

External borders: mandate of the Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)

2010/0039(COD) - 23/10/2012 - Document attached to the procedure

Financial statement accompanying Regulation (EU) No 1168/2011

Background: recent years have seen a sharp increase in the workload and priorities of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). Most recently, the increased migratory pressure at the Union's southern borders generated by the Arab spring and the deteriorating situation at the Greek external border have prompted calls from the Commission, the Council and the Parliament for the Agency to play a more active role. **The Agency's budget was increased significantly in both 2010 and 2011 to enable it to intensify its operational activities in these areas.** Moreover the development of the European external border surveillance system (Eurosur), in which Frontex is to become a key player, is increasingly seen as a crucial part of the Union's external border management as well as a means to reduce the unacceptably high number of lives lost at sea by irregular migrants seeking to enter the EU.

Revision of Frontex's mandate: against this background the Agency's mandate was amended in 2011 to enable it to respond to the new challenges and to meet the expectations of the Commission, the Council and the Parliament. The adoption of Regulation (EU) No 1168/2011 followed the submission to the European Parliament and the Council of a [draft text adopted by the Commission](#). **This draft text was not accompanied by a financial statement** as the subsidy related to the Frontex Agency formed already part of the Union's budget and the Commission considered that the proposed changes would not require additional resources.

However, the amended Frontex Regulation places new and increased obligations on the Agency, entails **new tasks** for the Agency, and specifies that certain tasks have to be carried out by certain categories of the Agency staff. While **these tasks necessitate the creation of new posts** such as the Fundamental Rights Officer and the Coordinating Officers for all Frontex operational activities, they were not foreseen in the Commission's legislative proposal.

Impact on the Agency's staffing in 2012 and 2013: these changes have an important impact on the work of the Agency. Some of the changes were part of the Commission proposal to amend the Frontex Regulation, others have been amplified by the legislators (i.e. the role of the coordinating officers, the posting of Frontex liaison officers in third countries, the enhanced activities related to risk analysis), and some have been added as new tasks (i.e. the Fundamental Rights Officers, the setting up of the Fundamental Rights Forum, the possibility to process personal data which involves by definition the creation of secure information exchange channels to ensure the proper handling of such sensitive data).

It should also be emphasised that these enhanced and new tasks create an **additional administrative workload** in parallel to the enhanced operational activities of the Agency.

To address these issues the Agency has now carried out an exercise to prioritise these tasks, identifying those which are mandatory for Frontex to implement during the period 2013-2015. In parallel, it carried out a review of current programmes and projects so as to be able to redeploy staff to the new priorities and /or tasks.

Redeployment alone, however, would not enable the Agency to fulfil all of the most important tasks. This is why the Agency, in close cooperation with the Commission, took into consideration not only the new tasks and the conditions under which those tasks shall be carried out, but the difficult economic situation with which the European Union and its Member States are confronted.

In the light of these facts, it is proposed to request a

limited increase in the number of posts in Frontex establishment plan in two steps:

- **4 additional establishment plan posts** needed urgently, and included in the draft budget 2013, to comply with binding legal requirements whilst carrying out the Agency's core tasks; and
- **8 additional posts to be created as soon as possible**, following the required steps in terms of budget authorisation.

In the Draft Budget 2013, as a **first step**, the Commission proposed an increase to the establishment plan of four additional temporary agents up to the ceiling set by the Legislative Financial Statement. As the draft budget proposal of the Commission includes a reduction of 3 contract agents to implement the first instalment of the 5 % staff reduction over the years 2013-2017 announced in the Commission proposals for the next multiannual financial framework of 29 June 2011, the overall head count therefore increased by a net **one post**.

As a **second step**, the financial statement seeks a further increase in the Establishment Plan of eight posts, partially offset by a decrease of six in the number of seconded national experts. The net increase in the overall headcount arising from this proposal is therefore **two posts**.

In terms of expenditures, the estimated costs for 12 AD posts would amount to M 1.32 EUR (12x EUR 0.11 million). However, **the estimated impact on the Agency's expenditure in 2013 will be budget-neutral**, since the expenditure will be offset against the decreasing expenditure related to seconded national experts (SNE) currently performing these tasks. The relevant SNE posts will be gradually phased out in the course of 2013. The remaining costs will be met by additional savings within Title 1 and, if needed, redeployment from Title 2 to Title 1 of a maximum amount of EUR 750 000.