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The FRONTEX Agency: evaluation and future development

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) became operational in October 2005. The Communication presented today assesses the results so far, taking into account the period during which the Agency has been operational and making recommendations for measures that can be taken in the short term, within the limits of its current mandate, and outline a long-term vision for the future development of FRONTEX.

The Commission considers that the best way forward is to work in a constructive manner towards an integrated EU policy on border management which consists of implementing short/medium term recommendations and to engage into a dialogue with EU Institutions, the Agency and relevant European and international partners to explore how the policy objectives can be met in the longer term based on a gradual development whilst keeping up with the available resources and the administrative capacity of the Agency.

An in-depth discussion should be launched on the longer term strategy to be pursued by the Union with regard to the role FRONTEX is expected to play in the development of the integrated border management model, including the reinforced cooperation mechanism with third countries, and in ensuring a sound management of migration flows.

Achievements and short time recommendations

FRONTEX has taken forward joint operations at all types of borders, in 2006 and 2007 respectively 5 and 4 sea border operations, 2 and 10 land border operations, and 2 and 5 air border operations, and an additional 3 and 2 operations in 2006 and 2007 respectively covering several types of borders. A total of 10 pilot projects (2006-2007) have been implemented to complement the joint operations. All Member States participated in at least one joint operation or pilot project both in 2006 and in 2007.

Participation by Member States in joint operations can range from the deployment of one expert to the deployment of equipment such as vessels and aircraft. On average, 7 Member States participated in sea borders, 9 in land border, and 11 in air border operations (2006-2007 together). For those sea border operations that have involved maritime patrols (7), between 1 and 4 have participated with equipment in the form of aircraft, vessels or helicopters in each of those operations, excluding the contributions of the host state, with between 0 and 2 vessels in each operation.

Due to the need for deployment of equipment in sea border operations the costs involved are substantially higher – on average 2,7 million euro – than for land and air borders respectively: 83 000 and 194 000 euro.

Results of joint operations cannot be summarised solely in quantifiable terms. Nevertheless, quantifiable results so far show that more than 53.000 persons, for 2006 and 2007 together, have been apprehended or denied entry at the border during these operations. More than 2.900 false or falsified travel documents have been detected and 58 facilitators of illegal migration arrested.

Following a request from the European Council in December 2006, the **European Patrols Network (EPN)** started in May 2007. FRONTEX and the Member States concerned (Portugal, Spain, France, Italy, Slovenia, Malta, Greece and Cyprus) are working on a regional basis with bilateral cooperation between neighbouring states. Patrols have been limited to areas close to the coasts of the Member States involved. The Patrols Network brings together, to a large extent, the already existing patrolling activities of Member States. This, combined with a regular exchange of information, should lead to more efficient control of the maritime borders and reduce the related costs according to the principle of burden sharing.

FRONTEX has set up a **Central Record of Available Technical Equipment (CRATE)** for border control and surveillance belonging to Member States, which they, on a voluntary basis and upon request from another Member State, are willing to put at the disposal of that Member State for a temporary period. The CRATE database contains for the moment over a hundred vessels, around 20 aircraft and 25 helicopters and several hundreds of border control equipment such as mobile radar units, vehicles, thermal cameras and mobile detectors. While primarily intended to be used on a bilateral basis between Member States, it provides an inventory of equipment that can be used in joint operations also. So far only a modest use of equipment has been made for the latter purpose: in the framework of the Operation Poseidon 2007 (heartbeat detectors from UK) and the Operation Hermes 2007 (aircraft Falcon from FR). Since July 2007 Member States have access to the centralised records of available technical equipment (CRATE). So far FRONTEX has concluded bilateral agreements with 13 Member States / Schengen Associated Countries. Consideration should be given to reviewing the scope of Article 7 of the FRONTEX Regulation on CRATE, which is limited for the moment to equipment for border control and surveillance but which could be extended to also cover equipment, including equipment leased by FRONTEX, for joint return operations, such as aircraft.

In view of the developments towards more permanent operations and the evolution of the tasks for the Agency as a whole, consideration should now be given to the **setting up of specialised branches of the Agency in the Member States**, through which the Agency may operate for the practical organisation of joint operations and pilot projects. Priority should be given to a branch for the southern maritime borders. FRONTEX should analyse how the semi-permanent joint operations can be merged with the European Patrols Network, as both measures are of a more structural character and overlaps between them must be avoided.

The **Rapid Border Intervention Teams (RABITs)** Regulation, which entered into force on 20 August 2007, has changed in a substantial manner the provisions of the founding Regulation of FRONTEX regarding the support to Member States in circumstances requiring increased technical and operational assistance at the external borders. It provides a "rapid reaction capacity" for a reinforcement of human resources to a Member State in need.

The preparatory work for implementing the Regulation was completed by FRONTEX shortly after the Regulation was adopted. 500-600 border guards make up the "RABIT pool". An exercise was conducted during the autumn of 2007. So far no Member State has made a request for the deployment of a RABIT team.

The deployment of a RABIT team can be combined with technical assistance. The Commission recommends that this provision be made more operational by FRONTEX acquiring its own equipment for border control and surveillance, to be used by the RABIT teams, in order to ensure the availability of equipment at short notice. Alternatively, equipment listed in CRATE could be used for this purpose also, but the rules would need to be reviewed in order to ensure speedy and unconditional availability of the equipment for the RABIT teams.

The activities of FRONTEX as regards **training** started in 2005. A total of 97 trainings, meetings and workshops including training of border guards and "training of trainers" have been organised with a total of 1.341 participants. The competences of border guards to apply in a correct and consistent manner the Schengen acquis must remain the key objective of the training activities of FRONTEX. However, the experiences gained from joint operations show that border guards are frequently confronted with situations involving persons seeking international protection or crisis situations at sea. The Commission considers that specialised training courses should be organised by FRONTEX on relevant provisions of European and international rules on asylum, the law of the sea and fundamental rights, in order to contribute to the full respect of these norms and to a consistent approach to situations involving search and rescue coordination.

The Agency has provided assistance for the organisation of nine **joint return operations**. A further 6 projects have been taken forward on issues such as best practices for the acquisition of travel documents and in order to regularly identify common needs for joint return operations.

Long term recommendations

Measures in cooperation with third countries

The mandate of FRONTEX as concerns cooperation with third countries is limited in the sense that projects aiming, for example, at technical assistance cannot be carried out by FRONTEX in third countries. Consideration should be given to whether FRONTEX should have the possibility of carrying out pilot projects with third countries as beneficiaries. Such projects could significantly strengthen the impact of cooperation launched under the working arrangements, where the latter can serve to identify concrete needs for capacity building with regard to border management in specific third countries, and be complementary to assistance funded through Community programmes.

FRONTEX has concluded working arrangements aiming at establishing cooperation at technical level with border guard authorities in Russia, Ukraine and Switzerland. Negotiations are well advanced with Croatia. Mandates have been given by the Management Board to negotiate further arrangements with FYROM, Turkey, Egypt, Libya, Morocco, Mauritania, Senegal, Cape Verde, Moldova and Georgia. The Agency foresees requesting mandates in the short/mid-term for the other Western Balkan states, countries of West Africa, the US and Canada. In the short-term, priority should be awarded to strengthened cooperation between FRONTEX and those third countries that have been identified as problem areas through the joint operations and the risk analysis carried out by FRONTEX.

Measures at the border

An improved cooperation between the relevant customs and other border control authorities of the Member States is a key element of the integrated border management model. The Commission will launch a study for the purpose of identifying best practices in Member States on inter-agency cooperation. To promote cooperation on the ground, pilot projects at European level could further explore the added value of deepened coordination of the activities between these authorities..

European Border Surveillance System (EUROSUR)

In parallel with this current evaluation report the Commission presents a Communication outlining a roadmap for the development and setting up of a **European Border Surveillance System (EUROSUR)**. The role of FRONTEX is crucial for the successful preparation of such a system, including creating a network integrating all maritime surveillance systems. FRONTEX could take on the role as a "hub" for an improved system of exchange of real-time, operational information between Member States. In addition, giving FRONTEX access to surveillance information in a more systematic and structured manner could serve as the basis for the development of a 'FRONTEX intelligence led information system' targeting the external borders of the EU.

Operational coordination

The Commission intends to return to the question of a fully fledged European Border Guard when experiences have been gathered on the functioning of RABIT teams. It is nevertheless clear that two questions arise already at this stage concerning the organisation of operational coordination in the long term, as concerns maritime patrols:

Firstly, how the current system of allocating resources can be further improved. The Commission will keep under close review the extent to which sufficient equipment and human resources can be put at the disposal by Member States, using current mechanisms, and the degree of reinforcement that the European Borders Fund can provide in the longer term to individual Member States based on the risks at the external borders.

Secondly, the cost-effectiveness of the current mechanisms will need to be reviewed in the long-term also having regard to, for example, the administrative costs involved in ensuring the coordination of the deployment of assets and human resources on an ad hoc basis.

A long-term strategy based on further practical experiences will consider to what extent coordination of Member States' resources should be replaced with the assignment of border guards and equipment on a permanent basis. A deployment of that nature may call for reviewing the legal framework as concerns the executive powers of the members of RABITs teams and guest officers, and for assessing whether FRONTEX should employ border guards itself and/or whether it should acquire and/or lease equipment for the purpose of permanent operations.

A in-depth discussion should be launched on the longer term strategy to be pursued by the Union with regard to the role FRONTEX is expected to play in the development of the integrated border management model, including the reinforced cooperation mechanism with third countries, and in ensuring a sound management of migration flows.

The Commissions' recommendations can be summarised as following:

SHORT TERM

1. Technical equipment

The potential of CRATE, and the commitments made by Member States, must be exploited to the full for all activities of the Agency

2. Specialised branches

Consideration should be given to the setting up of specialised branches in the relevant geographical areas

3. Relation between joint operations and the EPN

FRONTEX to analyse how semi-permanent joint operations can be merged with the European Patrol Network

4. Risk analysis

Joint risk analysis with Europol, international organisations and relevant third countries, and frequent geographical and/or theme oriented joint risk analysis, with relevant partners, should be encouraged

5. Management of ICONet

Task FRONTEX with the management of ICONet, under the present or another technical platform such as the FRONTEX Information System

6. Management of CIREFI

Task FRONTEX to centralise the exchange of operational information related to illegal immigration

7. Own technical equipment

To ensure the availability of equipment through FRONTEX acquiring its own equipment for border control and surveillance, for instance to be used by the RABIT teams

8. Return

Strengthen the role of FRONTEX regarding return operations – examine the possibility to use CRATE as a means for sharing technical equipment between member States

9. Training

Training offered to border guards should take into account and include relevant provisions of European and international rules on asylum, the law of the sea and fundamental rights. Specialised training courses should therefore be offered by FRONTEX on these aspects, in order to increase the availability of border guards with the necessary competences and contribute to a consistent approach to situations involving search and rescue coordination

10. Research

Implement joint projects aiming at real life operational testing of new technologies, to assess their feasibility and impact on current procedures as border crossing points

LONGER TERM

1. Schengen evaluation

The mechanism to perform Schengen evaluations is currently under review. The Commission will present a proposal to that effect in the second half of 2008. In that perspective it is clear that FRONTEX could provide added value to such an evaluation mechanism through its expertise on external border control and surveillance and on the potential links to its other activities, notably training and risk analysis

2. Cooperation with third countries

Priority should be given to strengthened cooperation with those third countries that have been identified as problem areas through the joint operations coordinated by FRONTEX. Evaluate a possible extension of the current FRONTEX mandate allowing the Agency to implement pilot projects with third countries as beneficiaries.

3. Future operational coordination

Initiate an in-depth reflection on the long-term strategy, including issues related to an EU border guard.

4. Border surveillance

Frontex to take on the role as a hub for information exchange in a future European border surveillance system and take on the development of a pre-frontier intelligence picture.

5. Customs and horizontal integration

Pilot projects at European level could support the coordination between the activities of national border guard authorities and national customs authorities. FRONTEX, the Commission and Member States should explore the possibility of conducting FRONTEX-led joint operations in coordination with cooperation projects of national customs authorities

To find out more about Vice President Frattini's work please visit his website:
http://www.ec.europa.eu/commission_barroso/frattini/index_en.htm