Basic information

2003/0273(CNS) CNS - Consultation procedure Regulation	Procedure completed
European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) Repealed by 2015/0310(COD) Amended by 2006/0140(COD) Amended by 2010/0039(COD) **Subject** 7.10.04 External borders crossing and controls, visas 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	VON BOETTICHER Christian Ulrik (PPE-DE)	02/12/2003

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Human Rights, Common Security, Defense	MUSCARDINI Cristiana (UEN)	26/11/2003
BUDG Budgets	KUCKELKORN Wilfried (PSE)	21/01/2004

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2574	2004-03-30
Justice and Home Affairs (JHA)	2613	2004-10-25
Justice and Home Affairs (JHA)	2548	2003-11-27

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary

12/11/2003	Legislative proposal published	COM(2003)0687	Summary
27/11/2003	Resolution/conclusions adopted by Council		
15/12/2003	Committee referral announced in Parliament		
19/02/2004	Vote in committee		Summary
19/02/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0093/2004	
08/03/2004	Debate in Parliament		
09/03/2004	Decision by Parliament	T5-0151/2004	Summary
30/03/2004	Debate in Council		
25/10/2004	Act adopted by Council after consultation of Parliament		
25/10/2004	End of procedure in Parliament		
25/11/2004	Final act published in Official Journal		

Technical information

Procedure reference	2003/0273(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2015/0310(COD) Amended by 2006/0140(COD) Amended by 2010/0039(COD)
Legal basis	EC Treaty (after Amsterdam) EC 066
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/20343

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2004/2007
OJ L 349 25.11.2004, p. 0001-0011 Summary

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)

2003/0273(CNS) - 09/03/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Christian VON BOETTICHER (EPP-ED, D) making some significant amendments to the Commission's proposal. (Please see the summary of 19/02/2004.) Parliament opposed the coordination of expulsions as part of the mandate of the Agency and deleted references to this. Parliament also stated that the Agency should not be set up until a decision is taken on its permanent seat and that this should be agreed by 31 December 2004. It opposed the creation of agency branches. Parliament passed amendments to enhance the powers of the European Commission, stating that it should have six seats on the management board instead of two. The Commission rather than the Management Board should appoint the Executive Director and have the power to dismiss him. Finally, certain amendments give the Parliament greater scrutiny powers, such as requiring the Executive Director to appear before it.

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)

2003/0273(CNS) - 13/02/2008

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.

Achievements 2005-2007: In 2006 and 2007 the Agency undertook a number of joint operations including: 9 sea operations; 12 land border operations; and 7 air border operations. A total of 10 pilot projects have been implemented in order to complement the joint operations. Participation by the Member States in joint operations ranges from the deployment of one expert to the deployment of equipments such as vessels and aircraft. On average, 7 Member States have participated in sea border operations, 9 in land border operations and 11 in air border operations. Sea border operations have generally been substantially higher than other operations – thanks in large part to the employment of equipment. The quantifiable results, to date, are impressive: more than 53 000 persons between 2006 and 2007 have been apprehended or denied entry at the border as a result of FRONTEX operations. More than 2 900 false or falsified travel documents have been detected and 58 persons arrested for facilitating illegal immigration.

In December 2006, following a request from the Council, the "European Patrols Network" (EPN) began in May 2007. FRONTEX and the Member States concerned namely, 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 also set up a Central Record of Available Technical Equipment (CRATE). The CRATE database contains data on over a hundred vessels, around 20 aircraft and 25 helicopters and several hundred border control equipment such as mobile radar units, vehicles, thermal cameras and mobile detectors. This provides a useful inventory of equipment that can be used in joint operations although it has, to date, been used only modestly.

Concerning the short-term development of operational coordination the Commission makes the following recommendations:

- to exploit the potential of the CRATE database further;
- to set up FRONTEX specialised Agency branches in the Member States, with priority being given to branches in the southern maritime borders; and
- to merge the European Patrols Network with join operations in order to avoid an overlap of work.

Assistance to the Member States on training of national border guards, including the establishment of common training standards: A total of 97 training sessions, meetings and workshops (including the training of border guards and "training of trainers") were organised with a total of 1 341 participants. The common core curriculum that sought to standardise training all over Europe, is currently subject to review. Although the impact of training activities can only be assessing the long-term, it has become clear that the approach chosen with FRONTEX acting as the operational coordinator for training based on partnerships with national academics has proved to be successful and should, as a result, be expanded. Based on this assessment, the Commission recommends that border guards continue to train under FRONTEX activities. Specialised training courses, that include personnel exchange, should be organised by FRONTEX.

Follow-up: 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.

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). FRONTEX could take on the role as "hub" for an improved system of exchange of real-time, operational information between Member States. Further, giving FRONTEX access to surveillance information in a more systematic and structured manner could serve as a basis for the development of a FRONTEX intelligence led information system, targeting the external borders of the EU.

To conclude, the Commission invites the Council to prioritise the recommendations set out in this report bearing mind the need to maximise, as soon as possible, FRONTEX activities in the southern maritime borders of the Union. EUROSUR should be taken forward as a matter of priority. Taking account of these discussions, the Commission will consider presenting legislative proposals to amend the FRONTEX Regulation.

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)

2003/0273(CNS) - 12/11/2003 - Legislative proposal

PURPOSE : to establish a European Agency for the Management of Operational Cooperation at the External Borders. PROPOSED ACT : Council Regulation. CONTENT : the main objective of Community policy in the field of the EU external borders is to create an integrated border management, which would ensure a high and uniform level of control and surveillance. This objective requires the establishment of common rules as to the standards and procedures to be followed by Member States when controlling the external borders. Experience has, however, shown, that it is not sufficient that national authorities simply apply common rules, rather it is imperative that they apply those common rules in a harmonised way. The proposal deals with the establishment of an Agency to facilitate the application of Community measures relating to the management of the external borders by ensuring the coordination of Member States' actions in the implementation of those measures. The Commission will be represented on the Agency's Management Board and will provide any relevant advice and guidance, where Community legislation may be concerned. The main tasks of the Agency are: - Co-ordination of the operational co-operation between Member States in the field of control and surveillance of the external borders. - Rendering assistance to Member States on training of their national border guards by providing training at European level for national instructors of border guards, as well as holding seminars and offering additional training to officers of national border guards. - Carrying out of general and tailored risk assessments. - Follow-up on developments in research relevant for the control and surveillance of the external borders. - Rendering assistance to Member States confronted with circumstances requiring increased operational and technical assistance at the external borders. - Co-ordination of operational co-operation between Member States on removal of third-country nationals illegally residing in Member States. The tasks listed above are essentially similar to those of the Common Unit. The Agency will take over the activities that are today covered by various projects on the development of a common integrated risk assessment model (CIRAM), a common core curriculum for border guards' training and research in technologies relevant for control and surveillance of the external borders respectively. The Agency will cooperate directly with Member States and coordinate all joint operations and pilot projects at the external borders. It will establish its own specialised branches responsible for dealing with the specific aspects of control and surveillance of land, air, and maritime borders by transforming the existing, more informal, centres' structure into a Community structure. The specialised branches are, as local offices of the Agency, an integrated part of structure of the Agency. They will report to and take instructions from the Agency. Member States may submit proposals for joint operations and pilot projects to the Agency for evaluation and approval. It should be stressed that the staff of the Agency, including thenational experts detached by Member States, as a starting point, does not have any law enforcing competencies in Member States and consequently does not carry out actual controls at the external borders. FINANCIAL IMPLICATIONS : - Budget lines: from 2005 onwards a new budget heading with two budget lines will be created: - 18 02 XX 01: administrative expenditure (Title 1 & 2) - 18 02 XX 02: operational expenditure (Title 3) - Total allocation for action: A maximum of Ç 15 millions per annum for 2005 and 2006 is available. - Period of application: 2004 - 2009. - Operational expenditure (Title 3): 2005 EUR 5.000 million; 2006 EUR 7,440 million; 2007 EUR 13,440 million; 2008 EUR 13,440 million; 2009 EUR 6,440 million; n+5 and subseq. years EUR 6,440 million. - Administrative expenditure (Title 1 & 2): 2005 EUR 1,157 million; 2006 EUR 2,314 million; 2007 EUR 2,314 million; 2008 EUR 2,314 million ; 2009 EUR 2,314 ; n+5 and subsq. EUR 2,314 million. - Overall total : 2004 EUR 0,343 million; EUR 2005 6,157 million; 2006 EUR 9,754 million; 2007 EUR 15,754 million; 2008 EUR 15,754 million; 2009 EUR 8,754 million and n+5 EUR 8,754 million. - Transitional phase (2004): the Commission will start the necessary arrangements for establishing the Agency, e.g. the setting-up and providing administrative support to the management board, preparation of legal texts, publication of notices and recruitment procedure of the Executive and Deputy Director. Operational phase (from 2005 onwards): The estimates for resource needed during the 1st operational phase (2005-2006) take into account the financial constraints (ceilings established in the financial perspective. - Staff : Staff costs are shown on a 12-month basis and personnel and administrative expenditure is EUR 0,108 million a year per person (Community officials) including buildings and related administrative expenditure (IT, telecommunications, etc) The necessary number of staff in a first operational phase (2005-2006) is estimated at 27. The work force will be composed by 15 A posts (among them 10 ENDs), 5 B posts, 5 C posts and 2 D posts.

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)

2003/0273(CNS) - 26/10/2004 - Final act

PURPOSE : to establish a European Agency for the Management of Operational Cooperation at the External Borders.

LEGISLATIVE ACT : Council Regulation 2007/2004/EC establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

CONTENT : this Regulation establishes A European Agency for the Management of Operational Cooperation at the External Borders (the Agency with a view to improving the integrated management of the external borders of the Member States of the EU. While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency will facilitate the application of Community measures relating to the management of external borders. It will do so by ensuring the coordination of Member States' actions in the implementation of those measures. The Agency will also provide the Commission and the Member States with the necessary technical support and expertise in the management of the external borders and promote solidarity between Member States.

The main tasks of the Agency are:

- coordinate operational cooperation between Member States in the field of management of external borders;

- assist Member States on training of national border guards, including the establishment of common training standards;

- carry out risk analyses. The Agency will develop and apply a common integrated risk analysis model. The results of the model will be incorporated in the Agency's development of the common core curriculum for border guards' training.

- follow up on the development of research relevant for the control and surveillance of external borders;

- assist Member States in circumstances requiring increased technical and operational assistance at external borders;

- provide Member States with the necessary support in organizing joint return operations.

In addition, the following should be noted:

- on the question of branches, the Regulation states that the Management Board of the Agency will evaluate the need for, and decide upon the setting up of, specialised branches in the Member States, taking into account that due priority should be given to the operational and training centres already established and specialised in the different aspects of control and surveillance of the land, air and maritime borders respectively;

- the Agency may operate through its specialised branches for the practical organisation of joint operations and pilot projects;

- on the matter of return cooperation and subject to the Community return policy, the Agency will provide the necessary assistance for organising joint return operations of Member States. The Agency may use Community financial means available in the field of return;

- the Agency will identify best practices on the acquisition of travel documents and the removal of illegally present third country nationals;

- the Management Board will be composed of one representative of each Member State and two representatives of the Commission. The duration of the terms of office is four years. This term of office may be extended once.

- the revenue of the Agency consist of a subsidy from the Community entered in the general budget of the European Union (Commission section), a contribution from the countries associated with the Schengen acquis, fees for services provided, and any voluntary contribution from the Member States.

The Agency will take up its responsibilities from 1 May 2005.

ENTRY INTO FORCE : 26/11/2004.