European Border and Coast Guard Agency

The European Border and Coast Guard Agency, also known as Frontex, is an agency of the European Union headquartered in Warsaw, Poland, tasked with border control of the European Schengen Area, in coordination with the border and coast guards of Schengen Area member states.

1. FRONTEX: a brief history

Frontex was established in 2005 as the European Agency for the Management of Operational Cooperation at the External Borders, and primarily responsible for coordinating border control efforts. In response to the European migrant crisis of 2015–2016, the European Commission proposed on 15 December 2015, to extend Frontex's mandate and to transform it into a fully-fledged European Border and Coast Guard Agency.

On 18 December 2015, the European Council roundly supported the proposal, and after a vote by the European Parliament, the European Border and Coast Guard was officially launched on 6 October 2016 at the Bulgarian external border with Turkey.


In the border management field, this led to the creation of the External Border Practitioners Common Unit - a group composed of members of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and heads of national border control services.

The Common Unit coordinated national projects of Ad-Hoc Centres on Border Control. Their task was to oversee EU-wide pilot projects and to implement common operations related to border management.

Two years after the establishment of "ad-hoc" centres the European Council decided to go a step further. With the objective of improving procedures and working methods of the Common Unit, Council Regulation (EC) 2007/2004 of 26 October 2004 led to the establishment of the European Agency for the Management of
Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

It began work on 3 October 2005 and was the first EU agency to be based in one of the new EU member states from 2004. Frontex' mission is to help European Union member states implement EU rules on external border controls and to coordinate cooperation between member states in external border management. While it remains the task of each member state to control its own borders, Frontex is vested to ensure that they all do so with the same high standard of efficiency. The agency's main tasks according to the Council Regulation are:

- coordinate cooperation between member states in external border management.
- assisting member states in training of national border guards.
- carrying out risk analyses.
- following research relevant for the control and surveillance of external borders.
- helping member states requiring technical and operational assistance at external borders.
- providing member states with the necessary support in organising joint return operations.

• European Border and Coast Guard Agency (2016–present)

The Commission was prompted to take swift action due to the immigration crisis of 2015, which brought to the forefront the need to improve the security of the external borders of the union. This crisis has also demonstrated that Frontex, which had a limited mandate in supporting the Member States to secure their external borders, had insufficient staff and equipment, and lacked the authority to conduct border management operations and search-and-rescue efforts.

The new Agency was proposed by the European Commission on 15 December 2015 to strengthen Frontex, widely seen as being ineffective in the wake of the European migrant crisis.

The limitations of the former EU border agency, Frontex, hindered its ability to effectively address and remedy the situation created by the refugee crisis: it relied on the voluntary contributions by Member States as regards resources, it did not have its own operational staff, it was unable to carry out its own return or border management operations without the prior request of a Member State and it did not have an explicit mandate to conduct search and rescue operations. The enhanced Agency will be strengthened and reinforced to address all these issues. The legal grounds for the
proposal are article 77, paragraph 2(b) and (d), and article 79, paragraph 2 (c), of the Treaty on the Functioning of the European Union. Article 77 grants competence to the EU to adopt legislation on a "gradual introduction of an integrated management system for external borders," and article 79 authorizes the EU to enact legislation concerning the repatriation of third-country nationals residing illegally within the EU.

On 18 December 2015, the European Council roundly supported the proposal, which was then be subjected to the ordinary legislative procedure.

2. FRONTEX: Tasks

Frontex, promotes, coordinates and develops European border management in line with the EU fundamental rights charter and the concept of Integrated Border Management.

To help identify migratory patterns as well as trends in cross-border criminal activities, Frontex analyses data related to the situation at and beyond EU’s external borders. It monitors the situation at the borders and helps border authorities to share information with Member States. The agency also carries out vulnerability assessments to evaluate the capacity and readiness of each Member State to face challenges at its external borders, including migratory pressure.

Frontex coordinates and organises joint operations and rapid border interventions to assist Member States at the external borders, including in humanitarian emergencies and rescue at sea. The agency deploys European Border and Coast Guard teams, including a pool of at least 1 500 border guards and other relevant staff to be deployed in rapid interventions. The members of the rapid reaction pool must be provided by Member States upon request by the agency. It also deploys vessels, aircraft, vehicles and other technical equipment provided by Member States in its operations. In addition, Frontex may carry out operations on the territory of non-EU countries neighbouring at least one Member State, in case of migratory pressure at a non-EU country’s border.

Frontex, the European Border and Coast Guard, supports Member States with screening, debriefing, identification and fingerprinting of migrants. Officers deployed by the agency refer and provide initial information to people who need, or wish to apply for, international protection, cooperating with the European Asylum Support Office (EASO) and national authorities. It is the national authorities, not Frontex, who decide which person is entitled to international protection.
The agency assists EU Member States in forced returns of people who have exhausted all legal avenues to legitimise their stay within the EU. This help includes obtaining travel documents for the returnees by working closely with consular authorities of the relevant non-EU countries. It can also organise voluntary departures of nationals of non-EU countries who were issued return decisions by Member State authorities. Frontex also organises return operations on its own initiative and “collecting return operations”, where returnees are returned with escort officers and transportation provided by their countries of origin. It has created several pools of return experts to be deployed in Member States when needed.

Frontex supports the cooperation between law enforcement authorities, EU agencies and customs at sea borders. Vessels and aircraft deployed in its operations also collect and share information relevant to fisheries control, detection of pollution and compliance with maritime regulations. The agency works closely with European Fisheries Control Agency (EFCA) and European Maritime Safety Agency (EMSA) to implement multipurpose operations. In these operations, vessels and aircraft deployed for border surveillance can also be used for fishing and environmental monitoring.

Frontex focuses on preventing smuggling, human trafficking and terrorism as well as many other cross-border crimes. It shares any relevant intelligence gathered during its operations with relevant national authorities and Europol.

The agency is the centre of expertise in the area of border control. It develops training curricula and specialised courses in a variety of areas to guarantee the highest levels of professional knowledge among border guards across Europe. It also supports search and rescue operations that arise during border surveillance operations at sea.
3. Legal Basis

The European Border and Coast Guard Agency (Frontex) was established by Regulation (EU) 2016/1624 of 14 September 2016 on the European Border and Coast Guard.

While the “European Border and Coast Guard Agency” replaces the “European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union”, it has the same legal personality and the same short name: Frontex.

The seat of Frontex is Warsaw, Poland, as established in Article 56 of the European Border and Coast Guard Regulation, subject to the requirements set out in Article 57 of that regulation.
4. Structure

The agency is managed by an Executive Director whose functions and powers are defined in Article 68 of Regulation (EU) No 2016/1624. The Executive Director is assisted by a Deputy Executive Director and supported by four Divisions and an International and European Cooperation Unit (to be developed into a new Division in 2018), a Cabinet, Offices (Data Protection, Accounting, Registration, Brussels) and Teams (Media and Public Relations, Inspection and Control, Management Board and Cross-Divisional Secretariat).

The Divisions are following:

- Operational Response Division
  (Field Deployments Unit; Coast Guard and Law Enforcement Unit; European Centre for Returns)
- Situational Awareness and Monitoring Division
  (Frontex Situation Centre; Risk Analysis Unit; Vulnerability Assessment Unit)
- Capacity Building Division
  (Pooled Resources Unit; Research and Innovation Unit; Training Unit)
Frontex’s Management Board is tasked with efficiently controlling the functions of the agency. Among other responsibilities, the Board establishes the budget and verifies its execution, ensures transparent decision-making procedures are in place and appoints the Executive and Deputy Executive Directors.

It is composed of representatives of the heads of the border authorities of the 26 EU Member States that are signatories of the Schengen acquis, plus two members of the European Commission. Representatives from the United Kingdom and Ireland are also invited to participate in Management Board meetings.

Iceland, Lichtenstein, Norway and Switzerland (countries which are not EU Member States, but which are associated with the implementation, application and development of the Schengen acquis) also participate in the agency’s Management Board meetings. Each of them sends one representative to the Management Board but retains limited voting rights.

Meetings of the Management Board are convened by its Chairperson and are held five times a year.

Marko Gašperlin - Chairman  
*Ministry of the Interior, Slovenia*

Marko Gašperlin, as of 26 April 2016 Frontex Management Board Chairman.
Fabrice Leggeri - Executive Director

Fabrice Leggeri has served as the Executive Director of Frontex since January 2015. During his term, the agency secured a new mandate with additional powers and responsibilities, becoming the European Border and Coast Guard Agency.

5. Roles & Responsibilities

Schengen countries are obliged to deploy sufficient staff and resources to ensure a “high and uniform level of control” at their external borders. They must ensure that border guards are properly trained. EU and Schengen Associated Countries also assist each other in the effective application of border controls via operational cooperation, which is coordinated by Frontex, the European Border and Coast Guard Agency.

The Schengen area now extends along some 44 000 km of external sea borders and almost 9 000 km of land borders. It comprises 26 countries (including a number of non-EU states, so-called Schengen Associated Countries), meaning free movement for nearly half a billion people inside the Schengen area in exchange for strict controls at external borders. Simply put, the Schengen area’s external border is only as strong as its weakest link.

The Schengen Borders Code governs the crossing of the external border, facilitating access for those who have a legitimate interest to enter into the EU and tightening security at the EU’s external frontiers for those, who have no right to enter or stay. It clearly states that the primary responsibility of border control lies with those Schengen countries that have an external border – land and sea borders and international airports. They must ensure that proper checks and effective surveillance are carried out there.

Frontex’s mission is to promote, coordinate and develop European Border Management in line with the EU fundamental rights charter and the concept of EU-integrated border management.
Frontex also provides technical and operational assistance to Member States through joint operations and rapid border interventions, as well as technical and operational assistance in the support of search and rescue operations at sea and organises. In addition, Frontex coordinates and conducts return operations and assists EU countries in raising and harmonising border management standards to help combat cross-border crime.

**Types of Operations**

Frontex Joint Operations **take place at three types of border – sea, land and air.** Each operation is based on risk analysis and uniquely tailored to the circumstances identified by the agency in one of its risk analysis products.

**Sea**

As with all border control, sea border activities are divided into border checks (conducted at the border crossing points at sea ports) and border surveillance, which is conducted at sea. Frontex, the European Border and Coast Guard Agency, coordinated joint operations at sea represent Europe’s biggest search and rescue operation. Every year thousands of migrants attempt to reach the EU by sea, often travelling in dangerously over-crowded and unseaworthy boats.

**Land**

Border checks are conducted at border crossing points set up at road and rail points of entry to the EU. In addition to these checks, border guards deployed in Frontex operations conduct border surveillance along land borders.

More than 3,500 km of land borders run along the EU’s eastern frontier, from the Arctic circle in northern Finland to the Evros river region of Greece. Monitoring the migratory flows and reacting accordingly to changing trends at these diverse land borders is a constant challenge. Enhancing the effectiveness of overall border control measures, as well as maximising surveillance and situational awareness by focussing efforts at precise points of increased pressure, are all part of running land border operations.

**Air**
Joint Operations at airports present unique challenges. The point of entry is usually a passport-control booth and hardly anybody can enter undetected. For this reason alone, international airports represent a specific range of border management issues.