

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 € 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 subseq. 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.