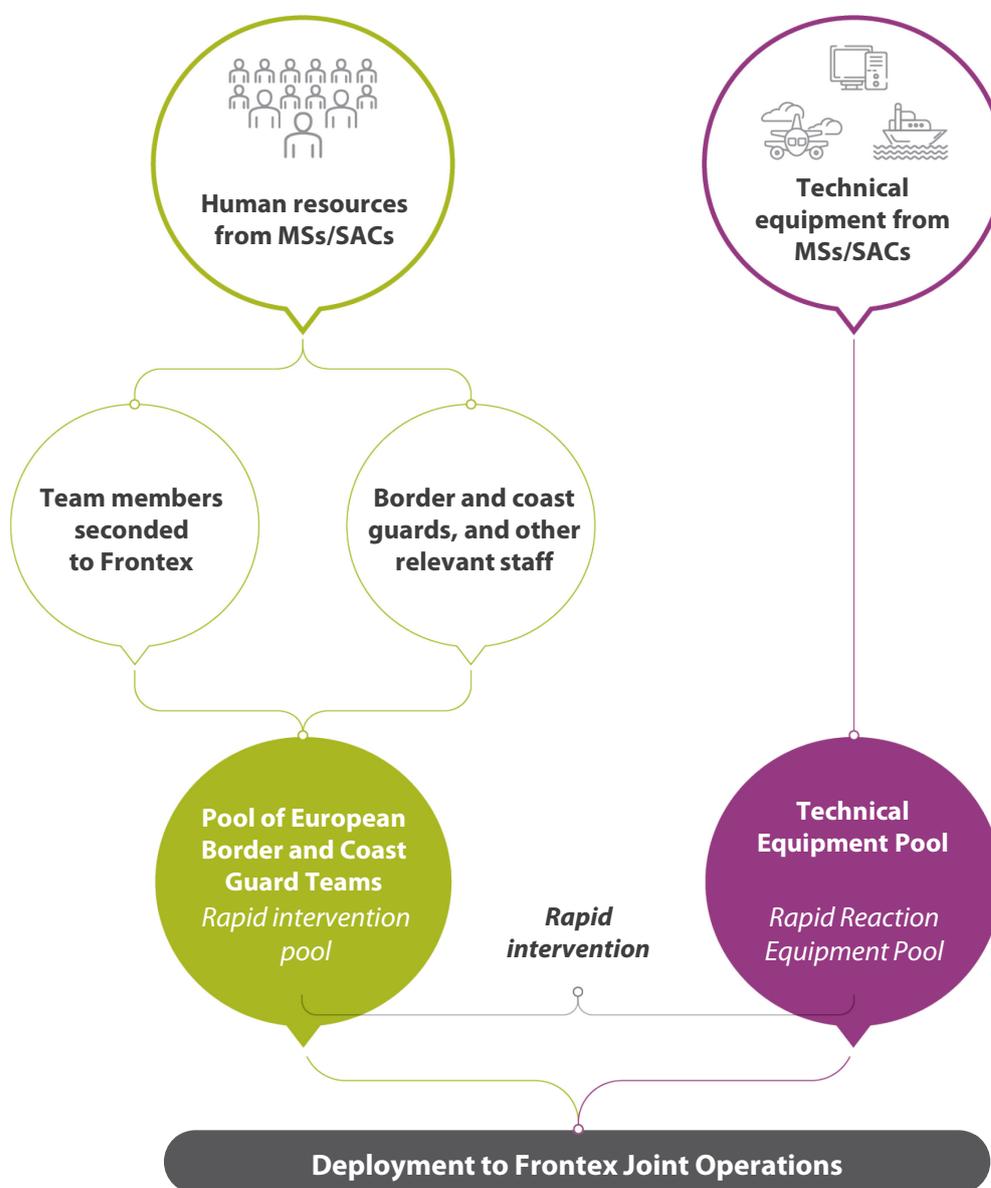
Pools of human resources

49 In accordance with Regulation (EU) 2016/1624, Frontex had set up, among others, a pool of European border and coast guard teams, including a rapid reaction pool and a technical equipment pool. Frontex’s contribution to the European border and coast guard teams pool comes in the form of team members, who are seconded to Frontex by Member States/Schengen associated countries via annual open calls for recruitment (see [Figure 8](#)). According to Frontex, the deployment of seconded team

members has served as a test – albeit on a very small scale – of a new model for human resource deployments under the 2019 regulation.

50 Every year, Frontex assesses its human resources and technical equipment (TE) needs, based on the priorities identified by risk analysis and information available from the previous year: analysis of data resulting from deployments of human resources and the effectiveness and efficiency of the different types of technical equipment. Based on this information, the agency launches a negotiation process (known as annual bilateral negotiations), the result of which is the contribution made by each country to operational activities.

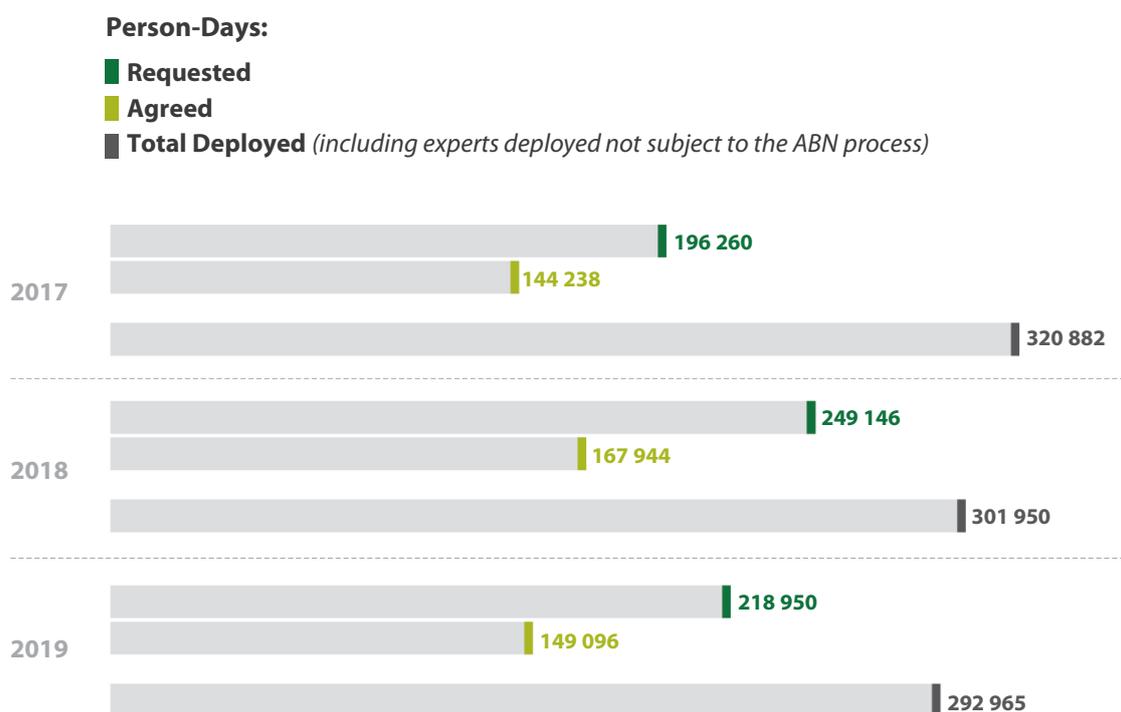
Figure 8 – Frontex’s human and technical resource pools and their deployment in Frontex’s operational response



Source: ECA.

51 We found that Member States have fulfilled their obligations to set up rapid reaction pools. The Commission has justified the establishment of a standing corps of 10 000²⁰ because of the gap in pledges of human resources by Member States. However, we found that most of this gap (85 % in 2019) corresponds to three out of 17 categories of experts in their joint operations (advanced-level document officer, border surveillance officer and stolen-vehicle detection officer). In addition, Member States'/Schengen associated countries' overall deployment of team members surpasses what was agreed in the negotiations (see [Figure 9](#)).

Figure 9 – Human resources requested, agreed and deployed



Source: ECA, based on Frontex's reports on operational resources.

52 We found that Frontex has not attributed sufficient importance to the role of cultural mediator, or to how the skills and attitudes required differ from those of an interpreter. This profile had not been included in the Management Board decision 38/2016, which defined the border guard profiles of the European Border and Coast Guard teams. Furthermore, it was not included in the Management Board decision of 2020²¹ to establish the standing corps. Instead, this decision included cultural mediation among the tasks to be carried out by return specialists, and

²⁰ COM(2018) 250 final.

²¹ Management Board decision 1/2020 of 4 January 2020 on adopting the profiles to be made available to the European Border and Coast Guard standing corps.

required debriefing officers to demonstrate advanced cultural awareness of the countries of origin and transit.

53 An interpreter's role is to facilitate communication by ensuring that any comments made are accurately translated; by contrast, a cultural mediator is required to understand cultural differences and the social norms of different cultures, while inspiring confidence in those who have recently arrived at the border, the aim being to avoid a breakdown in communications. During maritime operations, at the point of reception a cultural mediator engages with migrants who have had a long and arduous journey and who are often psychologically traumatised by exposure to trafficking, gender-based violence or torture. The mediator's role is crucial in the reception process and in intelligence gathering (about facilitators, routes, *modi operandi*, etc.), and feeds into such crucial Frontex processes as risk analysis.

Frontex did not provide information about the impact or cost of its activities

54 Article 8(3) of Regulation (EU) 2016/1624 stipulates that the agency "shall provide the public with accurate and comprehensive information about its activities".

55 Although Frontex communicates extensively about its activities²², its reporting (both public and limited-circulation) does not always analyse its performance and the real impact of its activities. This may have led to insufficiently informed legislative decision-making.

56 In the area of vulnerability assessments, Frontex publishes an overview of its activity. This has restricted circulation, and reports on the number of recommendations issued and the degree of implementation by the Member States. Conversely, in the area of risk analysis, Frontex does not publish an overview of its risk analysis activity for the year, or assess the impact of its products.

57 Frontex produces a large number of reports²³ purporting to evaluate Joint Operations. However, three key aspects of its activities are not disclosed.

²² ECA special report 22/2020.

²³ Available at <https://frontex.europa.eu/about-frontex/key-documents/>.

58 Firstly, the regulations²⁴ require Frontex to evaluate the results of joint operations. However, the agency does not carry out a robust evaluation of these activities. In its report on joint maritime operations, despite their importance as a proportion of its total activities, Frontex does not differentiate between the results of its own support and those of national activities undertaken in the normal course of duties by the host Member State. In addition, the reports do not state that they present the results and activities carried out both by Frontex and the national authorities, in the operational area, during the operational period.

59 Secondly, in its reports on operational resources, Frontex provides information on the resources needed, committed and deployed, but does not explain any deviation, or identify the impact of any gaps. The reports do not provide a clear picture of the effectiveness or weaknesses of the Member States' actual contribution to the joint operations, and may lead readers to misinterpret the existence of gaps (see paragraph 51).

60 Thirdly, Frontex does not provide information about the real cost of its joint operations, either aggregated, or disaggregated by operation (maritime and aerial) and type of costs (e.g. human resources and light equipment, or heavy equipment). Based on the rationale that the final data are only available in year n+2, Frontex only presents costs based on estimates that can reveal significant differences.

Frontex does not support the fight against cross-border crime effectively

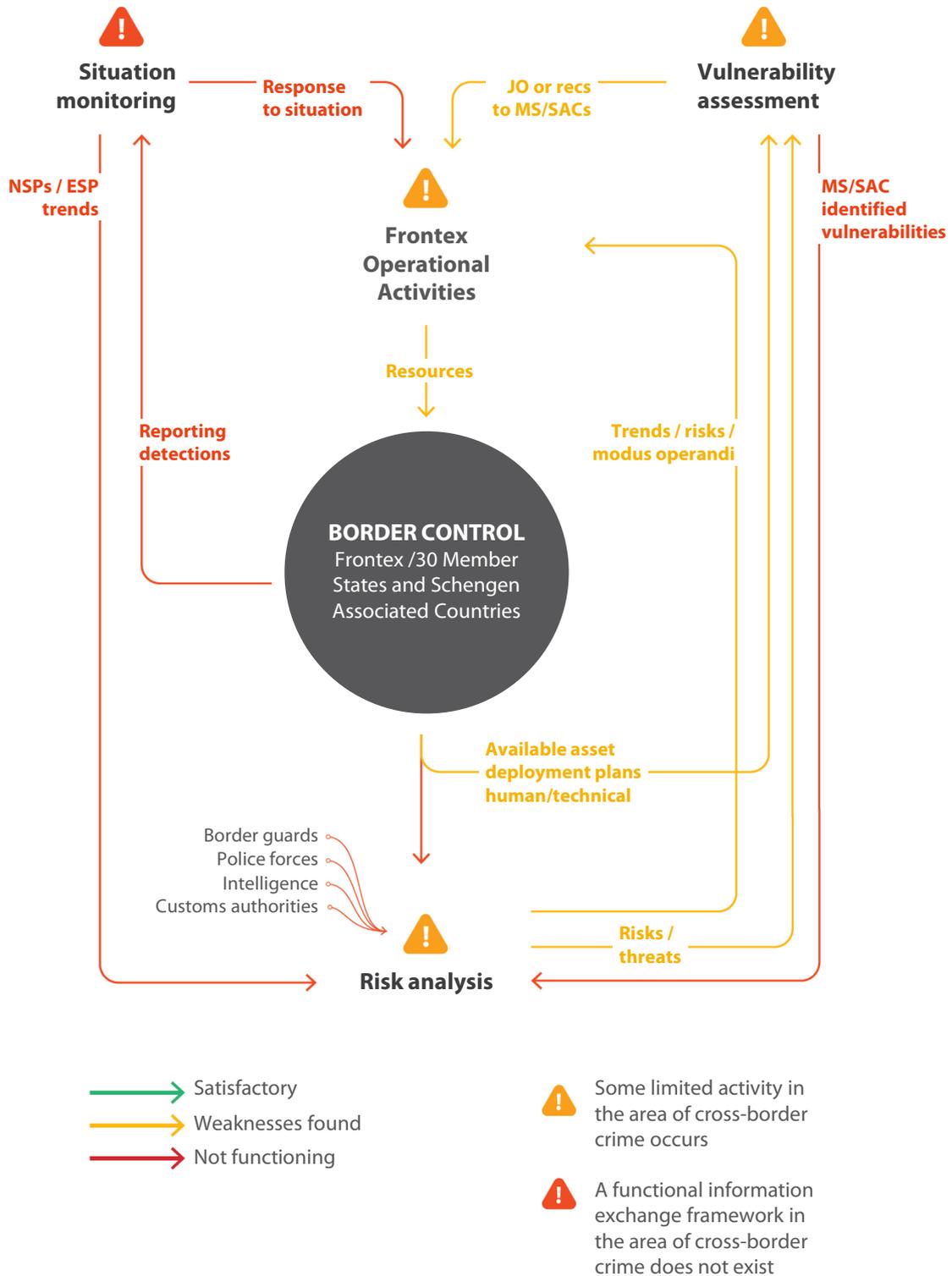
61 In this section we examined whether Frontex is fulfilling its 2016 mandate as regard the fight against cross-border crime, by:

- (i) making use of an information exchange framework to provide a detailed, accurate and up-to-date picture of the situation at the EU external borders; and
- (ii) carrying out activities to in such a way as to support Member States/Schengen associated countries.

62 The result of our analysis is set out in *Figure 10* and may be contrasted with the expected contribution outlined in *Figure 5*.

²⁴ Article 26 of Regulation (EU) 2016/1624 and Article 47 of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019.

Figure 10 – Shortcomings found in Frontex’s primary activities when supporting the fight against cross-border crime



Source: ECA.

An adequate information exchange framework to support the fight against cross-border crime is not yet in place

63 A functioning integrated border management model requires the systematic gathering and sharing of information by all relevant national authorities and all EU agencies. Thus, the information that feeds the model and its analytical products should not be limited to border guard authorities, but should include all relevant authorities such as police agencies and customs authorities that are responsible for border management.

64 Although responsibility for implementing European integrated border management has been shared between the Member States/Schengen associated countries and Frontex since 2016, a general common integrated border management framework for information exchange and cooperation does not yet exist. EUROSUR should provide the infrastructure and tools needed to monitor the external borders, and support both Frontex and Member States in their fight against cross-border crime. Regulation (EU) No 1052/2013 established EUROSUR in 2013, but was not updated to reflect Frontex's new mandate until December 2019 under Regulation (EU) 2019/1896. Furthermore, the new reporting requirements outlined in this revision will come into effect only in December 2021. However, there are important limitations to this system:

- under the EUROSUR Regulation, each Member State/Schengen associated country has a national coordination centre responsible for information-sharing. However, the Member States/Schengen associated countries are not obliged to ensure that all the relevant authorities needed to build a reliable situational picture are represented on the national coordination centres. This hampers the effective implementation of European integrated border management. Customs and border guards are recognised as strategic partners in border-control tasks at EU external borders, but there is currently no existing information exchange framework for sharing data and intelligence;
- there is no consistency between Member States when they report cross-border crimes in EUROSUR. Frontex has attempted to agree on a catalogue of cross-border crime incidents with the Member States/Schengen associated countries, but differing national legislative classifications have complicated the task. Consequently, as no binding reporting requirements are in place, and no guidance is available to border guards on which events to report, reporting is inconsistent. The Member States' responses to our questionnaire also reflected this situation.

65 To analyse strategically the risks of cross-border crime as part of European integrated border management, Frontex requires full information. However, only information on illegal immigration is shared with Frontex, and not information related to other areas of responsibility such as customs, fisheries, or environmental control.

Frontex's support for fighting against cross-border crime is limited

66 Frontex is tasked with supporting Member States/Schengen associated countries in their fight against organised cross-border crime (in cooperation with other relevant European agencies). Such support would involve Frontex providing the Member States/Schengen associated countries with enhanced situational awareness at a European level, i.e. by conducting cross-border crime risk analysis and through the ESP, as well as by identifying any vulnerabilities Member States face in meeting their border-control responsibilities and initiating a joint operational response when needed.

67 Frontex's situational awareness of cross-border crime is hampered not only by the lack of an adequate information-exchange framework, but also by the fact that CIRAM has not been updated since 2012 to include information on cross-border crime in response to the extension of the agency's mandate in 2016.

68 The long-standing focus on illegal immigration has necessarily resulted in Frontex's risk-analysis products having a certain geographic bias (see paragraph [45](#) and [Annex IV](#)), as the existence of migratory routes in the Mediterranean has persisted for a long time. This means that, although these products have increased border authorities' knowledge of the pressure from illegal immigration at certain border sections, they do not equally reflect the other challenges that other sections of the external border are facing.

69 To address this, Frontex established the maritime intelligence community & risk analysis network in 2018 with a view to developing maritime risk-analysis capabilities against cross-border crime and supporting EU cooperation on coast guard functions. Although this network only covers the maritime domain, it has already proved useful, e.g. by drawing the border guard authorities' attention to the phenomenon of drug-smuggling in commercial vessels. However, MIC-RAN is geographically limited, despite its relevance for effective integrated border management of the external borders²⁵.

²⁵ Europol, [EMCDDA EU drug markets report 2019](#), p. 137.

70 Frontex's vulnerability assessment unit only began assessing the Member States'/Schengen associated countries' ability to detect and counter cross-border crime in the 2019 vulnerability assessment process. In 2020, five out of 200 questions were about cross-border crime. There were no questions about the safety of personnel deployed to border crossing points, which may be an area of risk given the threat posed by foreign fighters and terrorism.

71 As Member States' air-border detection capabilities are currently exempt from Frontex's vulnerability assessment procedures, there is no effective centralised oversight of Member States' capability to survey, detect or intercept potentially illegal air-border crossings at EU level (see [Box 5](#)). In addition, Frontex's vulnerability assessment does not extend to assessing whether Member States'/Schengen associated countries' customs authorities are ready to deliver quality data on a timely basis for situational awareness and risk-analysis purposes, as this area lies within the national remit.

Box 5

An example of an information gap affecting the effective monitoring of air border

Organised crime groups are exploring the potential of using Europe as an export platform into other, less saturated and potentially more profitable markets because the supply of cocaine into the EU exceeds demand. For example, members of an organised crime group were arrested in 2018 as part of an investigation into the smuggling of cocaine using air couriers between Ireland, Australia and New Zealand. Such events are not recorded in EUROSUR.

Source: Europol, EMCDDA EU Drug Markets Report 2019, p. 137.

This gap has consequences at several levels:

- (i) a failure to detect and also to report events occurring at the external border, resulting in a lack of intelligence as a basis for risk analysis that could have allowed border guards to be better prepared and new *modi operandi* to be identified;
- (ii) lack of intelligence for risk-analysis purposes can mean that effective border checks are not carried out because border guards who are on duty at the point of entry are not sufficiently prepared;
- (iii) the challenges facing specific border sections may not be fully recognised, thus potentially undermining Frontex's vulnerability assessments.

72 As regards the operational response, Frontex has not yet sufficiently developed the prevention, detection and targeting of cross-border crime in its day-to-day activities. The tools that the agency uses, such as joint action days, are appreciated by Member States. Joint action days bring together various Member States, law enforcement authorities, and international organisations to target various crimes, such as drugs and weapons smuggling, illegal immigration, and trafficking human beings. In their replies to our questionnaire, Member States regard this as a learning experience, which they can use further within their home institution. However, the impact of the operational response is limited to the geographical area of the participating Member States for the duration of the operations.

Frontex is not yet ready to implement its 2019 mandate effectively

73 We examined whether Frontex is prepared to meet the challenge of its 2019 mandate, and whether Member States are in a position to provide the agency with all the information it needs to fulfil it.

Frontex has not yet adapted to the requirements of its 2016 mandate

74 We examined whether the introduction of responsibility for integrated border management and the new vulnerability assessment task into Frontex's mandate in 2016 have led to Frontex making a prompt strategic reappraisal of its human resources needs in the fields of risk analysis and vulnerability assessment. However, the agency responded to its new responsibilities in an ad hoc fashion, and only began to address its needs in a systematic way in 2019.

75 Following the introduction of its new mandate in 2016, the operations division was assigned responsibility for the new vulnerability assessment activity, and allocated the task to its risk analysis unit. In 2017, Frontex was reorganised, and the division was split in two. The risk analysis and vulnerability assessment activities were separated and situated within one of these divisions, named situational awareness and monitoring division. The vulnerability assessment unit was set up and staffed by former members of the risk analysis unit, but there was no formal analysis to identify the skills profiles needed and the number of people required for each profile. This influenced the quality of the work (see paragraph [41](#)).

76 In 2019, Frontex's situation and monitoring division has sought to identify its present and future needs in the risk analysis and vulnerability assessment units. We found that:

- the risk analysis unit has a shortfall of analysts with different profiles (e.g. criminology, anticipatory analysis skills, and thematic analysis, particularly maritime risk analysis);
- the vulnerability assessment unit needs to determine its required skills and capacity, identify any gaps, and build a longer-term talent plan in line with the its strategic objectives.

77 While information exchange and cooperation between the various Frontex business units have always been important, they are now essential given the new operational role that Frontex took on when the standing corps was introduced. Frontex's Programming Document 2018-2020 has recognised that, notwithstanding a culture of flexibility in each department's day-to-day business, a "silo culture" is operative. A culture of operating within departments without pooling available information can undermine the interconnectedness of Frontex's activities. For example, Frontex did not establish procedures for sharing relevant vulnerability-assessment information between business units until February 2020. A structured mechanism for sharing vulnerability-assessment results with other Frontex business units remain to be developed.

The 2019 mandate projects a swift and exponential increase in Frontex's resources

78 Under the new regulation, Frontex will have a standing corps of up to 10 000 operational staff at its disposal by 2027 (see [Figure 2](#) and paragraph [11](#)). Frontex's budget is due to increase from €460 million in 2020 (see [Figure 3](#)) to approximately an annual average of €900 million for the 2021-2027 period. The magnitude of the planned increase in both budget and staff can also be measured in terms of person-days available for joint operations. From the current level of 300 000 person-days (see [Figure 9](#)) this will increase to approximately 2 270 000 person-days, more than 7.5 times the current level of human resources deployed.

79 The potential impact on Member States of establishing the standing corps was not assessed. 81 % of Member States that replied to our questionnaire anticipate that the 2019 Regulation will impact their staff numbers, requiring additional recruitment and the training of new border guards in the expectation that Frontex will recruit its standing corps from staff currently assigned to national border control. This will have

budgetary and organisational consequences. Member States are also uncertain about the potential impact of the number of staff to be recruited by Frontex per profile and per category as envisaged in the Regulation, and the length of future deployments.

80 The last external evaluation of the agency was published in July 2015. Although Regulation (EU) 2016/1624 required Frontex's results to be evaluated by October 2019, the evaluation did not take place as the agency's new mandate came into force in November 2019. According to Regulation (EU) 2019/1896, the next external evaluation must be carried out by 5 December 2023. This is a significant period of time during which major transformations in the agency's mandate, structure and role will have been made.

81 Lastly, although the legislation vests the standing corps with executive power, it may be less effective if the host Member State does not provide authorisation²⁶ to carry out tasks such as identity checks, authorising entry, and carrying out border surveillance. However, border guards visiting other Member States are not allowed to use host countries' information systems to perform border checks²⁷. This would severely restrict the activities the standing corps could undertake during deployments.

There is a risk that Frontex could fail to obtain the information to develop its activities against cross-border crime

82 All Member States, except Spain, manually transfer the details of incidents detected on their borders from their national systems to EUROSUR and JORA. Operators are also obliged to translate the incident details into English, albeit with varying levels of proficiency in the language.

83 Additional EUROSUR reporting requirements will be phased in over a two-year transition period, in line with Regulation (EU) 2019/1896. In their answers to our questionnaire, Member States reported that their existing reporting requirements are already a significant burden, and that they were unsure of their ability to meet their increased workload unless the process for transmitting data between the national systems and the EUROSUR database was automated. Reporting of events at land and air border crossing point represent an important increase of the work. For example, according to Eurostat 409 million passengers travelling to/from extra-EU locations passed through EU air-border crossing points in 2018.

²⁶ Article 82 of Regulation (EU) 2019/1896.

²⁷ ECA special report 20/2019, paragraph 22.

84 Despite its mandate to take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States, according to the Member States Frontex's direct involvement in any attempts to further automate the process is not yet apparent.

Conclusions and recommendations

85 Overall, we found that Frontex's support to Member States/Schengen associated countries in fighting against illegal immigration and cross-border crime is not sufficiently effective. We found that Frontex has not fully implemented its 2016 mandate and we highlighted several risks related to Frontex's 2019 mandate.

86 We present our conclusions and recommendations on the fight against illegal immigration and cross-border crime for each of Frontex's main activities: information exchange, risk analysis, vulnerability assessment and operational response.

87 We found that although a functional information exchange framework is in place to support the fight against illegal immigration, it did not function well enough to provide accurate, complete and up-to-date situational awareness of the EU's external border (paragraphs [25](#) to [29](#) and [Box 2](#)). An adequate information exchange framework has not yet been established for cross-border crime (paragraphs [63](#) to [65](#)).

88 Frontex dispatches timely and relevant migration information about the situation at the external borders and provides information about specific events (paragraph [31](#)). However, the lack of information (paragraphs [26](#) and [32](#)), technical standards for border control equipment (paragraph [27](#)), a common catalogue for cross-border crime reporting, near-real-time information about the situation at the EU's air border, and delays in updating CIRAM (paragraphs [64](#) and [67](#)) undermine the construction of a complete situational picture at the EU external borders.

89 In terms of cross-border crime, there is also a disconnect between the mandate set out in Frontex's regulations and the regulatory environment in which the agency operates: not all relevant authorities (e.g. Customs) have been included in the EUROSUR Regulation, and so not all relevant events are being reported (paragraph [64](#)).

90 Regulation 2019/1896 introduced significant additional EUROSUR reporting requirements for Member States, and it is expected that the process for transmitting data between the national systems and the EUROSUR database will need to be automated if Member States are to meet these requirements (paragraphs [82](#) and [83](#)). However, according to the Member States, Frontex's direct involvement in attempts to further automate the process is not yet apparent (paragraph [84](#)).

Recommendation 1 – Improve the information exchange framework and the European situational picture

- (a) In order to improve the existing EUROSUR framework, **Frontex** should:
- (i) regularly assess the quality of the data used to produce the European situational picture;
 - (ii) monitor and support Member States in the correct implementation of EUROSUR by establishing jointly agreed procedures to address identified shortcomings;
 - (iii) lead Member States in establishing a common catalogue for reporting cross-border crime incidents;
 - (iv) support Member States by automating translation and the transfer process between national systems and the EUROSUR database.
- (b) To ensure the inter-operability of pooled equipment and facilitate Member States' acquisition of technically compatible border-control capabilities, **Frontex** should establish technical standards for equipment, with the approval of the Commission and the Member States represented in the Frontex Management Board.
- (c) In order to ensure a complete European situational picture is available, the **Commission** should explore new ways to achieve effective cooperation between Frontex and other relevant bodies to which Regulation 1896/2019 is not directly applicable.

Timeframe: mid-2022.

91 Frontex found it difficult to use EUROSUR reporting, and there are legal constraints on using the data located on the pan-EU systems hosted by eu-LISA for risk-analysis purposes (paragraphs **30** and **37**). Although Frontex is bound by legislation, it is unable to apply the common integrated risk analysis model because it cannot assess the vulnerability of specific border sections when Member States do not provide the necessary information (paragraph **38**).

92 The impact of Frontex's migration risk analysis is weakened by the lack of a widely accessible distribution network for its products. Consequently, this means that border guards do not have readily available access to Frontex's products, even though such products could be very useful for carrying out their duties (paragraph **39**). Moreover, Frontex does not have the information it needs to carry out risk analysis on

cross-border crime (paragraph 65) except for specific categories connected to illegal immigration. Furthermore, the common integrated risk analysis model has not been updated to reflect this dimension of the border risks (paragraph 67). As a result, Frontex is unable to provide analysis of all relevant aspects of cross-border crime, even though this would enable Member States/Schengen associated countries to take appropriate measures to address or mitigate the risks identified (paragraphs 68 and 69).

Recommendation 2 – Update and implement the common integrated risk analysis model (CIRAM) and secure access to other sources of information

(a) **Frontex** should:

- (i) report on the Member States compliance with the use of the EUROSUR framework to provide the information needed for risk analysis based on CIRAM.
- (ii) update CIRAM to incorporate cross-border crime;
- (iii) facilitate the wider availability of risk analysis products among border guards in Europe.

(b) **Frontex and the Commission** should take action to ensure the development of tailor-made statistical reports for Frontex’s risk analysis and vulnerability assessment purposes derived from eu-LISA hosted systems and from other sources (e.g. other authorities and EU agencies with border control responsibilities).

Timeframe: end 2022.

93 Frontex was assigned the task of conducting vulnerability assessments of the Member States in 2016 to assess their capacity and readiness to face present and future threats and challenges at the external borders (paragraphs 40 and 41). Although Member States should provide the information requested by Frontex, ongoing issues related to incomplete and poor quality data beset the data collection process (paragraph 42). In line with the provisions of the 2016 regulation, Frontex’s vulnerability assessment is currently limited to the national level, and no such process is taking place at an EU, regional or inter-State level, even though this would help to identify overlaps, or to evaluate cooperation between EU agencies (paragraph 43).

94 Frontex's vulnerability assessment unit began assessing Member States' cross-border crime vulnerabilities only in 2019, and its capacity to undertake such assessments is still under development (paragraphs 70 and 71).

Recommendation 3 – Develop the potential of vulnerability assessment

- (a) **Frontex** should identify and address, working with the Member States, the ongoing data collections issues that are affecting vulnerability assessment, by identifying the problems affecting the provision of information by Member States and establishing a roadmap to rectify the situation;
- (b) **Frontex** should develop its vulnerability assessment methodology and capabilities to:
 - (i) assess cross-border crime vulnerabilities effectively;
 - (ii) identify and assess any eventual overlapping vulnerabilities affecting multiple countries in specific regions;
 - (iii) monitor cases where actions to address identified vulnerabilities in a specific country can lead to knock-on effects arising in neighbouring countries.

Timeframe: end 2022.

- (c) **The Commission** should consider the potential benefits of extending the scope of Frontex's vulnerability assessment to a regional and EU level.

Timeframe: when revising the regulatory framework.

95 Frontex has carried out four rapid border interventions to help Member States facing urgent and exceptional migratory pressure at their external borders. Since 2007, Frontex carried out annual exercises to train all parties that could be involved. No such exercise was carried out in 2019 (paragraphs 47 and 48 and **Box 4**).

96 Despite the importance, both from a human and intelligence point of view, of receiving migrants in the course of joint operations for the fight against illegal immigration, Frontex has not attached sufficient importance to the role of cultural mediator (paragraphs 52 and 53).

97 Frontex is an agency in the public eye. However, although extensive, its reporting often fails to inform readers about its actual performance or the real impact of its

activities. For example, the joint operations evaluation reports do not differentiate between the results of Frontex activities and those of national activities; do not provide a clear picture of the effectiveness or weaknesses of the Member States' actual contribution to the joint operations; nor do they provide information about the real cost of the joint operations (paragraphs 55 to 60). Legislative decision-makers need robust information to make informed decisions (paragraph 51).

Recommendation 4 – Improve Frontex's operational response

Frontex should:

- (a) carry out regular exercises for rapid interventions, especially for the potential hosts of a rapid intervention, to ensure that in case of need all the parties involved are well prepared;
- (b) define the competency framework for cultural mediator and take action so that Member States follow the same approach;
- (c) develop a methodology to evaluate the results of its operational activities, particularly for its joint operations;
- (d) publish the final costs of its operations once they are available.

Timeframe: end 2022.

98 Frontex has not taken the necessary measures to adapt its organisation in such a way as to address the mandate it received in 2016. We have identified shortcomings in human resources planning in the risk analysis and vulnerability assessment units (paragraphs 74 to 76), both of which still lack necessary competences.

99 Following the introduction of Regulation (EU) 2019/1896 and the fundamental shift of Frontex activity from a support and coordination- role towards an operational role with the introduction of the standing corps, we have detected problems in communication between the units covered by this audit. Frontex operates in silos (paragraph 77) and this contradicts the interdependences inherent in the activities covered by this audit.

100 To fulfil its new mandate, Frontex will have 10 000 new operational officers at its disposal by 2027 (standing corps), and will receive an average budget of €900 million per year. These figures represent a huge increase over the current situation. They were set in the absence of established criteria for determining Frontex's needs for a mandate that is not precisely defined, without access to

information about the real cost and impact of Frontex operations (paragraphs 57 to 60) and without an assessment of its impact on Member States (paragraph 79).

101 Citing urgent need, the new regulation was approved without an impact assessment or an evaluation of whether Frontex had fulfilled its previous mandate (paragraph 80). In addition, Member States anticipate budgetary and organisational challenges resulting from the impact of the standing corps on their staff numbers (paragraph 79). Moreover, it is not clear that the standing corps will be able to function as intended (paragraph 81).

Recommendation 5 – Address the challenges of Frontex’s 2019 mandate

Frontex should:

- (a) undertake a formal analysis to identify its staff needs, especially in the areas of risk analysis and vulnerability assessment;
- (b) improve its internal communication procedures to ensure that the sharing of information on a ‘need-to-know’ basis occurs.

Timeframe: end 2021.

This Report was adopted by Chamber III, headed by Mrs Bettina Jakobsen, Member of the Court of Auditors, in Luxembourg on 29 April 2021.

For the Court of Auditors

Klaus-Heiner Lehne
President

Annexes

Annex I – European Border and Coast Guard Agency – additional information on the 2016 and 2019 mandates

2016 mandate	2019 mandate
<p>Introduction of a supervisory role: the vulnerability assessment</p> <p>Frontex carries out mandatory vulnerability assessments <u>to evaluate the capacity of individual Member States to face challenges at their external borders</u>, by assessing the equipment and resources available to the Member States. As a follow-up to the vulnerability assessments, Frontex's Executive Director can decide to recommend a set of measures to a Member State to address any identified vulnerabilities in the way its national border-management system functions.</p>	<p>No significant changes to the mandate</p>
<p>Establishment of a rapid reaction pool of border guards and technical equipment that Member States will place at Frontex's disposal</p> <p>The Member States where this equipment is registered are required to place it at Frontex's disposal whenever needed.</p> <p>Frontex is able to draw on a pool of <u>1 500 officers</u> who can be deployed within three days. They form a rapid reaction force to be sent to borders that are under acute pressure.</p>	<p>Establishment of a standing corps</p> <p>Frontex will have <u>10 000 new operational staff by 2027</u>, including 1 500 for the rapid reaction reserve, to support Member States on the ground in their efforts to protect the EU's external borders, to fight cross-border crime and to return irregular migrants.</p> <p>This standing corps will be composed of agency-employed border and coast guards (3 000), and staff seconded on a mandatory basis from European countries.</p> <p>The regulation confers <u>executive powers</u> on the standing corps. The operational staff deployed will be able to carry out border control and return tasks, such as identity checks, authorising entry at the external borders, and carrying out border surveillance — only with the agreement of the host Member State.</p>
<p>Return operations</p> <p>Frontex takes on a bigger role <u>in migrant reception hotspots</u>²⁸. Beyond its role of registering migrants and screening them to establish their nationalities, Frontex is also responsible for returning those who do not qualify for asylum.</p>	<p>Return operations</p> <p>The Agency is able to support Member States <u>at all stages of the return process (including pre-return activities, assist them in the process of identifying third-country nationals, coordination or organisation of return operations, including through the chartering of aircraft for the purpose of such operations and organising returns on scheduled flights or by other means of transport etc.)</u>, while Member States remaining responsible for return decisions.</p>
<p>No changes to the regulation.</p>	<p>European border surveillance system (EUROSUR)</p> <p>To improve EUROSUR's operations, the regulation incorporates it into the European Border and Coast Guard and enlarges EUROSUR's scope to include most of the components of European integrated border management. This means being able to detect, anticipate and react more effectively to crises at the EU's external borders and in non-EU countries.</p>

²⁸ A facility, located at a point on the EU's external border facing heavy migratory pressure, which acts as a first reception centre where arrivals are identified, registered and fingerprinted.

2016 mandate	2019 mandate
<p>Cooperation with non-EU countries</p> <p>Greater role in coordinating cooperation on border management between Member States and non-EU countries.</p> <p>The agency may launch joint operations in third countries neighbouring the EU. Status Agreements are a pre-condition for such operational cooperation.</p>	<p>Greater cooperation with non-EU countries</p> <p>Subject to prior agreement by the country concerned, Frontex may launch joint operations and deploy staff outside the EU, and beyond countries neighbouring the EU, to provide support for border management.</p>
<p>Deployment of liaison officers in Member States</p> <p>To ensure regular monitoring of all Member States' management of the external borders.</p> <p>Frontex had already deployed Liaison Officers in non-EU countries to facilitate dialogue and cooperation on the ground.</p>	<p>New functions</p> <p>Cooperation with the fundamental rights officer and monitor the measures taken by the Member State with regard to return.</p>
<p>Frontex to support MS in the fight against cross-border crime.</p>	<p>European travel information and authorisation system</p> <p>Frontex takes on a bigger role in managing the increasing flows of legitimate travellers across the EU's external borders, hosting the future central unit of the European travel information and authorisation system (ETIAS), and supporting Member States with the deployment of the entry-exit-system.</p>
<p>Introduction of integrated border management to Frontex's mandate necessitating risk analysis of cross-border crime as well as migratory trends.</p>	<p>Risk analysis</p> <p>Frontex will produce a strategic risk analysis for integrated border management every two years, which feeds into the multiannual strategic policy cycle for European integrated border management.</p>

Annex II – Member States responses to ECA Questionnaire

- Yes (or positive answer)
- Yes, but (or partial satisfaction)
- No (or negative answer)
- No answer provided

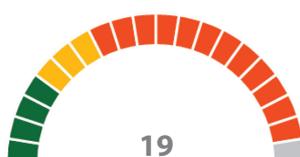
The responses to several open questions, not included in the below list, were taken into account during the audit, and informed this report.

	Questions
Situational monitoring	1 - 4
Vulnerability Assessment	5 - 9
Risk Analysis	10 - 15
Operational Response	16 - 29 30 - 35*

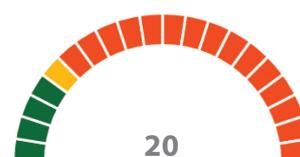
* Replies from only the Member States who host Frontex operations



19 replies
Q.1 Are you satisfied with the completeness of the European situational picture as compiled by Frontex?



19
Q.2 Does your national risk analysis utilise the European situational picture?



20
Q.3 Is all the information that you need in order to fulfil your border management responsibilities reported in EUROSUR?



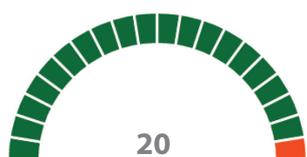
20
Q.4 Have you availed of Frontex's multi-purpose aerial surveillance (MAS) service?



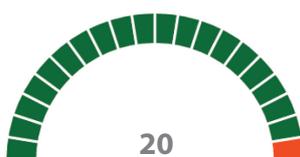
19
Q.5 Has the vulnerability assessment exercise provided added value to the control of your external borders?



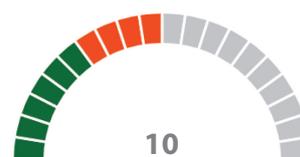
17
Q.8 Would a vulnerability assessment exercise at EU level be beneficial to identify vulnerabilities at a European level?



20
Q.10 Do you use the CIRAM model for your national risk analysis?



20
Q.11 Do Frontex's risk analysis products inform your national risk analysis?



10
Q.12 Does your national risk analysis use information from EUROSUR?



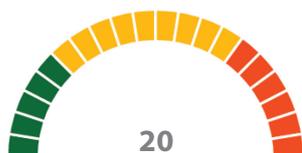
17
Q.13 Do Frontex's risk analysis products address all aspects of Integrated Border Management?



17
Q.14 Have you noticed an improvement in the quality of Frontex's risk analysis products over the years?



19
Q.15 Have Frontex's risk analysis products made a contribution in combatting cross-border crime?



Q.18 Does the provision of these resources to Frontex's operations have an impact on the control of your own national borders?



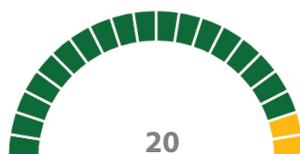
Q.19 a) Under Regulation 1896/2019, Frontex is to establish a Standing Corps. Do you anticipate that this will have an impact on your staff numbers?



Q.19 b) Do you anticipate the need to recruit additional border guards as a result?



Q.20 Do all border guards receive training from Frontex?



Q.21 Do the border guards who have participated in Frontex's operations share the lessons learned with their colleagues upon their return?



Q.22 Do you consider that the training and sharing of experience as outlined in previous two questions have an impact on the harmonised application of border controls?



Q.25 Is there adequate cooperation between the European border crossing points (e.g. input from Document Fraud Experts based in other border crossing points; changes in criminal network *modi operandi*, etc.)?



Q.26 Do all border agents have access to relevant Frontex material?



Q.28 Do Frontex Fusion Services (especially multi-purpose aerial surveillance and satellite-based services) add value to Integrated Border Management?



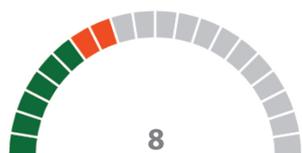
Q.30 Did the Human Resources deployed during Frontex's operations meet your needs in terms of profiles, expertise, and experience?



Q.31 Did the technical equipment deployed during Frontex's operations meet your needs in terms of quantity and technical specifications, as well as the timeliness of its deployment?



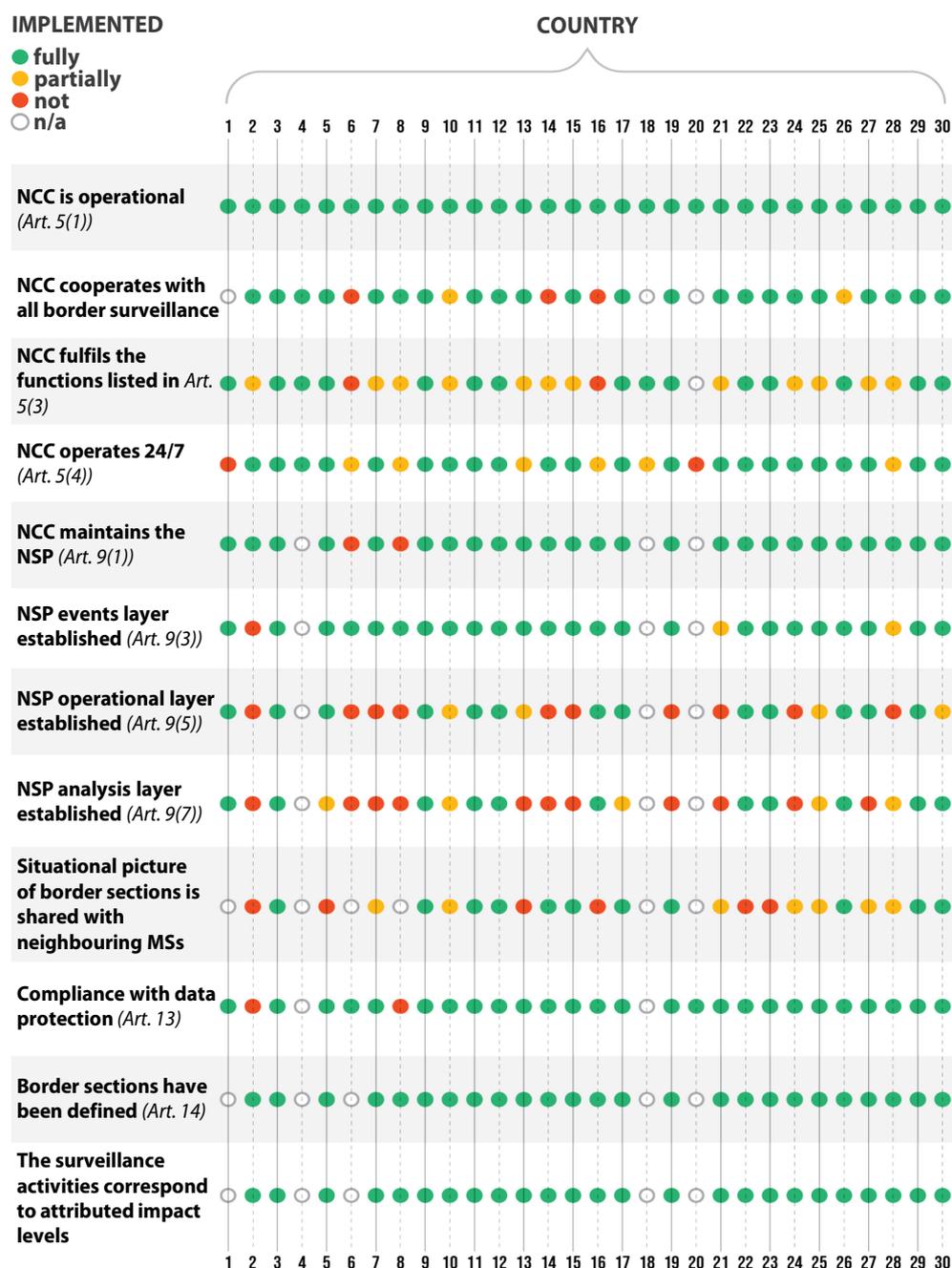
Q.33 Does the operational plan address all Integrated Border Management elements?



Q.34 b) Do you conduct your own evaluation of Frontex's operations?

Annex III – Implementation of EUROSUR by the 30 Member States/Schengen associated countries

The figure below outlines the functions that were set out in the regulation and provides the latest available information regarding their implementation by the various Member States/Schengen associated countries.



Note: There is one MS that did not take part in the adoption of the EUROSUR regulation and is not bound by it or subject to its application.

Three other countries are considered as N/A for many functions because their border situations do not require them. A further two countries that have N/A entries related to the definition of border sections and the corresponding surveillance activities because at the time of the report their border sections had been assigned a low impact level and in such cases they were not obliged to describe corresponding reaction.

Source: Commission SWD(2018) 410.

o **National coordination centre is operational**

Each Member State is required to designate, operate and maintain a national coordination centre that coordinates and exchanges information among all national authorities with responsibility for external border surveillance, as well as with the other national coordination centres and the agency.

o **National coordination centre cooperates with all border surveillance authorities**

The national coordination centre ensures the timely exchange of information and timely cooperation between all national authorities with a responsibility for external border surveillance, as well as with other national coordination centres and the agency.

o **National coordination centre fulfils the functions listed in Article 5 of Regulation (EU) No 1052/2013**

The national coordination centre:

- ensures the timely exchange of information with search and rescue, law enforcement, asylum and immigration authorities at national level;
- establishes and maintains the national situational picture;
- supports the planning and implementation of national border surveillance activities;
- coordinates the national border surveillance system, in accordance with national law;
- contributes to regularly measuring the effects of national border surveillance activities;
- coordinates operational measures with other Member States.

o **National coordination centre operates 24/7**

The national coordination centre operates twenty-four hours a day and seven days a week.

o **National coordination centre maintains the national situational picture**

The national coordination centre establishes and maintains a national situational picture providing all authorities with responsibility for the control and surveillance of external borders at national level with effective, accurate and timely information. The national situation picture is composed of information collected from the national

border surveillance system, as well as stationary and mobile sensors operated nationally, patrol missions, and other relevant national authorities and systems, including liaison officers, operational centres and contact points. It also includes information provided by Frontex, the national coordination centres in other Member States, and ship reporting systems. There are three layers within the national situational picture – the events layer, the operational layer and the analysis layer.

o **National situational picture events layer established**

The events layer of the national situational picture is constructed from incidents concerning:

- unauthorised border crossings, including information on incidents posing a risk to the lives of migrants;
- cross-border crime;
- crisis situations;
- other events, such as unidentified and suspect vehicles, vessels and other craft and persons present at the external borders, as well as any other event which may have a significant impact on the control of the external borders.

o **National situation picture operational layer established**

The operational layer of the national situational picture is constructed from information concerning:

- Member State own assets, which can include military assets assisting a law enforcement mission, and operational areas, which contains information on the position, status and type of own assets and on the authorities involved. It should be noted that the national coordination centre can decide, at the request of the national authority responsible for such assets to restrict access to such information on a need-to-know basis;
- terrain and weather conditions at the external borders.

o **National situation picture analysis layer established**

The analysis layer of the national situational picture is constructed from:

- information about key developments and indicators;
- analytical reports, risk rating trends, regional monitors and briefing notes;

- analysed information relevant, in particular, for the attribution of the impact levels to the external border sections;
 - reference imagery, background maps, validation of analysed information and change analysis (Earth observation imagery), as well as change detection, geo-referenced data and external border permeability maps.
- **Situational picture of border sections is shared with neighbouring Member States**

The national coordination centres of neighbouring Member States share the situational picture of neighbouring external border sections with each other, directly and in near-real-time, relating to:

- incidents and other significant events contained in the events layer;
- tactical risk analysis reports as contained in the analysis layer.

- **Compliance with data protection**

Where the national situational picture is used for the processing of personal data, those data shall be processed in accordance with the relevant provisions on data protection.

- **Border sections have been defined**

Each Member State divides its external land and sea borders into border sections and notifies the agency of the division. The agency and the Member State together evaluate the attribution of impact levels.

- **The surveillance activities correspond to attributed impact levels**

Member States ensure that the surveillance activities carried out at the external border sections correspond to the attributed impact levels in the following manner:

- where a low impact level is attributed to an external border section, the responsible national authorities organise regular surveillance on the basis of risk analysis and ensure that sufficient personnel and resources are being kept in the border area in readiness for tracking, identification and interception;
- where a medium impact level is attributed to an external border section, in addition to the above measures, the responsible national authorities ensure that appropriate surveillance measures are being taken at that border section and notify the national coordination centre that they have been taken.

- where a high impact level is attributed to an external border section, in addition to the measures taken for medium impact cases, the Member States ensure, through the national coordination centre, that the national authorities operating at that border section are given the necessary support and that reinforced surveillance measures are taken. That Member State may request support from the agency subject to the conditions for initiating joint operations or rapid interventions.

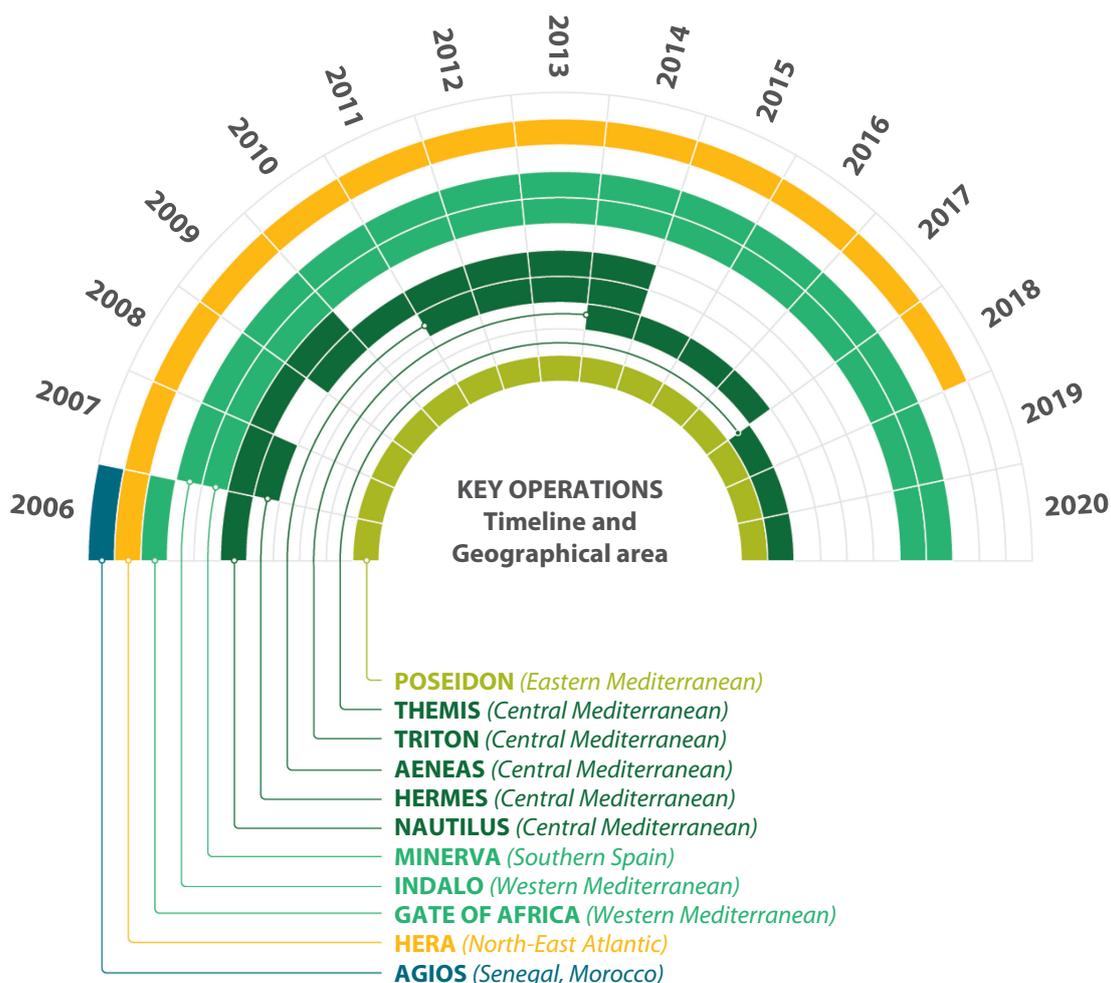
The national coordination centre shall regularly inform the agency of the measures taken at national border sections that have been attributed a high impact level.

In those cases where a medium or high impact level has been attributed to one of its external border section that is adjacent to the border section of another Member State, the national coordination centre contacts the national coordination centre of the neighbouring Member State and endeavours to coordinate the necessary cross-border measures.

Annex IV – Maritime operations activities

Frontex has organised joint maritime operations since 2006. While the names of these operations have changed over the years, Frontex has had a continuous presence in these geographical areas.

The figure below outlines the time these operations were active and where they have been located.



Hera (North-East Atlantic)

Launched in **2006**, Hera was the response to an enormous surge in irregular immigration from West Africa to Spain's Canary Islands in the Atlantic Ocean, following the closure of the Strait of Gibraltar route due to Spain's installation of the SIVE (Integrated External Surveillance System) and a strong response by Moroccan authorities to attempted departures by would-be migrants.

Indalo (Western Mediterranean)

Launched in November **2007**, Indalo was the first joint operation along the Mediterranean coast of Spain. Under this operation, Frontex deployed patrols to detect irregular migration from the re-opened migratory route from the North African coast (Morocco and Algeria).

Minerva (Western Mediterranean seaports)

Launched in August **2007** with the purpose of exhaustively controlling the southern coast of mainland Spain, Minerva sought to strengthen border controls at the seaports of Algeciras and Almería; identity checks in the seaport of Ceuta; and ensure control of the Spanish coastal waters that saw the greatest number of migrant arrivals from Algeria and Morocco.

Minerva led to a reinforcement of **Operation Straits Crossing (Operación Paso del Estrecho)**, which has been a summer operation conducted by the Spanish authorities since 1987 (running from 15 June to 15 September). Its purpose is to organise the cross-border movement of migrant workers and their families from different parts of Europe (mainly France, Belgium and Germany) who return to North Africa for their annual holiday.

Triton (Central Mediterranean)

On 1 November **2014**, Frontex launched operation **Triton** to patrol the Mediterranean and to help Italy cope with the influx of migrants on its shores. Triton covered the operational areas of both operation **Hermes** (the south of Sicily and the area around the islands of Lampedusa and Pantelleria) and operation **Aeneas** (on the coasts of Calabria and Apulia). Operations Hermes and Aeneas both ended on 31 October **2014**.

In addition, operation **Mare Nostrum**, a year-long naval and air operation that had been launched by the Italian government on 18 October 2013 in order to tackle increased immigration to Europe during the second half of 2013 and drowning by migrants off the coast of Lampedusa, was shut down by the Italian authorities. Rather than focus on search and rescue, like operation Mare Nostrum, operation Triton focused on border protection.

Themis (Central Mediterranean)

Launched in February **2018**, operation Themis replaced Triton. At the request of the Italian authorities, its operational area was adjusted from the 2017 operational area of joint operation Triton, by reducing the operational area in the central Mediterranean and enlarging that of the Adriatic Sea. As part of operation Themis, Frontex's presence continues in the Italian hotspots, where officers deployed by the agency assist Italian

authorities in registering migrants, taking their fingerprints and confirming their nationalities.

Poseidon (Eastern Mediterranean)

Poseidon began in **2006** when Greece asked Frontex for assistance with border surveillance of its sea and land borders with Turkey.

The joint operation is divided into two branches: Poseidon Sea operation, which oversees the EU's sea borders with Turkey in the Mediterranean and Aegean seas; and Poseidon Land operation, which oversees the EU's south-eastern land border with Turkey on the River Evros.

Acronyms and abbreviations

CIRAM: Common integrated risk analysis model

eu-LISA: European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice

Europol: European Union Agency for Law Enforcement Cooperation

EUROSUR: The European border surveillance system

FOSS: Frontex one-stop shop

FRAN: Frontex risk analysis network

JORA: Joint operations reporting application

MIC-RAN: Maritime intelligence community and risk analysis network

Glossary

Advanced-level document officer: Officer who carries out thorough examinations of a broad range of travel-related documents.

Border control: Checks and surveillance carried out at a border on those crossing or intending to cross.

Border crossing point: Place at which a border can legally be crossed.

Border surveillance: Monitoring a border to prevent people from crossing illegally.

Common integrated risk analysis model (CIRAM): Risk analysis methodology used by Frontex and Member States in order to facilitate information exchange and cooperation on border security, contributing to greater coherence in the management of the external borders.

Cross-border crime: Criminal activity with a cross-border dimension in its planning, execution, or impact.

External borders: A border, including airports and sea, lake or river ports, between an EU Member State and a non-EU country.

Frontex risk analysis network (FRAN): Network that connects Frontex with Member States' risk analysis and intelligence experts.

Integrated border management: Coordination and cooperation among EU and Member State authorities and agencies involved in security and trade facilitation at the EU's external borders.

Internal borders: A border between EU Member States, including airports and sea, river and lake ports used for travel and trade within the EU.

Maritime intelligence community and risk analysis network: Network to develop Member States' maritime risk-analysis capabilities and support cooperation among EU coastguards in the fight against cross-border crime.

National coordination centre (NCC): Body that coordinates activities among Member States' border surveillance authorities and serves as a hub for them to exchange information with each other and with Frontex.

Rapid border intervention: Intervention launched and coordinated by Frontex to assist a Member State that is under urgent and exceptional pressure at its external border.

Situational awareness: Knowledge of the situation of illegal cross-border activity at the external borders, based on continuous monitoring, detection and tracking.

REPLIES OF THE EUROPEAN COMMISSION TO THE EUROPEAN COURT OF AUDITORS SPECIAL REPORT: “FRONTEX’S SUPPORT TO EXTERNAL BORDER MANAGEMENT: NOT SUFFICIENTLY EFFECTIVE TO DATE”

EXECUTIVE SUMMARY

Common replies from the Commission for paragraphs I-XII:

The Commission welcomes the ECA’s report on Frontex’ external border management. The Commission points out that it sees the specific focus of the ECA’s report in the wider context of how Frontex contributes to the effective implementation of European Integrated Border Management. The 2019 EBCG regulation provides the basis for addressing several of the recommendations made by the ECA. The implementation of recommendations addressed to the Commission is already starting. Finally, the Commission would like to stress that it closely follows the implementation of the EBCG Regulation.

Effective management of the external borders by implementation of European integrated border management is crucial for the free movement of persons within the Union. Frontex was established in 2004 to assist Member States with implementing the operational aspects of external border management. Frontex has gradually over the years enhanced its mandate and areas of responsibilities and with Regulation (EU) 2016/1624, Frontex was tasked to implement the European integrated border management, as a shared responsibility of the European Border and Coast Guard, bringing together Frontex and national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations. The Agency has an important operational role and supports and coordinates activities together with Member States who remain primarily responsible for the protection of the EU’s external borders.

The primary activities of Frontex relate to support of Member States in managing the EU’s external borders. The Commission recognises that measures related to the prevention and detection of cross-border crime, where appropriate, are included in the border control component of European integrated border management. However, the Commission recalls that when implementing the European Integrated border management, the Agency is bound by the limits of its own mandate defined in Article 10 of Regulation (EU) 2019/1896 (the new EBCG Regulation). Frontex’ support to Member States in the fight against cross-border crime should take place as part of supporting the management of the EU’s external borders.

The Commission would like to point out that the common integrated risk analysis model was developed and should be applied by Frontex for its risk analysis carried out in accordance with its mandate and by the Member States. Further, the Commission would like to point out that the new EBCG Regulation that entered into force in December 2019 was indeed not preceded by a full impact assessment. However, progress on the implementation of the 2016 EBCG Regulation was regularly reported through a series of dedicated reports on its operationalization and the progress reports on the Implementation of the European Agenda on Migration, which identified gaps and shortcomings that were duly taken into account by the Commission’s legislative proposal for the revised EBCG Regulation which was negotiated with and adopted by the European Parliament and the Council and entered into force in December 2019.

For the recommendations, see the Commission’s replies in the respective section.

INTRODUCTION

01. The Schengen acquis is binding and shall be applied also by those Member States with whom the control at the internal borders is not yet abolished.

07. Since the establishment of Frontex, Member States retain primary responsibility for the management of their sections of the external borders and consequently have been always exercising the command and control function over the joint operations hosted by them respectively.

10. The proposal for the new EBCG Regulation was indeed not preceded by a full impact assessment. However, progress on implementation of the first EBCG Regulation was being regularly reported through a series of dedicated reports on its operationalisation and the Progress reports on the Implementation of the European Agenda on Migration, which identified gaps and shortcomings that were duly taken into account by the Commission's legislative proposal for the new EBCG Regulation.

OBSERVATIONS

24. With the entry into force of Regulation (EU) 2019/1896, as of 5 December 2021, Member States/Schengen associated countries will have to report in EUROSUR **all** events including when detected at border crossing points or during air border surveillance operations.

Box 2 - EUROSUR – Weaknesses identified in ECA special report 20/2019

With the entry into force in May 2021 of the new implementing Regulation, on the situational picture, the events shall be reported in the relevant situational picture no later than 24 hours after they have been detected.

26. Such reporting was on a voluntary basis under the previous EUROSUR Regulation (UE 1052/2013). With the entry into force of Regulation (UE) 2019/1896, as of 5 December 2021 Member States/Schengen associated countries will have to report in EUROSUR all events including when detected at border crossing points or during air border surveillance operations. Air Border Surveillance is now defined as *“the surveillance of any flight of a manned or unmanned aircraft and its passengers or cargo to or from the territory of the Member States which is not an internal flight as defined in point 3 of Article 2 of Regulation (EU) 2016/399”*

27. In line with the conclusion of the evaluation of EUROSUR (COM(2018)632), the Commission will adopt in 2021 Implementing Regulation on the situational pictures of EUROSUR which will standardize the information exchanged in EUROSUR and sets the reporting obligations of the various EUROSUR stakeholders.

28. With the entry into force of Regulation (EU) 2019/1896, the scope of EUROSUR 2.0 is enlarged to cover checks at border crossing points and air border surveillance, but also reporting on unauthorized secondary movements. In principle, EUROSUR covers most of the components of European Integrated Border Management, except returns. Building on the success of the national coordination centre (NCC) the new EUROSUR will further increase the role of the NCC as a cornerstone of the interagency coordination at national level, since more agencies will be involved in EUROSUR at national level.

30. Even if there is margin for improvement, Frontex is making use of EUROSUR data for risk-analysis purposes on a daily basis but it has also developed other tools which are not fully yet integrated to EUROSUR.

Both Regulation (EU) 2019/1896 and the new implementing act on the situational pictures of EUROSUR clarify that the Agency should integrate and develop its various risk analysis networks and tools in the framework of EUROSUR, such as the Frontex Risk Analysis Network (FRAN).

Regarding the issue of accreditation of systems and Networks, the new implementing act on the situational pictures of EUROSUR sets up a Security Accreditation Panel (SAP) as an independent security accreditation authority. The SAP will ensure the accreditation of the European Constituent of EUROSUR, including the relevant FRONTEX systems and networks, but also the interconnection of national systems and networks to EUROSUR.

31. The Commission welcomes the positive assessment of the services provided by Frontex. The adoption of Regulation (EU) 2019/1896 which enlarges the scope of EUROSUR will lead to new EUROSUR Fusion services based on interagency cooperation at Union level.

32. With the new European Border and Coast Guard (EBCG) Regulation, the definition of situational picture in EUROSUR has evolved towards a “data centric” approach where the graphical display and user interface should be chosen by the users depending on the operational situation and their command and control needs.

Completeness, consistency and timeliness and the quality of the data are addressed in detail in the new implementing Regulation in the situational pictures of EUROSUR, creating clear and measurable obligations to the stakeholders of EUROSUR. This is why the new implementing Regulation on the situational picture of EUROSUR focuses more on the reporting obligation than on the way national situational pictures should be managed.

34. With the adoption Regulation (EU) 2019/1896 and the new implementing act on the situational pictures of EUROSUR, all these data and information will be collected in the framework of EUROSUR through legally binding standards.

39. The responsibility for distributing EUROSUR information and services to the national border guards is a national competence, notably the tasks of the national coordination centres. Frontex cannot directly reach out to individual border guards being deployed in the context of national operations or joint operations. This would go against the principle that the primary responsibility for Border Management has to remain with the Member State.

41. The Commission notes that the Legislative Financial Statement (LFS), accompanying the EBCG 2016 Regulation provided quite substantial human resources for the implementation of the new mandate, including for the vulnerability assessments. The internal allocation of the resources within the Agency’s lies in hands of the Executive Director.

43. The objective of the vulnerability assessment process is to deliver a targeted assessment related to the situation of a Member State or even of the specific border sections. This targeted scope allows the Agency to identify very concrete recommendations, including the type of corrective measures needed and the deadline for their implementation.

51. Between 2016 and 2018, deployments have been seriously affected by **persistent gaps** often rendering the Agency's support partially ineffective. **For example, the 2018 annual pledging**

exercise between the EBCG Agency and the Member States resulted in only 49% of border guards being covered and 45% of equipment covered as per the Agency's needs for land borders activities. These gaps were often discussed at the political level in the Council and lead the Commission to propose a new mechanism in September 2018.

The design and the overall capacity of the standing corps were proposed not only to address reoccurring gaps in the deployment of Frontex support as experienced in the period of 2016-2018 but to establish a permanent but flexible mechanism to provide for the EU's collective ability to deal with all types of challenges at the external borders, including multiplied crisis situations and to support returns from the Member States.

64. The EUROSUR becomes the integrated framework for the exchange of information and for operational cooperation within the European Border and Coast Guard.

This evolution of EUROSUR will take place gradually. The necessary financial resources were identified in the Multiannual Financial Framework to support this evolution.

The reporting relating to cross border movement of goods and associated illicit trafficking under EUROSUR is carried out in full compliance with already existing reporting obligations, restrictions or competences concerning the customs area as well as systematic control reporting in particular under Import Control System 2 (ICS2) pursuant to Article 186 of Commission Implementing Regulation (EU) 2015/2447 or risk information sharing under the Customs Risk Management System (CRMS) pursuant to Art 86 of the same Regulation and the Customs Information System (CIS) established by Regulation 515/97. It will not duplicate established reporting mechanisms with Member States on customs and customs performance matters: the relevant information could be obtained from existing Commission sources.

65. The strategic analysis of the cross-border crime risks is only relevant if it has an impact on the management of EU external borders. Fishery incidents and environmental crimes do not qualify as cross border crime. The relevant information is obtained through interagency cooperation at Union level via Frontex and at national level via the NCCs.

69. In order to ensure consistency and facilitate information exchange while preserving security, the Agency will integrate in 2021 and develop its various risk analysis networks and tools in the framework of EUROSUR, such as the Frontex Risk Analysis Network (FRAN), the European Document Fraud Risk Analysis Network (EDF-RAN) or the Maritime Intelligence Community Risk Analysis Network (MIC-RAN).

71. Both Regulation (EU) 2019/1896 and the new implementing act on the situational pictures of EUROSUR will provide the ability to monitor the quality of data and quality of service in EUROSUR through indicators and transmit it to the national coordination centres and the relevant command and control structures used for the Agency's operations, as part of the EUROSUR fusion services.

76. The Commission would like to stress that Frontex must address these shortcomings in the context of implementation of the new mandate.

78. During the legislative process, the Commission provided to the Council and the European Parliament details substantiating the need for the 10.000 staff capacity of the standing corps, so that the co-legislator could take an informed decision in this regard.

This proposed size was based on the indicative level of engagement for the EBCG Agency in the past years. Back in 2018, effectively 7300 border guards were registered in the Agency's pool for that purpose. Furthermore, 1500 border guards were nominated under the Rapid Reaction Pool and 650 return escort and return specialists were registered in the return pools. In addition, as part of the 10.000 staff, 650 officers will not be deployable as team members.

Beyond consolidating the then existing pooling mechanisms, the size of the EBCG standing corps was defined to reflect the present and future operational needs to effectively support the Member States in the area of border management and returns and ensuring the EU readiness to manage well the external borders, including addressing any future crisis.

79. The establishment of the standing corps will have limited impact on the Member States resources even if varies between different categories.

The recruitment process launched by the Agency for Category 1 in 2019 has not targeted specifically the border guards of the Member States but rather looking for much wider profile related to law enforcement, so there is no direct impact on the Member States' resources.

For Category 2 of the standing corps (24 months long term secondments), the impact on the Member States' resources will be very limited. For example, in 2021 all the member States are expected to second in total 400 officers what represents a very small fraction of the total staffing of the Member States' border guard authorities having at least 120 000 staff members.

Category 3 officers of the standing corps will serve as a reserve/ pool to be activated in case of extra operational needs. Each of the category 3 officer could be called to serve in Frontex operations upto 4 months per year, but normally they are expected to remain in the own national services.

Furthermore, article 61 of Regulation (EU) 2019/1896 provides for the significant financial support paid the Member States for the long term development of relevant human resources with the view of their contributions to the standing corps, in particular to recruit and train the new officers which may need to replace the officers seconded under Category 2 and deployed under category 3 of the standing corps. The support mechanism even compensates the Member States for the training investments made in the Agency new Category 1 staff if they were just before the recruitment in the active services of the border authorities.

80. The Commission will indeed carry out a thorough evaluation of the EBCG Regulation currently in force by 5 December 2023. While it is not required to be an external evaluation as indicated in the Court's report, the Commission will initiate towards the end of 2021/beginning of 2022 to hire an external contractor to support the process. The timing of this evaluation was carefully discussed and agreed during the negotiations of the 2019 EBCG Regulation. The evaluation needs to be carried out as soon as possible but still leaving sufficient time for the effective implementation of new elements introduced by the Regulation. This applies in particular to the standing corps, which became operational and deployed only as of 1 January 2021. Only with this timeline, the evaluation can offer valuable lessons-learned for Frontex or meaningful feedback for possible future amendments of the Regulation.

81. Already under the 2016 EBCG Regulation and previous Frontex founding regulations, the Member States' officers deployed by Frontex had exercised the executive powers under the instructions and supervision of the host member State. The only novelty of the 2019 EBCG Regulation is that also the specific part of the Agency's statutory staff (Category 1 of the standing corps) are conferred the executive powers under the same conditions as member State's officers.

82. – 83. The new Implementing Regulation on the situational picture on EUROSUR is designed to facilitate automatic information exchange, machine to machine interfaces and state of the art processing technologies (such as Artificial Intelligence tools).

The Commission encourages Member States and the Agency to develop technical interfaces to foster machine to machine interconnections and use decision support tools to assist EUROSUR operators in their tasks.

CONCLUSIONS AND RECOMMENDATIONS

85. The founding act of Frontex (Regulation (EU) 2019/1896) is a development of the Schengen acquis on border control as provided for by TFEU Art. 77(2)(b). The Regulation does not invoke any provisions of the Treaties regarding police cooperation. Consequently, the role of Frontex in combating cross-border crime is limited by the Treaties and its own mandate.

87. The new EBCG Regulation and the implementing Regulation on the situational pictures of EUROSUR will address this issue.

EUROSUR will now integrate FRAN and other Frontex Risk analysis networks in the framework of EUROSUR and establish a coherent information exchange framework.

Information on cross-border crime is only relevant if it has an impact on the management of EU external borders. Fishery incidents and environmental crimes do not qualify as cross border crime. The relevant information is obtained through interagency cooperation at Union level via Frontex and at national levels via the NCCs.

See Commission reply to para 65.

88. These weaknesses are being addressed by Regulation (EU) 2019/1896 – that was out of the scope of the audit and work is ongoing on rolling out the corresponding implementing measures, such as the development of technical standards for equipment, update of CIRAM, implementation of EUROSUR.

Also, with the entry into force of Regulation (EU) 2019/1896, as of 5 December 2021 Member States/Schengen associated countries will have to report in EUROSUR all events including when detected at border crossing points or during air border surveillance operations.

See Commission reply to para 29.

89. The implementing act on the situational pictures of EUROSUR will clarify the reporting obligations related to cross-border crime and in particular the trafficking of goods.

90. According to Regulation (EU) 2019/1896, Frontex manages the European Situation picture and the communication network, establishes the technical standards for information exchange, including ensuring the automation of information exchange with Member States and other relevant sources.

Recommendation 1 – Improve the information exchange framework and the European situational picture

c). The Commission accepts the recommendation.

Effective cooperation between Frontex and other relevant bodies for the purpose of complete European situational picture must take place in the framework of reporting mechanism defined in the implementing regulation on the EUROSUR situational picture.

91. Even if there is still room for improvement, Frontex uses EUROSUR data for statistical risk-analysis purposes on a daily basis but it has also developed other tools which are not fully yet integrated to EUROSUR.

See reply to paragraph 30.

92. For the distribution of Frontex risks analysis products, please see the Commission's reply to paragraph 39.

In relation to the information to carry out risk analysis on cross-border crime please see the Commission's reply to paragraph 65.

On integration of various risks analysis networks and tools please see the Commission's reply to paragraph 69.

Recommendation 2 – Update and implement the common integrated risk analysis model (CIRAM) and secure access to other sources of information

b). The Commission partially accepts the recommendation.

In the context of implementing Article 28 (2) (i) of Regulation (EU) 2019/1896, the Commission plans to explore the development of new EUROSUR Fusion Services based on the cooperation with EU-Lisa as foreseen in article 68 (1) (h) of the Regulation. However, as part of these efforts, the Commission will need to check the compatibility of the legal bases of the relevant large scale IT systems, and therefore while the Commission will take action in this direction, the development of tailor-made statistical reports derived from all eu-LISA posted systems cannot be ensured.

93. The objective of a process is to deliver a targeted assessment related to the situation of a member State or even of the specific border sections. This targeted scope allows the Agency to identify very concrete recommendations, including the type of corrective measures needed and the deadline for their implementation.

94. The Commission notes that a certain controversy over interpretation existed under the 2016 EBCG Regulation for assessing the Member States capacities to address cross-border crime. Under the 2019 Regulation, the scope of the vulnerability assessment in this regard was clarified. Art. 32 (2) of the 2019 Regulation specifies that the Agency shall monitor the capacities of Member States necessary for border control as *referred to in point (a) of Article 3(1)* which provides for the definition of border control, including measures (...), *where appropriate: measures related to the prevention and detection of cross-border crime at the external borders, in particular migrant smuggling, trafficking in human beings, and terrorism; (...)*

Recommendation 3 – Develop the potential of vulnerability assessment

c). The Commission accepts the recommendation.

97. The Commission has requested frequently at the Management Board meetings of Frontex to regularly assess and discuss the evaluation reports of the operational activities, with a view to address weaknesses and enhance the efficiency and the impact of these activities.

98. The shortcomings in human resources planning in the risk analysis and vulnerability assessment units should be addressed in the context of the implementation of the new mandate and the new organisational structure.

99. The primary role of Frontex has always been the provision of operational support and coordination of operational cooperation among the Member State' border guard authorities while in accordance with the Treaties, the primary responsibility remains with the Member State for controlling their respective section of the external borders.

Regulation (EU) 2019/1896 has not extended significantly the scope of the Agency's operational mandate, with exception of returns and cooperation with third countries, but it has overhauled the Agency's capabilities (standing corps, equipment,) to implement this mandate.

100. The Legislative Financial Statement accompanying the EBCG proposal of September 2018 set out the detailed overview how the proposed budget/resources were identified, including on the estimated costs of operations. In addition, Commission provided during the legislative process to the European Parliament and the Council further details substantiating the needs for the 10,000 staff capacity of the standing corps, including the indicative comparison of the operational needs for which the Agency support is required, so they could take an informed decision in this regard.

Frontex has received additional resources as a response to an unprecedented migration crisis in order to further underpin the current and future envisaged operational efforts. The political agreement on Regulation 2019/1896 was) reached between the Parliament and the Council included a sharp increase of the agency's human and financial resources (e.g. build up of a standing corps of 10 000 staff).

101. The new Regulation adopted by the European Parliament and Council in order to address the imperative need for further development of the European Border and Coast Guard, including Frontex.

The Commission also draws attention to the six fully fledged reports on the operationalisation of the EBCG 2016 Regulation adopted between 2017-2018 with the view of monitoring the progress and to identify shortcomings.

With regard to the standing corps, already under the 2016 EBCG Regulation and previous Frontex founding regulations, the Member States' officers deployed by Frontex had exercised the executive powers under the instructions and supervision of the host Member State. The only novelty of the 2019 EBCG Regulation is that also the specific part of the Agency's statutory staff (Category 1 of the standing corps) are conferred the executive powers under the same conditions as Member States' officers.

The European Border and Coast Guard

Agency's reply

25. The Agency is aware of these shortfalls and they have been identified in the “REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the evaluation of the European Border Surveillance System (EUROSUR)” prepared by the Commission in 2018 in cooperation with Frontex and the Member States/Schengen Associated Countries (MS/SAC). These findings were subsequently taken into consideration in REG (EU) 2019/1896 with the provision under Art. 24(3) that the “Commission shall adopt an implementing act laying down the details of the information layers of the situational pictures and the rules for the establishment of specific situational pictures. The implementing act shall specify the type of information to be provided, the entities responsible for collecting, processing, archiving and transmitting specific information, the maximum time limits for reporting, the data security and data protection rules and related quality control mechanisms.” This implementing act has not been published yet and therefore work on the implementation has not begun.

27. In line with Frontex Regulation (EU) 2019/1896 the purpose of developing Technical Standards for equipment is to ensure interoperability and compatibility of the technical means used during EU operational activities.

Based on a methodology defined by Frontex in cooperation with Member States and the Commission, the Agency will develop an overarching standardisation process that will include among others, the development of Technical Standards for equipment used in Frontex operations, and the development of technical standards for information exchange.

30. The shortfall has already been identified during an assessment made by the European Commission in 2018 and is addressed in the Implementing Act on the EUROSUR Situational Pictures. FRAN reporting will be included in the EUROSUR integrated framework for the exchange of information and operational cooperation.

31. Frontex has also started providing information in real-time concerning events in the pre-frontier areas of the EU external borders, beyond the operational areas of Frontex coordinated joint operations. It also has to be noted that thanks to the information provided by Frontex Surveillance Aircraft to the Search and Rescue Authorities (incl. of Third Countries), Frontex contributed in the course of 2020 to saving the lives of almost 10.000 migrants only in the Central Med.

38. The reasons for the non-implementation of the CIRAM by the Agency go beyond the lack of sharing of Vulnerability Assessment (VA) information of specific border sections within Frontex. Moreover, the scope of risk analysis is much wider (covering all elements of European Integrated Border Management), compared to the range of VA which is limited to border control activities and few other aspects. VA is today positioned as a quality control mechanism and does not cover the full scope of Vulnerability as described in the CIRAM 2.0 model.

Box 3. This information is only partially available to Frontex because of the restrictions imposed by MS decision. The Agency only has limited options to apply the full CIRAM methodology to its risk analysis products.

43. Although vulnerability assessment (VA) activities are indeed focusing on assessing Member States/Schengen Associated Countries (MS/SAC) national resources and overall readiness, from the beginning several initiatives have been put in place to go beyond a mere assessment of national capacities.

These include the following:

- Joint Rapid Vulnerability Assessments, in case of an emerging challenge at the EU external borders affecting multiple MS/SAC.
- Regional simulation exercises to assess the readiness of neighbouring MS/SAC vis-a-vis a potential future crisis scenario at their external borders.
- Biannual report on VA activities issued to the European Parliament, the Council and the Commission (In line with the requirements set by Article 32(11) of the EBCG 2.0 Regulation) with an analysis of the common challenges and shortcomings faced by border control authorities across the EU, beyond assessment of national capacities.
- Knowledge products to support the planning activities of EBCG Stakeholders. Such products enable VA findings to feed into several planning processes of the Agency (in line with the requirements set by the EBCG 2.0 Regulation (such as Art. 9, Article 54 and 64).

46. At the land border, in addition to the operational activities at the border crossing points as indicated in the observations, Frontex coordinates the implementation of operational activities at the borders sections between the border crossing points, the so called “green borders”. These operational activities consist mainly of providing support to the border surveillance capacities of the host Member States. These operational activities are significant in size and results.

Furthermore, Frontex carries out operational activities with executive powers in the third countries where the EU Status Agreement with that third country has been concluded. Such is the case already with Albania and Montenegro.

Box 4. The Agency acknowledges the value of accumulated experience from operational activities along the external borders including those gained from actual Rapid Border Interventions, as well as regular exercises.

During 2019 there was no Rapid Intervention Exercise due to the fact that the new mandate was being negotiated by the legislator with a view to adoption.

The 2019 Regulation introduced significant changes and evolution of the EBCG response capability and capacity, notably through the establishment of the Standing Corps. These changes define completely new needs for rapid interventions exercises thereof.

Two Rapid Border Interventions launched in 2020 during the surge of the COVID-19 pandemic have been successful.

The 2019 Regulation foresees that Member States shall each adopt a contingency plan for the management of their borders and return. In line with national integrated border management strategies, the contingency plans shall describe all the necessary measures and resources for the possible reinforcement of capabilities, including logistics and support both at national level and from the Agency.

The part of the contingency plans that requires additional support from the European Border and Coast Guard shall be jointly prepared by the Member State concerned and the Agency, in close coordination with neighbouring Member States.

It should address the observation on lack of procedures to request a Rapid Intervention.

49. The pilot activity in 2018 and 2019 was prepared with a view of testing how Seconded Team Members concept could be further developed in terms of deployments for periods longer than three months. This became more evident once the negotiations of the 2019 Regulation were reaching their conclusion and the concept of the Standing Corps coming to fruition, especially with its Category 2 of long term secondments.

52. Frontex acknowledges the distinction between tasks associated with interpretation and those associated with cultural mediation.

Cultural mediation is perceived as overarching task that is part of responsibilities of all the Standing Corps profiles. Officers learn how to approach third country nationals respecting their dignity and cultural background in the trainings and operational briefings that often include input of the humanitarian organizations such as IOM. In particular those engaged in migration management support such as Debriefing experts take part in the tutorials provided by Debriefing Advisors that cover the area of cultural mediation as well.

The profile of cultural mediator was not established separately because the Frontex approach is to combine and create multifunctional profile instead of assigning only one role to one person. Besides the human resources with solely cultural mediation skills are not necessarily accessible from the law enforcement entities of the Member states that till 2020 were the main providers to the operational activities.

Cultural mediation is also very important in the area of return, in particular in the case of third country cooperation and counselling (counselling includes talking with the (potential) returnee about the possibilities to return voluntarily, the return procedures, obligations and possibilities for reintegration support). In the training for the relevant Return Specialists' activity much attention is paid to these skills and attitudes dealing with cultural differences.

56. In 2021, the Situational Awareness and Monitoring Division is conducting a portfolio review and piloting metrics to measure the impact and satisfaction on the products delivered.

58. The Evaluation Reports provide an assessment of the impact of the activity that consists not only of the additional resources that are provided as a result of the joint operation, but also as a result of the increased efforts on the national level, due to the joint operation as well. These efforts are not only in the terms of additional resources being made available, but also as a result of the coordination role that the Agency brings with its experience and expertise to the Member States. These elements are difficult to measure.

60. Frontex is obliged to produce evaluation reports within 60 days of the conclusion of Joint Operations. Member States are also obliged to submit their cost claims within 75 days. As a result, Frontex may not have the information available at the time of drafting the report to provide the actual figures claimed.

The costs borne under each Joint Operation, broken down into cost categories are indicated in the respective Final Evaluation Reports with limited distribution. Data is based on updated monitoring of executed deployments and payments processed by the moment of Reports' generation. However, the final real cost of JO is only available in year N+2 when all the payments under Grant Agreements are executed. Additionally, daily updated financial data is available to managers via IT system in order to support decision making.

62. Further to the description of the Court, additional shortfall is caused by the limited provision of information related to cross-border crime from all services on national level that are engaged in prevention, detection and fight against cross-border crime. This also concerns customs authorities.

All national authorities that are responsible for the integrated border management should provide information for risks analysis and vulnerabilities assessment, thus enable to prepare and implement the comprehensive operational response to prevent, detect and fight the cross-border crime.

In addition, Frontex is also cooperating with other EU agencies and international organizations in the field of combatting cross-border crime, making effort to reduce the awareness gaps and ensure synergy with other mandated entities, in particular Europol

and Interpol. The extensive engagement in EU Policy Cycle/EMPACT supports this process.

69. In order to further support cross-border crime information exchange in the maritime domain, Frontex also launched in 2020 the Maritime Biweekly Dialogues with all Frontex entities and Member States involved in the monitoring of maritime domain to exchange information about potential Vessels of Interest monitored in real time as the EU borders. In order to complement the use of various services and upon a joint assessment, Frontex Surveillance Aircrafts or satellite monitoring is directly activated and the information is communicated to the competent Member States through the National Coordination Centre Network.

72. The Joint Operations (JOs) have the multipurpose character and contribute to the prevention, detection and combating of cross-border crime. Joint Action Days (JADs) developed under EU Policy Cycle/EMPACT match the expectations of EU MS and are strongly interlinked with JOs. Also some dedicated Pilot Projects developed by Frontex build the capacity for further cross-border crime counteraction. The Agency also takes part in the operational activities coordinated by other entities, especially Interpol and Europol, but also actions prepared by customs authorities under Customs Cooperation Working Party (Joint Customs Operations).

The framework of EMPACT allows to streamline the efforts and contribution of Frontex collectively with other entities under EU wide platform and under EU set goals for fighting the serious international crime.

During 2020 despite the pandemic Frontex coordinated 3 Joint Action Days (JADs) under the EU Policy Cycle /EMPACT, all implemented using the platform of ongoing Frontex Joint Operations enriched by additional elements enhancing the law enforcement impact.

Indeed, there is a need for further development of the operational response targeting the cross-border crime with the engagement of various EU MS authorities, EU Agencies and international organizations as well as Third Countries. Experiences gathered during JADs and needs of EU MS should serve the purpose of preparing more tailored and targeted operational activities in the nearest future.

76. A transformation programme has been launched in 2020 with the aim to improve divisional processes, effectiveness of outputs and to utilize resources more efficiently.

77. A formal sharing policy on a need-to-know basis was established in November 2019 and a data sharing policy was adopted in February 2020.

82. With reference to Regulation (EU) No 1052/2013 Frontex has offered and promoted since 2013 an automated programming interface (API) called the EUROSUR Node

Integration Interface (NII) enabling MS/SAC participating in EUROSUR to connect their national systems and facilitating an automated information exchange.

83. Regulation (EU) No 2019/1896 requires a paradigm shift for EUROSUR, which has now become an integrated framework for the exchange of information and operational cooperation (not a system), data centric and system agnostic. This together with operational and technical standards to be developed by Frontex will further foster an automated information exchange between MS/SAC and Frontex and among each other.

84. Frontex is not officially part of the adaptation process for the implementing act on the EUROSUR situational pictures. The work on these standards can only commence once the Implementing Act on the EUROSUR Situational Pictures is in effect.

90. Regulation (EU) No 2019/1896 requires a paradigm shift for EUROSUR, which has now become an integrated framework for the exchange of information and operational cooperation (not a system), data centric and system agnostic. This together with operational and technical standards to be developed by Frontex will further foster an automated information exchange between MS/SAC and Frontex and among each other. The work on these standards can only commence once the Implementing Act on the EUROSUR Situational Pictures is in effect.

Recommendation 1(a). Frontex accepts the recommendation.

The legal provisions are defined in the Implementing Act on the EUROSUR Situational Pictures. Once in effect, Frontex will start with the implementation.

Recommendation 1(b). Frontex accepts the recommendation.

92. The CIRAM is in the process of being updated, and as a result Frontex can provide analysis of many relevant aspects of cross-border crime, that enable Member States/Schengen Associated Countries to take appropriate measures to address or mitigate the risks identified.

Recommendation 2(a). Frontex accepts the recommendation.

Recommendation 2(b). Frontex accepts the recommendation.

Frontex is already in contact with eu-LISA and DG HOME to ensure the provision of this data.

Recommendation 3(a). Frontex accepts the recommendation.

Recommendation 3(b). Frontex accepts the recommendation.

Recommendation 4. Frontex accepts the recommendation.

Recommendation 5. Frontex accepts the recommendation.

Audit team

The ECA's special reports set out the results of its audits of EU policies and programmes, or of management-related topics from specific budgetary areas. The ECA selects and designs these audit tasks to be of maximum impact by considering the risks to performance or compliance, the level of income or spending involved, forthcoming developments and political and public interest.

This performance audit was carried out by Audit Chamber III External action, security and justice, headed by ECA Member Bettina Jakobsen. The audit was led by ECA Member Leo Brincat, supported by Romuald Kayibanda, Head of Private Office and Annette Farrugia, Private Office Attaché; Sabine Hiernaux-Fritsch, Principal Manager; Maria Luisa Gomez-Valcarcel, Head of Task; Marc Mc Guinness and Renata Radvanska, Auditors.

Timeline

Event	Date
Adoption of Audit Planning Memorandum (APM) / Start of audit	22.10.2019
Official sending of draft report to Commission (or other auditee)	17.1.2021
Adoption of the final report after the adversarial procedure	20.4.2021
Commission's official replies received in all languages	7.5.2021
European Border and Coast Guard Agency's [Frontex] official replies received in all languages	14.4.2021

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In this audit, we assessed whether Frontex carried out four out of its six primary activities effectively to contribute to implementing European integrated border management, and thus supporting Member States to prevent, detect and respond to illegal immigration and cross-border crime. We also examined the preparedness of Frontex to fulfil its new and expanded 2019 mandate.

We concluded that Frontex's support for Member States/Schengen associated countries in fighting against illegal immigration and cross-border crime is not sufficiently effective. We found that Frontex has not fully implemented its 2016 mandate and we highlighted several risks related to Frontex's 2019 mandate.

ECA special report pursuant to Article 287(4), second subparagraph, TFEU.



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