



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 December 2009

17707/09

LIMITE

**FRONT 124
COMIX 972**

PUBLIC

NOTE

from: General Secretariat
to: delegations
Subject: **Frontex specialised branches**

Delegations will find attached a letter received from Frontex concerning a study on the feasibility of establishing specialised branches of the Agency.



Warsaw, 4 December 2009
14569/4.12.2009

President of the Council of the European Union

Council of the European Union
Rue de la Loi 175
BE-1048 Brussels

Secretary General of the General Secretariat of
the Council of the European Union

Council of the European Union
Rue de la Loi 175
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Frontex specialised branches

Dear Mr President,
Dear Mr Secretary General,

Article 16 of Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) stipulates that "*the Management Board of the Agency shall evaluate the need for, and decide upon the setting up of, specialised branches in the Member States.*"

On 5 June 2008 the Council under Slovenian Presidency adopted Conclusions on the Management of the External Borders of the Member States of the European Union. As one of the short term priorities regarding the future development of the Agency specified in these Conclusions Frontex was invited, "with a view to improving its capacity to support operational coordination, to consider, in accordance with Article 16 of Regulation (EC) No 2007/2004, the possible establishment of specialised branches, including the different options which could be envisaged for this purpose, and report back to the Council."

On 15/16 October 2008 the Member States agreed on the European Pact on Immigration and Asylum which states under point III (c): "a decision may be taken to create specialised offices to take account of the diversity of situations, particularly for the land border to the East and the sea border to the South: creating such offices should on no account undermine the unity of the Frontex agency".

Acting on these suggestions the Executive Director of Frontex launched a feasibility study on specialised branches and signed a contract with the company Deloitte to carry out such a study on 3 August 2009.

SECRETARIAT DU CONSEIL DE L'UNION EUROPÉENNE
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The main results of the feasibility study of Deloitte (Annex II) and an internal assessment of the Frontex Headquarters of these results (Annex I) were presented in the 25th meeting of the Frontex Management Board on 20 November 2009. In the following discussion on the possible establishment of specialised branches the following issues were highlighted:

- The decision making powers should remain in the Frontex Headquarters in Warsaw.
- Organisational clarity is needed to ensure the operational viability and added value of specialised branches.
- Operational and geographical coverage are important issues to be taken into account in order to guarantee flexible response based on risk analysis and operational needs.
- The unity of the Agency should not be undermined.

The Management Board concluded the discussion by inviting the Frontex Headquarters to submit a draft formal decision pursuant to Article 16 of Council Regulation (EC) No 2007/2004 prior to its next meeting on 3/4 February 2010. The draft decision should reflect the orientations given by the members of the Management Board. To this end a workshop of the Management Board and the Headquarters will be held on 18 December 2009.

The purpose of the present letter is to “report back to the Council” by informing about the previous achievements and the way forward in this matter.

On behalf of the Management Board

Yours respectfully

Robert Strondl
Chairman of the Frontex Management Board

Annex I: Assessment of Frontex Headquarters on the possible establishment of Specialised Branches

Annex II: Study on the feasibility of establishing specialized branches of Frontex, Draft Executive Summary

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2

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Assessment of Frontex Headquarters on the possible establishment of Specialised Branches

The **operational or practical opportunities** of Specialised Branches are based on the Feasibility Study carried out by Deloitte Company. These *concrete opportunities* are summarised as follows:

- a) Additional support by Frontex for the preparation, implementation and evaluation of Joint Operations ensuring e.g. a more thorough preparation of the operation, the proper involvement of guest and host officers, observance of the operational plan and adequate monitoring and reporting of events. This would also *strengthen the role of Frontex in coordinating Joint Operations*.
- b) Higher awareness and understanding of local/regional conditions by supporting effective and timely communication between Member States and Frontex, streamlining the exchange of information and development of human intelligence (HUMINT). This would *enhance Frontex situational awareness, risk analysis and intelligence services*.
- c) Consolidating, promoting and disseminating best practices based on expertise gained by different types of borders by Member States and Frontex and further development and customisation of training tools, equipment and other capacity building activities fitting them better to the concrete operational needs. This would *reinforce Frontex contribution to increase and harmonise border management standards across the EU Member States*.

In addition, Frontex, when addressing the opportunities for the creation of Specialised Branches, must also pursue the **general objectives** of the organisation as stated in its Programme of Work - Awareness, Response, Interoperability and Performance.

Possible creation of Specialised Branches must also promote synergies for the development and implementation of other EU projects in the field of border security such as Eurosur or European Patrols Network and testing new concepts and technologies.

The increased Frontex field presence would also serve to match increasing reporting obligations on Joint Operations and enhance inter-agency (e.g. with Europol or EASO) -and third country cooperation by offering more support for the operational involvement of these external partners.

The reinforcement of Frontex resources for capacity building activities including development of best practices would also be in line with repeated calls to Frontex to deliver more as regards technical assistance to third countries and it would support the ongoing development of EU-wide evaluation mechanism.



The potential EU and Schengen enlargement to the Western Balkans or more in general South East European Region should be taken into account when planning the organisational structure. *The regional dimension* by enhancing Frontex field presence in (1) Atlantic/Southwest Mediterranean, (2) Southeast Mediterranean, (3) East/Baltic Sea and (4) Western Balkans and Black Sea as well as *expertise based on specialisation by border type* (Land borders, Sea borders, Air borders) should be main principles for developing the new organisational structure of Frontex including the possibly established Specialised Branches.

The possible establishment of Specialised Branches will be based upon the condition that the appropriate additional financial resources will be allocated to Frontex by the EU Budgetary Authority.

Deloitte.



Study on the feasibility of establishing specialized branches of Frontex

Draft Executive Summary



20 November 2009

Summary of content

1. Introduction.....	3
2. Defining core operational aspects and strategic objectives.....	4
3. Specialised branches Options overview.....	6
4. Impact analysis of selected specialised branches options.....	10
4.1. Mobile Operations Project Teams (MOPT).....	15
4.2. Centres of Excellence (CEO).....	18
4.3. Intelligence and Liaison Coordination Offices (ILCO).....	21
5. Conclusion.....	27

1. Introduction

The Council of the EU invited Frontex to consider the establishment of specialized branches (SB) as a means for improving the coordination efforts for the management of the external borders. Additionally, according to article 16 of the Frontex Regulation (EC) 2007/2004: „The Management Board of the Agency shall evaluate the need for, and decide upon the setting up of, specialized branches in the Member States, subject to their consent, taking into account that due priority should be given to the operational and training centres already established and specialized in the different aspects of control and surveillance of the land, air and maritime borders respectively. The specialized branches of the Agency shall develop best practices with regard to the particular types of external borders for which they are responsible. The Agency shall ensure the coherence and uniformity of such best practices.” Following previous directions, an invitation for Frontex to consider establishment of specialised branches with a view to improving its capacity to support operational coordination was also included in Frontex Multi Annual Plan 2010-2013.

Therefore, Deloitte evaluated what SB could be, whether it would benefit the efficiency and effectiveness of the activities of Frontex and what sort of impacts SB would have on current work processes, resource levels and the structure of the agency.

In the course of this study, key operational aspects that have an influence on Frontex performance, strategic objectives for the future development of Frontex and – ultimately – definitions of different options for SB were developed. Together with potential options, an estimation of the added-value to the performance of Frontex' activities of establishing SB, including how such SB could contribute for improving the coordination of the management of the external borders was developed.

This document contains a summary of the outcomes of the study. It presents the SB options developed for evaluation as well as an assessment of three selected SB options in aspects covering activity, cost impact, organization, external relations and regulatory framework.

2. Defining core operational aspects and strategic objectives

The first phase of the project consisted of data gathering using different methods. The aim of this phase was to collect as many strategic factors as possible which have an influence on the operating model of Frontex and which might have an impact on the possible establishment of specialized branches (SB).

Data was collected during a review of Frontex related documents and during interviews with Frontex Employees as well as Frontex Management Board Members, Representatives of the Commission and the Council. In total, over 60 interviews were conducted. The aim of each interview was to collect opinions of which potential factors have the most influence on the future strategic direction of Frontex and its operation model. Strategic factors identified during interviews were used as an input for workshops the aim of which was to develop potential definitions of SB.

Strategic factors

Having collected potential strategic factors during interviews and the review of respective documents, Deloitte conducted two workshops with Frontex employees in order to discuss and assess the findings. During the first workshop identified strategic factors were assessed. The complete list of factors taken into account is presented below.

ID	Strategic factor
1	Risk analysis process
2	Effectiveness and efficiency of operations planning
3	Effectiveness and efficiency of operations implementation
4	Operations evaluation
5	Equipment availability and use
6	Officers availability and competences
7	Capability building of national border guards
8	Situational awareness including knowledge of specific local conditions
9	Internal ICT & security
10	Internal Frontex' processes (administrative, communication)
11	Reimbursement / financial procedures
12	Organization / Operating model
13	Frontex' staffing
14	Cooperation with Member States
15	Cooperation with 3 rd countries
16	Cooperation with 3 rd parties
17	Relation to EU civil society / image of the agency
18	Interoperability
19	Level of decentralization of Frontex activities
20	Migration patterns

On the basis of the strategic factors identified and evaluated during the first workshop strategic objectives were identified.

Strategic objectives

Below is a list of the strategic objectives used during the second workshop. The purpose of the second workshop was to establish which of the objectives could be supported by an enhanced local presence of Frontex.

ID	Strategic Objective
1	Ensure awareness and understanding of local conditions
2	Establish and maintain knowledge of the overall EU risks
3	Effectively use risk information
4	Ensure effective and timely communication between MS and FX
5	Improve planning process effectiveness
6	Improve equipment gaining process
7	Improve effectiveness of experts' categorisation and pooling
8	Enhance involvement of officers during operations
9	Improve management of equipment during operations
10	Further develop and explore operational platforms (e.g. NCCs, FP)
11	Ensure effective use of evaluations in risk analysis and operations
12	Further develop and harmonize trainings
13	Increase interoperability and common approach (MS and FX)
14	Improve internal FX processes
15	Ensure adequate skills and flexibility of FX staff
16	Further develop FX organizational culture
17	Improve internal ICT & security

The evaluation conducted during the second workshop showed that most of the strategic objectives should be addressed by a central function, but some of them require local presence. Border type appeared to be a dimension that is not an important distinction to address the strategic objectives. The primary functions required to address the objectives were identified as: operations, risk analysis, pooled resources and situation centre (Frontex Situation Centre – FSC). It was also noted that strategic objectives should be tackled on a permanent basis.

This exercise enabled the strategic objectives to be clustered - it also established that specialized branches would need to be defined in four dimensions, in terms of location, time horizon, border types and functions involved. The ideas presented within this report are driven primarily by the strategic objectives that were identified as requiring local support during the second project workshop. Detailed description and functions to be performed in specialized branches were identified on the basis of the detailed strategic objectives, strategic factors as well as the conclusions from interviews conducted and documents reviewed during the first phase of the project.

3. Specialised branches Options overview

Based on the results of further evaluation and clustering of the strategic objectives, Deloitte's core team prepared a list of possible options for specialised branches (SB). The table below presents the complete list of suggested options with the indication of the scope of responsibility according to the above mentioned dimensions. Below the table a short description of each potential SB is presented.

#	Specialised branch name	Border type(s)	Key Function(s)	If responsible for certain Region	Time horizon
1	Mobile Operations Project Teams (MOPT)	ALL	Ops	NO	Temporary
2	Centres of Excellence Offices (CEO)	ALL	Capacity building	NO	Permanent
3	Intelligence and Liaison Coordination Offices (ILCO)	ALL	Risk analysis	YES	Permanent
4	Maritime Specialised Branches (MSB)	Maritime	Ops, risk analysis	NO (YES, if more than one branch)	Permanent
5	Intelligence Gathering and Operations Coordination Offices (IGOC)	ALL	Ops, risk analysis	YES	Permanent
6	Regional Frontex Agencies (RFXA)	ALL	ALL	YES	Permanent

Mobile Operations Project Teams (MOPT)

Mobile Operations Project Teams (MOPT) would be specialised branches created in the areas of planned operations only for the period of the operation. The main purpose of these branches would be to support planning and execution of operations. MOPTs would be a pool of experts - Frontex employees and experts from Member States (MS) having broad experience in planning and coordinating of operations as well as in gathering information for risk analysis purposes during operations. MOPTs would be fully responsible for delivering detailed operations plan to HQ (as a final deliverable of planning stage). During operations, tasks performed would involve bringing local authorities to work together, supporting hosting officers in managing all officers taking part in operations (briefing, making sure all officers are assigned to tasks according to their field of expertise), assuring proper allocation and use of equipment in the most effective way according to planning assumptions. MOPTs would need to work closely with International Coordination Centres (ICCs). During return operations MOPTs would be responsible for identification and acquisition of travel documents).

Centre of Excellence Offices (CEO)

Centre of Excellence Offices (CEO) would be permanent specialised branches dedicated to a particular border type (e.g. land, sea, air). SB offices could be potentially located in the MS having the most expertise in protection of a particular, external border type. These SBs would be responsible for the collection and dissemination of information and best practices concerning a particular border type. They would support risk analysis (by developing interoperability and providing analytical support for operation purposes as well as having a role, among others, in collection of information – looking for new methods of information exchange), training, R&D and operations planning by using their expertise

6

in conducting activities and operations within a particular border type. They would support knowledge and facilitate exchange of experience between MS border guards and Frontex staff participating in joint operations. They would be also responsible for development and delivery of specialised trainings and courses related to air, land and sea border protection.

They would develop training best practices in conducting operations or more general border control within particular border type, thus supporting development of common approach for Joint Operations (JO). They would support R&D with initiatives for border protection methods and tools. They would be collecting best practices regarding border guard work in order to develop common approaches and procedures among MS and Frontex connected with a particular border type.

Intelligence and Liaison Coordination Offices (ILCO)

Intelligence and Liaison Coordination Offices (ILCO) would be permanently created specialised branches responsible for certain regions. Branches could be based on existing and planned FISO (Frontex Intelligence Seconded Officers) locations (Atlantic coast and south-west Mediterranean area, including Spain and Portugal – FISO office in Madrid; Eastern Balkan region and the south-east Mediterranean area, including Greece, Bulgaria, Cyprus and Romania - FISO office in Athens; Central Mediterranean, comprising Italy and Malta- FISO office in Rome; Eastern Borders with Ukraine and Serbia including Hungary, Slovakia, Slovenia and Romania).

These branches would have a regional responsibility and would be responsible for providing support for intelligence gathering in the region and for streamlining communication between MS located in the region and Frontex HQ. Other tasks would encompass supporting and encouraging MS to provide information / access to information related to operational needs, enhancing capabilities of MS authorities to provide accurate information and intelligence inputs for risk analysis and cultivating the communication between MS and Frontex. Intelligence and Liaison Coordination Offices would not be responsible for any risk analysis tasks.

These SBs would also be responsible for improving relations with local border authorities, monitoring national actions related to integrated border management, advising MS on using risk analysis outputs prepared at Frontex for national activities and advising relevant MS on establishing NCCs. These tasks would be fulfilled by deploying liaison staff from the Office. Liaison staff would be deployed to as many MS as it would be justified by the need analysis carried out in the regional SB (up to 30 deployed Liaison Offices - one in each MS).

Maritime Specialised Branches (MSB)

Maritime Specialised Branches (MSB) would be dedicated to provide support in risk analysis, planning, execution and evaluation of operations for maritime borders only. They would be permanent structures located where it would be best to support JO for maritime borders. Their main tasks would encompass supporting MS in gathering intelligence and information for risk analysis, close cooperation with MS to increase their commitment (staff and equipment) for maritime operations, conducting operational planning of JO and extensively supporting execution of JOs. These SBs would gather experts dedicated exclusively to maritime borders. From this pool of experts these SBs could deploy employees for operation coordination and for support to hosting MS (to acquire and manage equipment, supervise the way operations are conducted to ensure alignment to best practices, etc.). Risk analysis experts from these specialised branches would also support risk analysis activities conducted in HQ by delivering more detailed situational information from area of their jurisdiction.

Intelligence Gathering and Operations Coordination Offices (IGOC)

Specialised branches created permanently with geographical jurisdiction for supporting intelligence gathering and planning and executing of operations carried out within the area of responsibility. Branches could be based on existing FISO locations and would be responsible for certain region. Main purpose of those offices would be twofold. Firstly, supporting intelligence gaining from selected regions and streamlining its timely transfer to Frontex' HQ. Secondly, would be carrying out detailed planning of operations and supporting execution of operations by deployment of Frontex employees for operations coordination and engagement appropriate experts from MS to participate in missions in the region. Regarding intelligence gaining SBs would be responsible for supporting and encouraging MS to provide information / access to information related to operational needs, enhancing capabilities of MS authorities to provide accurate information and cultivating the communication between MS and Frontex. Regarding operations planning and execution, they would be responsible for carrying out detailed, operational part of planning and for bringing local authorities to work together during planning and execution. Deployed operations coordinators from those branches would assemble team experts (Frontex and MS staff) to support operations execution (much like MOPTs). Operations evaluation would be carried out in those branches as well.

Regional Frontex Agencies (RFXA)

Regional Frontex Agencies (RFXA) would be specialised branches involving all divisions of Frontex. They would be permanent offices with most of the operational responsibilities of current Frontex HQ. RFXA would perform all activities connected with risk analysis (Frontex'HQ would set rules, procedures and would supervise risk analysis activities). It would also combine local risk analysis results to create overall risk analysis picture and to set directions for further actions for the region. SBs would also be responsible entirely for planning of operations to be conducted in the area of jurisdiction (HQ would be responsible for strategic planning activities and for supervising if operation plans meet Frontex standards) as well as for supervision of execution and evaluation of operations. Specialised branches would also provide trainings and input for central R&D regarding responsibility for particular border type. Generally, in this concept, Frontex HQ would set standards, implement unified processes and procedures for all SBs and would supervise their performance. HQ would also make all final strategic decisions as regards operational activities. It would also create final (overall and global) risk analysis recommendations, approve training plans and set directions for R&D activities. Major input for those areas would come from specialised branches.

Options summary and ranking

The potential options of SB presented above were discussed and evaluated by the Frontex Directory Board. Each option was evaluated with a focus on feasibility, cost/benefit ratio and potential risk

#	Specialised Branch name	Ranking score
1	Mobile Operations Project Teams (MOPT)	14
2	Centres of Excellence Offices (CEO)	17
3	Intelligence and Liaison Coordination Offices (ILCO)	20
4	Maritime Specialised Branches (MSB)	29
5	Intelligence Gathering and Operations Coordination Offices (IGOC)	22
6	Regional Frontex Agencies (RFXA)	40

connected with its implementation. Each option was awarded by each member of Frontex Directory Board with a score from 1 to 6 – 1 being most desirable and 6 being least desirable.

A summary of the ranking and selected options are highlighted in the table.

The results of this evaluation enabled the review to select three of the options for further detailed evaluation. The three options selected for further analysis of impact on activities, costs, organisation, regulatory framework and cooperation with external stakeholders are the following:

- Mobile Operations Project Teams (MOPT)
- Centres of Excellence (CEO)
- Intelligence and Liaison Coordination Offices (ILCO).

4. Impact analysis of selected specialised branches options

The impact analysis of selected options is based upon the description of implementation issues related to activities and processes, administrative and financial aspects, including an estimate of major costs and resources, organization and internal regulatory framework. Additionally, it is described how the specialised branch would cooperate with existing networks, in which Frontex is involved and how the specialised branch would impact these networks and how possible scenarios of external environment may influence each option.

The impact of each SB option in relation to the aspects introduced above is described in the following sections. Below, the key assumptions for each aspect are summarized.

Processes and activities

To enable the precise description of impact each SB option would have on activities / processes currently performed by Frontex, key activities were identified and grouped into 7 activity sections: Risk Analysis; Operations; Frontex Situation Centre (FSC); Training; Pooled Resources; Research and Development (R&D) and Horizontal Activities. Activities were identified on the basis of tasks assigned to Frontex according to Regulations (EC) 2007/2004 and (EC) 863/2007 as well as on the basis of Frontex Programme of Work 2009 and verified with Frontex representatives. These processes – for the purpose of impact analysis – are assigned either to the specialised branch, Frontex headquarters or both. The list of processes to be used for impact analysis is presented below:

RISK ANALYSIS

- Collecting information and intelligence for risk analysis purposes
- Valuating and assessing information
- Conducting strategic long and midterm risk analysis – support for decision making and planning
- Conducting operational short term risk analysis to support JO and other operational activities
- Providing analytical support to implementation of operations
- Conducting analytical evaluation of the outcome of joint operation
- Developing of risk analysis network and cooperation with 3rd countries in this regard
- Developing of interoperability in the field of risk analysis
- Providing analytical support for external stakeholders
- Sharing risk analysis outcomes at EU level (e.g. EUROPOL)

OPERATIONS

- Contributing to strategic planning of operations (related to specific operations)
- Tactical planning of joint operations (JO and JRO)
- Operational planning of operations (JO and JRO)
- Carrying out coordination activities during missions (briefing of guest officers, fostering and monitoring cooperation between officers, monitoring cooperation between local authorities; coordinating exchange of information during operations, managing the use of equipment and deployment of pooled resources according to operational plan)
- Providing pre-return assistance for organising JRO
- Providing information for FSC
- Conducting evaluation (report) and evaluation approval
- Developing approaches to development of platforms for border management (e.g. EPN, FP, ICC)

10

- Supporting implementation of platforms for border management
- Further developing and implementing mapping processes
- Establishing and developing common approach and further implementation of EU Integrated Border Management concept through handbooks, manual and best practices

FSC

- Managing and coordination of information flow especially regarding operations
- Developing and maintaining situational picture of migration flows through external borders
- Coordinating exchange of information during operations
- Processing operational information for further use
- Providing information platforms to be used by MS and FX staff for multiple purposes

TRAINING

- Establishing and developing a common core curriculum for border guards training
- Developing and providing training courses and seminars related to control and surveillance of the external borders and return of third country nationals
- Undertaking training activities in cooperation with Member States

POOLED RESOURCES

- Training of RABIT and FJST experts and ensuring their ability of deployment
- Developing pool of experts (RABIT and FJST) for effective contribution to operations
- Acquiring and keeping record of technical equipment for control and surveillance of external borders belonging to Member States (CRATE)
- Providing and deploying of pooled resources for operations

R&D

- Setting and approving processes and procedures for R&D
- Collecting and disseminating information on border management technologies to Member States
- Directing and following research in the area of technical solutions used for border management and surveillance activities
- Analyzing and fulfilling needs for border management of capabilities

HORIZONTAL ACTIVITIES

- Providing executive support (Liaison officers)
- Providing administration and legal services
- Carrying out tasks connected to managing external relations
- Conducting financial and procurement services

Cost estimations

Implementation of the different SB options may entail financial consequences for both – Frontex and MS budget – for the MS hosting the office or branch. This study focuses on the impact on the Frontex budget and gives only a qualitative indication regarding potential impact of particular SB options on MS budget.

Cost estimations include: human resources needed (required number of FTEs of various specializations); required physical resources (e.g. land, equipment, information systems); and other investment and operational costs. Cost estimations of a specialised branch creation are calculated as incremental costs (i.e. if a specialised branch will take over some current activities of Frontex only eventual additional costs related to these activities will be calculated; also if creation of a specialised branch will create cost synergies it will reduce total cost of its creation).

Frontex Budget for 2009 was taken as a basis for comparison (reflecting the AS-IS situation) with potential specialised branches options. It was assumed that due to implementation of any of specialised branch options, the respective budget share devoted to operations implementation as well as training, R&D and pooled resources activities (apart from allowances, travel and accommodation which corresponds to 1,8% of total Frontex budget) would not be affected. Taking into consideration staff and other administrative expenditures, the share of these costs in the total Frontex budget increases from 29% (current level) to 32-34% (depending on the chosen specialised branches option).

Organization impact

Organization impact was assessed basing on the assigned processes and activities to be performed in each specialised branches option. Assumptions for headcount growth in each division / unit per particular option were discussed with respective Frontex employees. Basing on these foundations costs impact was evaluated.

Regulatory framework

Regulatory impact is the impact of the creation of specialised branches on internal Frontex regulations. For the purpose of this feasibility study 9 documents were analyzed in order to assess the impact that potential specialized branches could have on the regulatory framework of Frontex.

Cooperation network with Member States and cooperation with third parties

For the assessment of the impact that SB would have on cooperation with external stakeholders networks (both external and internal ones) in which Frontex is involved were considered. In addition, external parties with whom Frontex signed Working Arrangements regarding their bilateral cooperation were also considered. Currently Frontex cooperates with Member States and has cooperation arrangements with EU agencies and other institutions. Frontex also cooperates with third countries. In summary, existing and established networks and cooperation agreements in which Frontex is involved include:

- Cooperation network with MS:
 - Frontex National Contact Points
 - FRAN
 - FISO
 - ICCs
 - Existing networks for Frontex capacity building activities (e.g. national training coordinators group)
 - EUROSUR cooperation network (including NCCs)
 - Indirect / informal contacts through Frontex employees (especially SNEs)
- Contacts with EU bodies; inter alia:
 - EUROPOL
 - CEPOL
 - EU Joint Sitcen
 - EMSA
 - CFCA
- Contacts with United Nations, other international organizations and NGOs; inter-alia:
 - UNHCR
 - Interpol
 - IOM
 - ICMPD

- Contacts with third countries (with focus on EU candidate countries, neighbouring countries to EU external borders and countries of origin and transit of high numbers of illegal migrants:
 - Countries with which Frontex has signed Working Arrangements (Albania, Bosnia and Herzegovina, Croatia, Georgia, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Russian Federation, Serbia, Ukraine and the United States)
 - Other countries

The impact that SB would have on existing and established networks and cooperation arrangements in which Frontex is involved is described separately for each SB option in the following sections of this document.

Scenarios

Each of the three options chosen for detailed evaluation is also assessed against a range of scenarios relating to possible developments to the external environment. For the purpose of this assessment three scenarios were identified.

Scenario 1: EU enlargement

The EU consists currently of 27 Member States. The current situation may amend soon within the accession of new MS. At present, there are three candidate countries, Croatia, Turkey and the Former Yugoslav Republic of Macedonia. The accession negotiations are run with the first two countries. There are also potential candidate countries that will be able to join EU when they will be ready. These countries are: Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo under UNSC Resolution 1244/99. Additionally, on 16th July 2009 the application for EU membership was issued by Iceland.

Although Frontex is currently enhancing its cooperation with the candidate countries, the EU enlargement will have an impact on the overall operations of Frontex as the cooperation will be further intensified should candidate countries become EU Member States.

The way this scenario evolves in the course of time would impact the number and potential locations of specialised branches.

Scenario 2: Schengen enlargement

The Schengen area is a group of countries that abolished border control between each other. The group consists of 22 EU countries (all apart from United Kingdom, Ireland, Cyprus, Romania and Bulgaria) and 3 non-EU countries (Iceland, Norway and Switzerland). The Schengen rules, which are a part of EU law, remove all internal border control while putting more attention to external borders' protection and introduction of common visa policy. The enlargement of Schengen area includes Cyprus (possibly in 2010) and Romania and Bulgaria (possibly in 2011).

It is foreseen that Frontex could play a "supportive role in the Schengen evaluation mechanism, with regard to relevant risk analysis for the purpose of evaluation missions and possibly also by providing necessary training to optimize implementation of those missions, and commits to return to this issue again based on the Commission's forthcoming proposal."¹ The European Commission in its Impact Assessment to the 'Report on the evaluation and future development of the Frontex Agency' assessed that Frontex' participation in Schengen evaluation mechanism would not require amending the current

¹ Council of the European Union, Council Conclusions on the management of the external borders of the member states of the European Union, 5-6/06/2008

mandate of the Agency. "However, this will need to be further assessed once the more precise role of Frontex in the new mechanism has been elaborated further."² The possible new activities connected with Schengen evaluation mechanism may have an impact on the tasks performed by specialised branches.

Schengen area enlargement may also have an impact on the migration paths. As the external borders move, new migration routes may appear and may replace the previous ones. It might have an impact on the Frontex operating model, as the operational cooperation may be moved to new areas and the way the migration flows could change may prove hard to predict. The impact of changed migration patterns will not be further discussed in this document as potential location(s) of the three SB options evaluated have not been considered.

Scenario3: Enhancement of Frontex role in the area of joint operations

The European Council in its recent conclusions³ calls for the enhancement of Frontex in particular of its operational capacities, and a proposal of the Commission revising Frontex legal framework is expected in 2010. However, Frontex does not have a mandate for taking over responsibility from MS for the enforcement of border control rules. The potential development of its role seems only limited to enhanced presence during joint operations and increased focus on reporting and controlling of incidents that can be followed by relevant authorities within Member States.

² European Commission, Report on the evaluation and future development of the Frontex Agency. Impact Assessment, 13/02/2008

³ European Council Conclusions of 29/30 October

4.1. Mobile Operations Project Teams (MOPT)

According to the description of this SB option its goal is to provide more support for Member States during the planning implementation phases of operations. During the planning phase MOPT members would provide support in the area of preparation of detailed operational plan. During implementation of operations they would provide extensive support in coordination of the exchange of information between parties and authorities taking part in a particular operation. They would also support managing of equipment during operations – acquisition of appropriate pieces of equipment as described in operational plan and effective management of equipment. MOPT would also deliver more pre-return assistance for MS in joint return operation (JRO) as follow up to joint operations (JO). Given the scope and nature of the suggested support, MOPT would cooperate very closely with ICCs on operation coordination issues.

This SB option is proposed as a temporary / semi-permanent structure – MOPT will be set up to support operations for the time of their duration – additional administrative costs will be minimized, however they will be closely dependent on the number of MOPT specialised branches set up at the same time. It is suggested that one MOPT is set up to support one operation only (regardless if Land, Air, Sea or return operation).

Impact analysis of this option on each of 5 aspects is presented in following sections.

Processes and activities

As MOPT specialised branch is supposed to be focused solely on operations support, only activities connected with planning and implementation of operations will be shared between SB and Headquarters. MOPTs would perform processes related to planning and implementation of particular operations as well as implementation of platforms and integrated border management system (e.g. EPN, FP and ICC).

Division / Unit	Processes / activities to be performed in specialised branch	Processes / activities to be performed in Frontex headquarters
Risk analysis	<ul style="list-style-type: none"> Collecting information and intelligence for risk analysis purposes Proposing suggestions on daily operational initiatives to be implemented in daily planning Conducting operational short term risk analysis to support JO Providing analytical support to implementation of operations Provide analytical support for external stakeholders 	<ul style="list-style-type: none"> Collecting information and intelligence for risk analysis purposes Valuating and assessing information Conducting strategic long and midterm risk analysis – support for decision making and planning Conducting operational short term risk analysis to support JO and other operational activities Conducting analytical evaluation of the outcome of joint operation Developing of risk analysis network and cooperation with 3rd countries in this regard Developing of interoperability in the field of risk analysis Providing analytical support for external stakeholders Sharing risk analysis outcomes on EU level (e.g. EUROPOL)
Operations	<ul style="list-style-type: none"> Carrying out coordination activities during operations Providing pre-return assistance for organizing JRO Providing information for FSC Supporting of implementation of platforms for border management 	<ul style="list-style-type: none"> Contributing to strategic planning of operations (related to specific operations) Tactical planning of joint operations (JO and JRO) Operational planning of operations (JO and JRO) Providing pre-return assistance for organizing JRO Conducting evaluation (report) and evaluation approval Developing of the approach to implementation of

15

	<ul style="list-style-type: none"> Developing common approach and further implementation of EU Integrated Border Management concept through handbooks, manual and best practices Further developing and implementing of mapping processes 	<ul style="list-style-type: none"> platforms for border management (e.g. EPN, FP, ICC) Supporting of implementation of platforms for border management Further developing and implementing of mapping processes Establishing and developing common approach and further implementing of EU Integrated Border Management concept through handbooks, manual and best practices
FSC	<ul style="list-style-type: none"> Coordinating exchange of Information during operations Processing operational Information for further use 	<ul style="list-style-type: none"> All activities performed by Frontex Situation Centre
Other		<ul style="list-style-type: none"> All activities performed by Frontex headquarters

Costs (people and other resources)

Cost increase for Mobile Operations Project Teams (MOPT) in regard to:

- Headcount (including salaries), additional office space, administration, communication etc.,
- Allowances, travel, accommodation etc.,

is estimated **at the level of 5% (by 4,5 Million EUR)**, while the **headcount increases by 16%**.

Implementation of MOPT might also have an impact of MS budget. Potentially, an increase of MS budget may be needed as the result of additional costs connected with deployment of experts for MOPT. On the other hand there is a potential decrease of overall operations costs in the long run due to improved implementation of operations (pooled resources allocation and utilisation).

Organization

Implementation of **Mobile Operations Project Teams (MOPT)** as a specialised branch option has an impact on additional service provided by Frontex operations team for hosting Member States experts during operations.

In order to perform the processes and activities by Mobile Operations Project Teams (MOPT) the following impact on the headcount is assumed: **Risk Analysis Unit – additional 10-12 FTEs, Operations Unit – additional 30% of FTEs, Administration Division – additional 1 FTE** to support MOPT in a daily work.

Regulatory framework

Establishing Mobile Operations Project Teams will require taking the following regulations into account:

- Financial Regulation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Management Board Decision No 36/2008 of 16 December 2008*

The regulation defines essential financial rules applicable to Frontex. The establishment of MOPTs will require the amendment of Frontex internal rules implementing the Frontex Regulation in order for the SNEs in MOPTs to carry some financial tasks (paper work for reimbursing MS costs related to operations).

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- *Staff Regulations of officials and the conditions of employment of other servants of the European Communities applicable from 5th of March 1968*

Frontex staff policy must be prepared and developed in accordance with Staff Regulations. This is the external regulation that does not require to be amended, while the employment of officers to work in MOPTs should follow the directions specified in Staff Regulations. However, Frontex internal rules implementing staff regulation, in particular regarding the work of SNEs (Seconded National Experts) may need to be revised.

- *Frontex Internal Rules of Procedure, Decision of the Executive Director on the adoption of Frontex Internal Rules of Procedure, adopted on 12th of December 2008, entered into force on 1st of January 2009*

Frontex Internal Rules of Procedure provide overview of the internal organization and division of tasks within Frontex. One of their aims is to synchronize the delegated powers of the Authorizing Officer for implementation of Frontex budget with the decision making powers related to operative decision on Frontex activity. The creation of MOPTs may require some adjustments to Frontex Rules of Procedure and amendments to the Rules of Procedure of Operations Division.

Cooperation network with Member States and cooperation with third parties

Mobile Project Operations Team would be related to increased local presence of Frontex (on operational level) and therefore they would have an impact on all networks in which the Agency is involved, but mostly on relations with Member States and on "internal" Frontex networks. As MOPT would be SBs focused on operational aspects, the impact they would have on external Frontex relations will mainly affect the operational dimension. MOPT could increase the number of contacts with national border management authorities. Also MOPT could add value to data gathering and exchange processes executed by Frontex Risk Analysis Network (FRAN) by providing in-depth, accurate knowledge of local-level border risks. MOPT will require close working with ICCs. Their cooperation would be daily, with a clear division of tasks and responsibilities required. Relations with external parties (EU bodies, international organizations and third countries) are further explored on an operational level. It can be foreseen that the number of contacts and joint activities will increase between Frontex and Europol on the operational level. Also common operations or joint use of assets by Frontex, EMSA and EUROPOL will be further explored. Frontex' increased local presence through MOPTs could have an impact on increased number of activities undertaken by the Agency with third countries on an operational level (participation of third countries in operations or activities building capacity of third countries). Setting up of MOPTs is not expected to have an impact on Frontex' role in the development of EUROSUR. Neither will it have an impact on FISO officers.

Scenarios

EU enlargement will result in an increased number of operations, therefore requiring an increase in operational cooperation. As MOPT is suggested to be only a temporary or semi-permanent structure there will not be any issue regarding location of potential offices. Some travel costs may increase in case of operations taking place in distant parts of extended EU.

As the MOPTs would be operational teams focused on planning and implementation of operations, they would not be involved in possible future Schengen evaluation tasks.

Regarding the scenario of enhancement of Frontex role in the area of joint operations -- such development of Frontex responsibilities would require implementation of reporting and controlling procedures both -- between MOPT and Frontex headquarters and between local authorities and

Frontex, meaning also MOPT present in host country during joint operation. Organizational structures within MOPT would need to be defined and – most likely – mobile teams would need to involve more members covering functions related to reporting and controlling functions. MOPT responsibility could be broadened with the responsibility of promoting application of border management concept in Member States.

4.2. Centres of Excellence (CEO)

Centres of Excellence Offices (CEO) would be permanent specialised branches dedicated to support risk analysis, training and R&D activities for particular border type separately. They would be permanent structures with some administrative functions necessary to support local offices. SB offices could be potentially located in MS having the most expertise in protection of a particular, external border type. The value add of these SB would include: better understanding and recognition of information important from risk analysis perspective; more focused development and delivery of training for border guards; enhanced development and promotion of best practices for each border type; and, more expert support for R&D activities as well as more effective development of pool of experts (by close cooperation with national authorities). Each CEO branch is expected to support activities covering one border type which means that 3 SBs could be created. Impact analysis of this option on each of 5 aspects is presented in following sections.

Processes and activities

Centres of Excellence offices would share with Frontex headquarters processes related to Risk analysis, Training, Pooled Resources and R&D. Frontex headquarters would have a managerial role in these areas. It would coordinate, supervise and set common rules, processes and procedures while SB would perform all activities related to subject matter development and implementation. Activities related to planning, implementation and evaluation of operations will remain in headquarters. Some administrative processes must also be implemented as this option assumes setting up a permanent office for each specialised branch created.

Division / Unit	Processes / activities to be performed in specialised branch	Processes / activities to be performed in Frontex headquarters
Risk analysis	<ul style="list-style-type: none"> Collecting information and intelligence for risk analysis purposes Valuating and assessing information Developing interoperability in the field of risk analysis Providing analytical support to implementation of operations Conducting analytical evaluation of the outcome of joint operation 	<ul style="list-style-type: none"> Conducting strategic long and mid term risk analysis – support for decision making and planning Conducting operational short term risk analysis to support JO and other operational activities Providing analytical support to implementation of operations Conducting analytical evaluation of the outcome of joint operation Developing risk analysis network and cooperating with 3rd countries in this regard Developing interoperability in the field of risk analysis Providing analytical support for external stakeholders Sharing risk analysis outcomes on EU level (e.g. EUROPOL)
Training	<ul style="list-style-type: none"> Developing and providing training courses and seminars related to control and surveillance of the external borders and return of third country nationals Undertaking training activities in cooperation with Member States 	<ul style="list-style-type: none"> Establishing and developing a common core curriculum for border guards training Developing requirements and general rules for training courses and seminars
Pooled resources	<ul style="list-style-type: none"> Training of RABIT and FJST experts and ensuring their ability of deployment Developing pool of experts (RABIT and FJST) for effective contribution to operations Acquiring and keeping record of technical 	<ul style="list-style-type: none"> Acquiring and keeping record of technical equipment for control and surveillance of external borders belonging to Member States (CRATE) Providing and deploying of pooled resources for operations

19

	equipment for control and surveillance of external borders belonging to Member States (CRATE)	
R&D	<ul style="list-style-type: none"> Collecting and disseminating information on border management technologies to Member States Directing and following research in the area of technical solutions used for border management and surveillance activities 	<ul style="list-style-type: none"> Analyzing and fulfilling needs for border management of capabilities Setting and approving processes and procedures for R&D
Other	<ul style="list-style-type: none"> All activities performed by Frontex headquarters 	

Costs (people and other resources)

Cost increase for Centres of Excellence (CEO) in regard to:

- Headcount (including salaries), additional office space, administration, communication etc.
- Allowances, travel, accommodation etc.

is estimated **at the level of 7% (by 6,3 Million EUR)**, while the **headcount increases by 18%**.

No major impact is expected at this point of the feasibility study on MS budgets.

Organization

Implementation of **Centres of Excellence (CEO)** as a specialised branch option has an impact on the shift of some of the responsibilities from headquarters to regional Frontex offices (transfer to CEO).

In order to perform the processes and activities by Centres of Excellence Offices (CEO) the following impact on the headcount is assumed: **Risk Analysis Unit – additional 15 FTEs, Training Unit – 6 additional FTEs, R&D Unit – 6 additional FTEs, Pooled resources Unit – 3 additional FTEs, Administration Division – additional 6 FTEs** to support CEO in a daily work.

Regulatory framework

For the permanent structure of Centres of Excellence a "Seat Agreement" with the Host Country of the office needs to be concluded.

Establishing Centres of Excellence Offices will require taking the following regulations into account:

- Financial Regulation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Management Board Decision No 36/2008 of 16 December 2008*

The regulation defines essential financial rules applicable to Frontex. The establishment of CEOs will require the amendment of Frontex internal rules implementing the Frontex Regulation in order for the SNEs in CEOs to carry some financial tasks (paper work for reimbursing MS costs related to operations).

- Staff Regulations of officials and the conditions of employment of other servants of the European Communities applicable from 5th of March 1968*

All Frontex activities according to staff procedures must be prepared and developed in accordance with Staff Regulations. This is the external regulation that does not require to be amended, while the employment of officers to work in CEOs should follow the directions specified in Staff Regulations.

- *Frontex Internal Rules of Procedure, Decision of the Executive Director on the adoption of Frontex Internal Rules of Procedure, adopted on 12th of December 2008, entered into force on 1st of January 2009*

Frontex Internal Rules of Procedure provide overview of the internal organization and division of tasks within Frontex. One of their aims is to synchronize the delegated powers of the Authorizing Officer for implementation of Frontex budget with the decision making powers related to operative decision on Frontex activity. The creation of CEOs may require some adjustments to Frontex Rules of Procedure and amendments to the Rules of Procedure of Capacity Building Division.

Cooperation network with Member States and cooperation with third parties

Centres of Excellence Offices will be capacity building SBs for a given type of border. They will develop and implement best practices in the area of external border management. Implementation of CEOs will impact existing networks and structures in which Frontex is involved. CEOs will be required to inter-relate with FRAN to gather the information for processing risk analysis information. For a particular type of border they will work with ICCs, supporting them in spreading R&D tools and methods, assisting in training activities and diversification of best practices. The network of contacts with Member States will be used more often as the development of CEOs will require gathering updated information from MS on their demand for training, R&D tools, etc. CEOs will also support strengthening of the national border management authorities' capabilities to provide accurate and timely inputs.

All CEOs will as well have to work closely together to share their experience, knowledge and to commonly work on solutions for the improvement of border management. They will also need to be involved in FISO activities to gather the information to be processed further.

CEOs will cooperate strongly with those external parties that could support them in capacity building and risk analysis activities. It will require increased cooperation with EUROPOL, Interpol and EU Joint Sitcen regarding risk analysis tools, best practices sharing or training. CEO will have to work closely with CEPOL and its network of Partnership Academies. Also the relations with IOM, ICMPD and UNHCR should be more often and effective, especially related to capacity building activities like best practices sharing, training or risk analysis practices. Setting up CEO SB would also enhance capacity building and risk analysis competencies by better utilising cooperation arrangements with certain 3rd countries and EU agencies (e.g. EASO, FRA).

CEOs will have a slight impact on the EUROSUR network. They will be committed to a given type of border, but CEOs will also work closely together. CEOs will develop best practices and interoperability standards that might be an input for the development of EUROSUR, while they will not participate in that network on operational level.

Scenarios

EU enlargement will not directly influence either requirements or the scope of activities to be performed by the specialised branch.

As it is foreseen that Frontex could play a supportive role in the Schengen evaluation mechanism, with regard to relevant risk analysis for the purpose of evaluation missions and possibly also by providing necessary training to optimize implementation of those missions, this scenario would have an impact on the scope of responsibilities for CEO specialised branches. SB would need to further increase headcount to cover activities related to Schengen evaluation mechanism. What is more travelling and accommodation costs would also be subject to substantial increase. Regarding competencies and organization issues – CEO offices would need to adopt administrative structures to follow legal

requirements involved in Schengen evaluation related tasks. As the consequence Seat Agreements between Frontex and Member State countries will have also be amended. Positive aspects of this scenario should not be underestimated, though. New Schengen countries would benefit from expertise knowledge gathered in CEO branches.

As CEO branches exclude operations area, scenario of enhancement of Frontex role in the field of joint operations would not bring any substantial influence for potential CEO branches.

4.3. Intelligence and Liaison Coordination Offices (ILCO)

Intelligence and Liaison Coordination Offices (ILCO) would be permanent specialised branches dedicated to support intelligence activities within specified region of EU.

These regional branches would be responsible for providing support to intelligence gathering in the region and for streamlining communication between MS located in the region with Frontex headquarters. Value added for Member States would include improved relations of local border authorities with Frontex structures as well as fostered actions related to implementation of integrated border management system. Member States would also be more supportively provided with guidelines on how risk analysis output prepared in Frontex should be used for improving border protection and surveillance activities on national level as well as guidelines on establishing of NCCs.

Given Frontex FISO concept, implementation of this SB option would be connected with setting up three to four specialised branches depending on the scenario of EU enlargement. Locations of SBs would need to be based on detailed risk and need analysis. Branches could be based on existing and planned FISO locations (Atlantic coast and south-west Mediterranean area, including Spain and Portugal – FISO office in Madrid; Eastern Balkan region and the south-east Mediterranean area, including Greece, Bulgaria, Cyprus and Romania - FISO office in Athens; Central Mediterranean, comprising Italy and Malta- FISO office in Rome; Eastern Borders with Ukraine and Serbia including Hungary, Slovakia, Slovenia and Romania).

Impact analysis of this option on each of 5 aspects is presented in the following sections.

Processes and activities

ILCO specialized branches would support Frontex headquarters in developing interoperability in the field of risk analysis – they would share with Frontex headquarters activities related to information detection, collection and transfer for further processing in Risk analysis unit. They would also monitor and support activities performed in Member States which relate to integrated border management. Some administrative processes must also be implemented as this option assumes setting up a permanent office for each specialised branch created.

Division / Unit	Processes / activities to be performed in specialised branch	Processes / activities to be performed in Frontex headquarters
Risk analysis	<ul style="list-style-type: none"> Collecting information and intelligence for risk analysis purposes Valuating and assessing information Developing risk analysis network and cooperating with 3rd countries in this regard Developing interoperability in the field of risk analysis Providing analytical support for external stakeholders Sharing risk analysis outcomes on EU level (e.g. EUROPOL) 	<ul style="list-style-type: none"> Conducting strategic long and mid term risk analysis – support for decision making and planning Conducting operational short term risk analysis to support JO and other operational activities Providing analytical support to implementation of operations Conducting analytical evaluation of the outcome of joint operation Developing risk analysis network and cooperating with 3rd countries in this regard Developing interoperability in the field of risk analysis Providing analytical support for external stakeholders Sharing risk analysis outcomes on EU level (e.g. EUROPOL)
Operations	<ul style="list-style-type: none"> Supporting implementation of platforms for border management Further developing and implementation of 	<ul style="list-style-type: none"> Other operational activities

23

	mapping processes	
	<ul style="list-style-type: none"> Establishing and developing common approach and further implementation of EU Integrated Border Management concept through handbooks, manual and best practices 	
Horizontal activities	<ul style="list-style-type: none"> Providing executive support (Liaison officers) 	<ul style="list-style-type: none"> Other horizontal activities
Other		<ul style="list-style-type: none"> All activities performed by Frontex headquarters

Costs (people and other resources)

Cost increase for Intelligence and Liaison Coordination Offices (ILCO) in regard to:

- Headcount (including salaries), additional office space, administration, communication etc.
- Allowances, travel, accommodation etc.

is estimated at the level of **4,5 % (by 4 Million EUR)**, while the **headcount increases by 13,6%**.

Organization

Implementation of **Intelligence and Liaison Coordination Offices (ILCO)** as a specialised branch option has an impact on the shift of some of the responsibilities from headquarters to regional Frontex offices (transfer to ILCO).

In order to perform the processes and activities by Intelligence and Liaison Coordination Offices (ILCO) the following impact on the organization is assumed: **Risk Analysis Unit – additional 21 FTEs, Administration Division – additional 6 FTEs** to support ILCO in a daily work.

Regulatory framework

For Intelligence and Liaison Coordination Offices as permanent structures a "Seat Agreement" with the Host Country of the office needs to be concluded.

Establishing Intelligence and Liaison Coordination Offices will require taking the following regulations into account:

- Financial Regulation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Management Board Decision No 36/2008 of 16 December 2008*

The regulation defines essential financial rules applicable to Frontex. The establishment of ILCOs will require the amendment of Frontex internal rules implementing the Frontex Regulation in order for the SNEs in ILCOs to carry some financial tasks (e.g. paper work for reimbursing MS costs related to operations).

- Staff Regulations of officials and the conditions of employment of other servants of the European Communities applicable from 5th of March 1968*

All Frontex activities according to staff procedures must be prepared and developed in accordance with Staff Regulations. This is the external regulation that does not require to be amended, while the employment of officers to work in ILCOs should follow the directions specified in Staff Regulations.

- *Frontex Internal Rules of Procedure, Decision of the Executive Director on the adoption of Frontex Internal Rules of Procedure, adopted on 12th of December 2008, entered into force on 1st of January 2009*

Frontex Internal Rules of Procedure provide overview of the internal organization and division of tasks within Frontex. One of their aims is to synchronize the delegated powers of the Authorizing Officer for implementation of Frontex budget with the decision making powers related to operative decision on Frontex activity. The creation of ILCOs may require some adjustments to Frontex Rules of Procedure and amendments to the Rules of Procedure of Operations Division and Executive Support.

Cooperation network with Member States and cooperation with third parties

Intelligence and Liaison Coordination Offices will be regional SBs responsible for intelligence gathering as well as enhancing the communication flow between Frontex and MS. As this is the aim of ILCOs, they will closely inter-relate with Frontex networks of Member States authorities. Setting up of ILCOs will take over some responsibilities of Frontex National Contact Points. What will change is that ILCOs will be part of Frontex' structure, while National Frontex Points of Contact (NFPOC) belong to national border management organisation. Clear division of tasks between those two must be assured in order to facilitate better communication. The risk of the overlong communication channel between Member States and Frontex (due to an introduction of new points of contact – ILCOs) has to be minimized. ILCOs will also have an impact on development of ICCs as they will support them during operations by providing information and streamlining communication between local border management authorities and Frontex.

Participation of ILCOs in FRAN must also be assured as the aims to be addressed by ILCOs are: to ensure commitment of MS to give information / access to information related to operational needs and to support strengthening of border management authorities' capabilities to provide accurate and timely information and intelligence. Cooperation between ILCOs and MS will be bilateral, as ILCOs will not only obtain permanently maintained and updated information from MS, but also encourage MS to effectively use the outputs from risk assessments prepared by Frontex. Working closely with MS, ILCO will eventually support implementation of platforms for exchange of information (e.g. FRAN, EUROSUR). Development of EUROSUR will be moreover supported by knowledge and experience transferred to MS as regards to NCC's development.

The risk in the area of relations between ILCOs and MS refers to the possibility that MS could perceive ILCOs' local presence as a way to monitor and control MS' activities.

ILCOs will work closely together to share their experience, exchange information and support each other in executing their tasks. They will necessarily remain in constant contact with Frontex headquarters, also cooperating strongly with FISO on intelligence sharing.

The participation of ILCOs in cooperation with external parties is limited to intelligence gathering services. Therefore ILCOs should cooperate with EUROPOL, Interpol, EU Joint Sitcen, IOM, ICMPD, UNHCR and maritime surveillance agencies – EMSA and CFCA. Frontex' increased local presence through ILCOs should also have a positive impact in terms of exchange of information and intelligence as well as conducting operational activities with third countries.

ILCOs will support EUROSUR development in two ways. They will participate in providing necessary information to obtain situational pictures. Information provided by ILCOs will be accurate and updated. Secondly, they will support establishing of NCCs. Being present locally, having broad relations with national border management authorities and knowing local conditions and limitations will enable to support local authorities in setting up common framework for border surveillance.

Scenarios

As more countries will access EU structures network of Intelligence and Liaison Coordination Offices will have to evolve to cover the extended area. As those branches would be responsible for intelligence and liaison activities within a certain region – either the geographical reach of particular SB or the number of SBs would need to be expanded. This may, of course, require further increase of Frontex budget.

Schengen enlargement would have only limited influence on ILCO specialised branches. They could assist new Schengen countries with some support in implementation concept of border management. No major impact is expected for the scenario of enhancement of Frontex role in the area of joint operations, as ILCO SB does not cover operations in their scope of responsibilities.

5. Conclusion

The purpose of this feasibility study was to identify whether the effectiveness of Frontex could be enhanced or supported through the decentralisation of some of its current functions. The potential for a specialised branch to address the decentralised functions was also assessed.

Analysis identified that decentralisation could realise a range of benefits, including: improved understanding of local conditions; enhanced effectiveness in the use of risk information, resulting from more support offered to Member States regarding intelligence gathering; and increased communication between Member States and Frontex fostered by offices located closer to national border management authorities with the responsibility for supporting the implementation of border management platforms. From this analysis it is clear that both risk analysis and operational functions could benefit from an enhanced local presence.

Of the different options for specialised branches that were considered, it is suggested that the Mobile Operations Team, which is primarily focused on operational needs during joint operations, could facilitate the realisation of the benefits outlined above, and is therefore worthy of further evaluation. However, this option is not the only potential definition for a specialised branch, indeed, a further two options have been introduced and assessed within this document – Centres of Excellence Offices (CEO) and Intelligence and Liaison Coordination Offices (ILCO). These three options should now be taken for further evaluation at the Frontex Management Board.

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