



**COUNCIL OF  
THE EUROPEAN UNION**



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## **New rules on Frontex adopted - Strengthening the European external borders agency**

The Council adopted today the new rules for Frontex, the European Agency for the management of operational cooperation at the external borders of the EU ([PE-CONS 37/11](#)).

On 13 September 2011, the European Parliament had already given its green light to the compromise agreement reached between Council and Parliament in June.

As a last step, the regulation needs to be signed by both institutions. It will then be published in the EU's Official Journal and enter into force 20 days later, certainly before the end of the year.

### **What's new?**

The revised rules will strengthen the operational capacities of Frontex in a number of areas. The main changes are:

- the possibility for Frontex to buy or lease its own equipment (cars, vessels, helicopters etc.) or to buy such equipment in co-ownership with a member state;
- a mechanism for member states to second national border guards and make available equipment to the agency, i.e.: once the agency and a member state agree on an annual plan, this member state should on request by Frontex make the border guards and the equipment available to Frontex as described in the annual plan, unless this would seriously affect the discharge of national tasks;

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- the equipment put at the disposal of the agency will be registered in a centralised records of a Technical Equipment Pool (TEP);
- a co-leading role for the agency regarding joint operations and pilot projects;
- "European Border Guard Teams" as the common name for teams deployed during Frontex operations (be it joint operations, pilot projects or rapid border interventions);
- more detailed provisions on the operational plan (the respective tasks and responsibilities, the composition of the teams, command and control, the reporting mechanisms, i.e. evaluation and incident reporting, technical equipment, and the applicable jurisdiction.);
- strengthened provisions for the protection of fundamental rights, including the establishment of a Consultative Forum on Fundamental Rights and the designation of a Fundamental Rights Officer;
- reinforced tasks for the agency as regards risk analysis (i.e. to regularly assess the capacity of member states to face upcoming challenges at the external borders);
- specific provisions on processing of personal data, including the possibility to transfer personal data to Europol or other EU law enforcement agencies regarding persons suspected of involvement in cross-border criminal activities, facilitation of illegal immigration activities or in human trafficking activities;
- reinforced tasks as regards training (common core curricula for national border guards) and research activities (monitoring and contributing to developments in relevant research activities);
- a strengthened coordinating role for Frontex as regards joint return operations in full respect for fundamental rights; and
- the possibility for the agency to launch technical assistance projects and deploy liaison officers in third countries.

## **Background**

Frontex was created in 2004 with the aim to coordinate and assist member states' action in the surveillance and control of the external borders of the EU. The agency officially became operational on 1 May 2005 and is based in Warsaw, Poland. Earlier this year, Frontex established a first regional operational office in Piraeus, Greece, on a pilot basis. There are currently approximately 300 people working for the agency. Since Frontex became operational, its financial resources have increased significantly (from € 6 mio. in 2005 to € 86 mio. in 2011). In September 2011, the European Parliament also adopted Amending Budget No 4/2011 which adds another € 43.9 mio. to Frontex's 2011 budget due to a substantial increase in the agency's operational activities.

Frontex's main tasks include the coordination of joint operations at the sea, land and air external borders, the coordination of joint return operations, the establishment of common training standards for national border guards and the carrying out of risk analyses.

During Frontex activities full respect of fundamental rights is given high priority.

The need for strengthening Frontex's role and its capacities as regards the fight against illegal immigration has been underlined by the Council and by the European Council at several occasions, including in the European Pact on Immigration and Asylum adopted in October 2008 ([13440/08](#)) and in the Stockholm Programme adopted in December 2009 ([5731/10](#)).

As a consequence, in February 2010 the Commission tabled a proposal ([6898/10](#)) which formed the basis of the current agreement.

For more information: <http://www.frontex.eu.int/>

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