



Frontex border guard teams and fundamental rights

General

Frontex, the EU border control agency, is to boost its visibility by deploying European Border Guard Teams, and will be better equipped to monitor respect for fundamental rights, under changes to its mandate agreed by Parliament and Council representatives on Wednesday. The deal also requires more solidarity from Member States with those facing "disproportionate" migratory burdens.

MEPs and Council agreed on a series of changes to the rules governing Frontex, the EU external border agency set up in 2004, to improve its workings in the light of experience gleaned in its first years of operation.

The agreement says that for its joint operations, rapid interventions and pilot projects, Frontex will deploy European Border Guard Teams consisting of a pool of national border guards. The agency will also be able to purchase or lease its own equipment, such as mobile radars or vehicles, either by itself or in co-ownership with a Member State.

Following the compromise, rapporteur Simon Busuttill (EPP, MT) commented: "Finally, we are on track to making the agency more effective. This is the Frontex that Europe needs in the coming years and we hope that it will now deliver better".

Fundamental rights strengthened

One of Parliament's key concerns in the negotiations has been to ensure full respect for fundamental rights. At Parliament's request, Frontex will appoint a fundamental rights officer and set up a consultative forum on fundamental rights. These will assist the agency's management board and will have access to all information concerning respect for fundamental rights.

The Executive Director of Frontex must suspend or terminate an operation, in whole or in part, if he identifies any violation of the rule of law or fundamental rights of a serious nature or likely to persist.

Frontex will also develop codes of conduct to guarantee compliance with fundamental rights and the rule of law in all operations, including return operations. Under international law, no person may be disembarked or handed over to the authorities of a country where his/her life or freedoms could be threatened. The agency will respect this principle of "non-refoulement" in all circumstances, says the agreed text.

Solidarity and democratic scrutiny

Under the new rules, Member States will be obliged to contribute with staff and equipment to Frontex operations. The agreement says the agency will focus its activities on EU countries facing "specific and disproportionate" migratory pressures.

Press release

To reinforce the democratic scrutiny of Frontex, the agency will be required to report regularly to the European Parliament on its fundamental rights activities. Parliament will also be regularly updated on Member States' contributions to Frontex operations and on agreements with third countries and other agencies.

Processing personal data

Frontex will process personal data only when strictly necessary, says the agreement, which imposes a series of restrictions on the types personal data that it may process. These data must not be stored for more than three months after they are collected, and may be forwarded to Europol or other EU agencies only on a case by case basis. Sending the data to third countries will be prohibited.

Next steps

The agreed text will be put to a vote in the Civil Liberties, Justice and Home Affairs Committee on 12 July. If approved, Parliament as a whole European Parliament would vote on it at the 12-15 September plenary session in Strasbourg.

Rapporteur: Simon Busuttil (EPP, MT)

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