Evaluation and future development of the FRONTEX Agency and a European Border Surveillance System EUROSUR

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PURPOSE: to present a report on the evaluation and future development of FRONTEX.

BACKGROUND: in 2004, the European Council requested the Commission to submit a political evaluation of the FRONTEX Agency by the end of 2007. The evaluation should contain a review of the Agency's tasks and an assessment of whether the Agency should concern itself with other aspects of border management, including enhanced cooperation with customs services and other competent authorities for goods-related security matters. The evaluation should also cover the functioning of national expert's teams and the feasibility of a European border guards system. In presenting this report the Commission is fulfilling the Council's request.

CONTENT: FRONTEX was established by Council Regulation (EC) No 2007/2004 and became operational in October 2005. This report assesses the results so far, taking into account the period during which the Agency has been operational and makes 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.

Achievements 2005-2007: in 2006 and 2007, the Agency undertook a number of joint operations including:

- 9 sea operations;
- 12 land border operations;
- 7 air border operations.

A total of 10 pilot projects have been implemented to complement the joint operations. 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. Due to the need for deployment of equipment in sea border operations the costs involved are substantially higher. The quantifiable results so far are considered impressive by the Commission: 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 Agency has set up a Central Record of Available Technical Equipment (CRATE). 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.

Recommendations: the Commission considers the following factors essential as concerns the short-term developments of operational coordination:

- exploit the potential of CRATE;
- creation of specialised branches of the Agency in the Member States, with a priority given to a branch for the southern maritime borders;
- merge the joint operations with the European Patrols Network, as both measures are of a more structural character and overlaps between them must be avoided.

Assistance to Member States on training of their national border guards, including the establishment of common training standards: 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 common core curriculum, aiming at standardising the training of border guards all over Europe, is currently subject to review. While the impact of training activities can only be assessed in the long-term, it is clear that the approach chosen with FRONTEX acting as the operational coordinator for training based on partnerships with national academies has proven successful and therefore merits to be expanded.

- **Recommendations:** the Commission considers that specialised training courses, including the exchange of personnel, 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.

Carrying out risk analysis: FRONTEX presented its second annual risk assessment in February 2007. A total of 11 tailored assessments had been presented by the end of 2007, and a further 9 are under preparation for completion in early 2008. FRONTEX has been contributing to the Organised Crime Threat Assessment Report (OCTA) and has presented together with Europol a report on the high risk routes regarding illegal immigration in the Western Balkans. Beyond these assessments, which i.a. support Member States in reacting to new threats and in focussing resources to specific sections of the border, risk analysis plays a pivotal role in most activities of the Agency, including the planning of individual joint operations and training activities. The report also sets out a number of actions to enable FRONTEX to be connected with other information networks (e.g, the ICONet for the purpose of exchanging information between the migration management services on irregular immigration, illegal entry and immigration and return of illegal residents) and to participate in the meetings of the CIREFI, the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration).

- **Recommendations**: in this context, it is recommended to:

- give priority to joint risk analysis with Europol, international organisations and relevant third;

- entrust FRONTEX with the management of the ICONet, which is also connected to the ICONet; and taking over the activities of CIREFI.

Follow up on the development of research: so far, FRONTEX has implemented 6 projects and 7 workshops/seminars concerning research and development. New technologies play a vital role including, for example an entry-exit system and measures to automate border control and a European Border Surveillance System. BIOPASS, a project implemented by FRONTEX on the use of biometrics at airports and national registered traveller's schemes provides important input and FRONTEX will play an important role in taking this forward.

- **Recommendation**: the Commission is of the opinion that a key priority for the future must be to ensure that the specific interests of border control authorities are duly reflected in research

activities. FRONTEX has a unique role in ensuring that the practical needs of national border guard authorities can feed into the definition of future research priorities.

Assisting Member States in an urgent situation: the 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. 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.

- **Recommendations**: 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.

Border measures and EUROSUR: improved cooperation is key to the development of an integrated border management model, whereby persons and goods are controlled using similar working methods and risk management approaches. A further analysis of a "**single window**" concept, where the activities of border and customs authorities will be fully integrated with each other, will need to be pursued taking account of the on-going evaluation of customs. In parallel to this the Commission will present a Communication outlining a roadmap for the setting up of a "European Border Surveillance System (EUROSUR, refer to the document annexed to the procedure). FRONTEX could take on the role as "hub" for an improved system of exchange of real-time, operational information between Member States. Furthermore, the role of FRONTEX is crucial for the successful preparation of such a system, including creating a network integrating all maritime surveillance systems.

Conclusions: the Commission invites the Council to prioritise a discussion on the recommendations of a short-term nature put forward in this report, having regard to the need to maximise as soon as possible the contribution of FRONTEX for the management of in particular the southern maritime borders of the Union. Taking into account the outcome of these discussions and the results of the independent evaluation to be carried out, the Commission will consider presenting legislative proposals to amend the FRONTEX Regulation.