# Resolution on Frontex building on the fact-finding investigation of the LIBE Working Group for Frontex Scrutiny

2023/2729(RSP) - 14/12/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 366 votes to 154, with 15 abstentions, a resolution on Frontex building on the fact-finding investigation of the LIBE Working Group for Frontex Scrutiny.

In 2021, the Working Group on Frontex Scrutiny (FSWG) was constituted within the LIBE Committee for the purpose of monitoring all aspects of the functioning of Frontex. In 2022, OLAF reported on investigations into Frontex revealing serious misconduct and other irregularities.

Serious problems affecting Frontex' internal oversight mechanisms, and the Agency's serious shortcomings regarding fundamental rights protection of asylum seekers and migrants, transparency, data protection, alleged sexual harassment and maladministration within Frontex, led the European Parliament to refuse discharge of the Agency's 2020 budget.

***Changes in Agency management***

Parliament noted that over the course of the last two years the Agency has seen significant managerial changes, including a new fundamental rights officer (FRO), a new chair of its Management Board, three new deputy executive directors and a new executive director. It expects that the change in management will bring about the necessary change in culture with regard to respect for the Union's principles and values, most notably fundamental rights, and with regard to transparency and efficiency in internal procedures and to increased accountability towards Parliament and the Council in accordance with the applicable legal framework.

***Implementation of FSWG recommendations***

Based on the FSWG recommendations, the resolution stated that:

- a transparent reporting mechanism should be integrated into every operational plan in which the host Member State includes assets used in the operational area, regardless of the way these are financed;

- formal guarantees should be established to ensure that rules and safeguards on whistleblower protection are applicable to seconded national experts, trainees, interim staff and local agents.

***Ongoing concerns about fundamental rights***

The resolution expressed severe concern regarding the serious and persistent allegations made against Greek authorities in relation to pushbacks and violence against migrants. Frontex should scale down its operations to mere monitoring and presence on the ground in cases where a Member State is unable to respect EU principles and values.

Members welcomed the reduction in Frontex's activities in Lithuania following a Court of Justice judgment and recommended a more proactive approach to protecting EU principles and values. Support for return operations from Hungary should be immediately suspended, according to Parliament.

***Search and rescue***

The resolution noted the Agency's mandate to provide better situational awareness in the maritime domain and to transmit that information to the relevant authorities regarding competence for search and rescue operations. Parliament reiterated the obligation under the international law of the sea to render assistance to persons found in distress at sea and to take them to the nearest safe port. It underlined that the Agency could do more to increase the capacity of the EU and Member States to carry out search and rescue operations, notably by investing in appropriate assets for such operations.

Parliament remains convinced that the Agency could have a key role to play in a more proactive response by the EU and Member States to search and rescue, particularly in the Mediterranean Sea, and to the fight against criminal smugglers and human traffickers.

Parliament noted the conclusions of the fundamental rights officer that Libya cannot be considered a port of safety.

***The Russian invasion of Ukraine and the Agency's role***

Parliament welcomed both the positive role played by the Agency in helping Member States deal with the large numbers of people crossing the Union's external borders during the early phases of the Russian invasion of Ukraine from 24 February 2022 as well as the deployment by the Agency of about 500 standing corps officers along the eastern EU border from Finland to Romania, including more than 350 officers at the EU-Ukraine borders. Furthermore, it welcomed the signature of a grant agreement worth EUR 12 million between Frontex and the Ukrainian State Border Guard Service to support Ukrainian border officers in performing their duties.

Lastly, the resolution emphasised, in particular, the role played by the Agency in Moldova, following the adoption of a status agreement early in 2022, with over 50 standing corps officers deployed to help the Moldovan authorities in dealing with border management issues such as trafficking in human beings, drugs, detecting stolen vehicles, document fraud and terrorism.