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Strengthening the European external borders agency Frontex - Political agreement between Council and Parliament

The Council and the European Parliament have reached political agreement on the draft regulation amending the regulation concerning the European Agency for the management of operational cooperation at the external borders of the EU (Frontex). The European Council conclusions of 24 March 2011 called for an agreement on this legislative dossier by June 2011 ([EUCO 10/1/11](#)).

The text as it stands now - and as it was confirmed today by the Permanent Representatives Committee of the Council - was negotiated in trilogue meetings between the Hungarian presidency, the European Parliament and the European Commission. It still needs formal approval in Parliament (both in the LIBE committee in July and, most likely, in September by the plenary) and in Council (after the plenary vote in Parliament).

What's new?

The revised rules - as reflected in the draft compromise text - will strengthen the operational capacities of Frontex in a number of areas. The main changes are:

- the possibility for Frontex to buy or lease its own equipment (cars, vessels, helicopters etc.) or to buy such equipment in co-ownership with a member state;
- a mechanism for member states to second national border guards and make available equipment to the agency, i.e.: once the agency and a member state agree on an annual plan, this member state should on request by Frontex make the border guards and the equipment available to Frontex as described in the annual plan, unless this would seriously affect the discharge of national tasks;

P R E S S

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- the equipment put at the disposal of the agency will be registered in a centralised records of a Technical Equipment Pool (TEP);
- a co-leading role for the agency regarding joint operations and pilot projects;
- "European Border Guard Teams" as the common name for teams deployed during Frontex operations (be it joint operations, pilot projects or rapid border interventions);
- more detailed provisions on the operational plan (the respective tasks and responsibilities, the composition of the teams, command and control, the reporting mechanisms, i.e. evaluation and incident reporting, technical equipment, and the applicable jurisdiction.);
- strengthened provisions for the protection of fundamental rights, including the establishment of a Consultative Forum on Fundamental Rights and the designation of a Fundamental Rights Officer;
- reinforced tasks for the agency as regards risk analysis (i.e. to regularly assess the capacity of member states to face upcoming challenges at the external borders);
- specific provisions on protection of personal data, including the possibility to transfer personal data to Europol or other EU law enforcement agencies regarding persons suspected of involvement in cross-border criminal activities, facilitation of illegal immigration activities or in human trafficking activities;
- reinforced tasks as regards training (common core curricula for national border guards) and research activities (monitoring and contributing to developments in relevant research activities);
- a strengthened coordinating role for Frontex as regards joint return operations in full respect for fundamental rights; and
- the possibility for the agency to launch technical assistance projects and deploy liaison officers in third countries.

Background

Frontex was created in 2004 with the aim to coordinate and assist member states' action in the surveillance and control of the external borders of the EU. The agency officially became operational on 1 May 2005 and is based in Warsaw, Poland. Earlier this year, Frontex established a first regional operational office in Piraeus, Greece, on a pilot basis. There are currently approximately 300 people working for the agency. Since Frontex became operational, its financial resources have increased significantly (from € 6 mio. in 2005 to € 86 mio. in 2011).

Frontex's main tasks include the coordination of joint operations at the sea, land and air external borders, the coordination of joint return operations, the establishment of common training standards for national border guards and the carrying out of risk analyses.

During Frontex activities full respect of fundamental rights is given high priority.

Frontex is regularly organising and coordinating joint operations. They are planned on an annual basis. In 2011, a total of six sea and three land operations are planned. In addition, a number of operations are directed to the air external borders.

Flexibility is, however, crucial for Frontex. The most recent example of this is the current joint operation Hermes 2011. After some 6000 migrants had arrived from Tunisia to the Italian island of Lampedusa during the first weeks of this year, Frontex and Italy brought forward this joint operation in the central Mediterranean, originally planned to commence in June. The joint operation started on 20 February 2011 and is still ongoing. Eleven EU member states are participating with technical equipment (airplanes, ships etc.) and experts.

Frontex has also the possibility to deploy rapid border intervention missions in response to emergency situations requiring increased technical and operational assistance at the external borders of a requesting Member State, such as the mass influx of illegal immigrants. The first such mission was taking place from November 2010 to March 2011 at the Greek-Turkish border. Over 20 EU member states participated in this crisis exercise with more than 200 experts (border guards, interpreters etc.) and a large number of equipment (incl. helicopters, dogs and several dozen vehicles). At the end of the operation, the number of illegal migrants detected every day had decreased by over 70 %.

This rapid border intervention mission has been followed up since March 2011 by an extended joint operation called Poseidon 2011 at the sea and land borders in the Eastern Mediterranean.

The need for strengthening Frontex's role and its capacities as regards the fight against illegal immigration has been underlined by the Council and by the European Council at several occasions, including in the European Pact on Immigration and Asylum adopted in October 2008 ([13440/08](#)) and in the Stockholm Programme adopted in December 2009 ([5731/10](#)).

As a consequence, in February 2010 the Commission tabled a proposal ([6898/10](#)) which formed the basis of the current draft agreement.

For more information:

<http://www.frontex.eu.int/>

<http://www.eucouncilfiles.eu/>