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EXTERNAL EVALUATION OF THE AGENCY UNDER ART. 33 OF THE FRONTEX REGULATION
FINAL REPORT

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FINAL REPORT

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LIST OF ABBREVIATIONS

ABC	Automated Border Control
CCC	Common Core Curricula
CEPOL	European Police College
CF	Consultative Forum
CIRAM	Common Integrated Risk Analysis Model
Commission	European Commission
DCP	Direct Contact Points
DEVCO	Development and Cooperation
EASO	European Asylum Support Office
EBGTs	European Border Guard Teams
ECN	EUROSUR Communication Network
EFS	EUROSUR Fusion Services
EMSA	European Maritime Surveillance Agency
EP	European Parliament
ESBG	European System for Border Guards
EU	European Union
EU-LISA	EU Agency for large-scale IT systems
Europol	European Police Office
EUROSUR	European Border Surveillance System
FER	Final Evaluation Reports
FOSS	Frontex One Stop Shop
FR	Fundamental Rights
FRA	Fundamental Rights Agency
FRAN	Frontex Risk Analysis Network
FRO	Fundamental Rights Officer
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRS	Fundamental Rights Strategy
FRS AP	Fundamental Rights Strategy Action Plan
FSC	Frontex Situational Centre
HR	Human Resources
IBM	Integrated Border Management
ICT	Information Communication Technology
ICTAC	Network of the heads of ICT Units of the Agencies of the EU
IOM	International Organisation for Migration
IT	Information Technology
JHA	Justice and Home Affairs
JO(s)	Joint Operation(s)
JORA	Joint Operations Reporting Application
JRO(s)	Joint Return Operation(s)
MB	Management Board
MS(s)	Member State(s)
NCCs	National Coordination Centres
NFPoC	National Frontex Points of Contact
OMS	Organising Member State
OPLAN	Operational Plan
PoW	Programme of Work
R&D	Research and Development
RA	Risk Analysis
RABITs	Rapid Border Intervention Teams
RAU(s)	Risk Analysis Unit(s)
SOP	Standard Operating Procedure

SQF	Sectoral Qualifications Framework
TFA	Tactical Focused Assessment
ToR	Terms of Reference
UNHCR	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

Purpose of the evaluation

This report presents the results of the external evaluation of Frontex under Article 33 of the Frontex Regulation, which was carried out by Ramboll Management Consulting (lead consortium partner) and Eurasylum Ltd between July 2014 and July 2015. According to the Frontex Regulation, this second external evaluation of the Agency, which covered the period from July 2008 to July 2014, was to examine how effectively the Agency fulfils its mission as well as to assess the impact of the Agency and its working practices. The Regulation further specifies that the first evaluation to be carried out after the amendment of the Frontex Regulation should analyse the needs for further increased coordination of the management of the external borders of the Member States, including the feasibility of the creation of the European System of Border Guards. The evaluation should also include a specific analysis of the way in which the Charter of Fundamental Rights was complied with in the application of the Frontex Regulation.

Methodology

The assignment was organised around four evaluation criteria including *effectiveness* (the extent to which the activities of Frontex implement its tasks as laid out in the Frontex Regulation); *impact* (the extent to which Frontex has reached its long-term objectives) ; *working practices* (the extent to which the organisational solutions and procedures support the implementation of the Agency's mission); and the *EU Charter of Fundamental Rights* (the extent to which Fundamental Rights are monitored and promoted by the Agency's activities).

In order to approach the evaluation holistically, an Intervention Logic of the Agency was designed, delineating the logical causal sequence between activities developed by the Agency and observed results and impacts. Subsequently, the evaluation team performed a contribution analysis by assessing the causal chains between activities and observed results and impacts, confirming or infirming the hitherto hypothetical causal chains with empirical data collected from various sources. The data collection sources encompassed both primary (i.e. interview and survey) and secondary (i.e. reports and relevant literature) sources.

The analytical strategies utilised in the *Data analysis phase* for data reduction and interpretation included, *inter alia,* the coding of interviews, comparison, finding data commonalities and analysing in-depth a set of cases.

In the *Judgement phase*, while maintaining an unbiased and objective view of the Agency under evaluation, a set of conclusions and recommendations was drawn based on the findings of the previous stages.

A number of methodological tools were employed for the purpose of this evaluation, including desk research, an on-line questionnaire survey, stakeholder interviews and six case studies. They were developed in a logical sequential explanatory manner, funnelling in from a broad scope (i.e. covering a wide set of areas), to a narrow scope (i.e. looking into specific and cross-cutting issues and cases).

The evaluation's main conclusions

The conclusions were structured around the three focus areas stipulated in the terms of reference, namely operational activities, capacity building activities, and horizontal activities.

Operational activities

Effectiveness
The evaluation was able to confirm that Frontex's coordination of **Joint Operations** was effective. The Agency has successfully carried out its tasks in terms of coordination and the development of operational plans. The Agency has also developed and disseminated an overall code of conduct,a code of conduct for joint return operations and best practice guidelines and, overall, has managed to ensure that sufficient resources were available for the successful implementation of joint operations. However, some room for improvement was identified with regard to the utilisation of adequate technical equipment relative to the operational needs of individual JOs.

Similarly, the evaluation was able to confirm that Frontex's activities have been very effective in supporting the coordination and organisation of **Joint Return Operations**. The procedures set in place and the training provided by the Agency have enabled an efficient and uniform process which complies with EU and relevant international law. However, room for increased operational and cost-efficiency was identified with regard to the potential for Frontex to take on a larger (leading) role in the organisation of JROs.

Finally, the evaluation also confirmed that high quality and accurate **risk analyses** have been carried out on time by Frontex. However, while the risk analyses products issued by RAU are used by a broad range of stakeholders, there is room for improvement in terms of the noted differences in the risk analysis capacities at Member State level. Also, it appears that the Agency's mandate to assess the capacity (in terms of equipment and resources) of Member States to respond to challenges, threats and pressure at their external borders is not being carried out. In relation to this the information sharing between the Agency and the MS could be improved.

Impact
Frontex's operational activities have positively contributed to the **improvement of integrated management** of the external borders of the MSs, by having a positive impact on reinforcing and streamlining **cooperation between MSs' border authorities** and thereby improving the **coordination and effectiveness of MSs' border management activities**. The Agency has contributed to the improvement of Joint Operations at the external borders, we well as of Joint Return Operations, and has ensured that these are carried out in compliance with EU and international law.

By providing high-quality and up-to-date information on the risks and situation at the external borders, the risk analysis activities implemented or coordinated by Frontex have facilitated the application of **more effective measures of external border management,** by enabling a more effective use of the resources available.

Finally, through its operational and risk analyses activities, Frontex has contributed to achieving an **efficient, high and uniform level of border control** at the EU external borders and facilitating the movement of travellers while ensuring border security. The Agency has provided a clear **added value** to the border management activities of Member States.

Working practices
Evidence suggests that **efficient working practices and procedures** are in place in the area of operational cooperation. The coordination and implementation of JROs and risk analysis activities were highlighted as particularly good examples, while existing practices and procedures with regard to Joint Operations appear to be somewhat affected by the rigidity and timing of certain planning procedures.

Cooperation between the Agency and the Member States with regard to operational activities is generally effective and the establishment of the NFPoC's is contributing to a more streamlined cooperation.

However, in terms of **management systems and processes**, the evaluation concludes that there is evidence of a persistent approach of working "in silos". In the area of operational activities this is reflected by a lack of information and best practice sharing between the divisions responsible for different types of borders.

Capacity building activities

Effectiveness

The Agency has been particularly effective in the provision of assistance to Member States' **training** of national border guards. The support provided by the Agency was generally very positively assessed by stakeholders, particularly as regards the development of curricula, training methods and tools, and the provision of specialised training, for example to EBGT members.

Frontex has also fulfilled its mandate in the area of **research and development**, with all stakeholders rating very positively the Agency's ability to disseminate information on research developments to the Commission and Member States.

In terms of **pooled resources**, the OPERA tool was assessed to have contributed positively to the effectiveness of its management and in general respondents assessed that the procedures in place for the rapid deployment of human resources were working well. The main challenges lie mainly within the area of the deployment of technical resources, where planning and more specificity in Frontex's requests and the response from the Member States are important areas for improvement.

Impact

Frontex's activities have contributed to **improving the capacity of European border guards**, as well as **access to relevant technical and human resources** for operations at the external borders, and **knowledge and development of technical equipment** for border surveillance and control.

However, some inhibiting factors have been identified at Member State level, for example in terms of national specificities posing challenges to the implementation of the CCC, and poor command of English among border guards in some countries, both at entry level in the academy and later in their careers, which affects their deployment in operations.

Working practices

Overall, there is a centralised and structured approach and system in place guiding the internal working procedures in the capacity building division. However, in relation to the establishment of the human and technical resources pools it was suggested that Frontex should specify more clearly, and communicate to the Member States, what is needed for carrying out operations, rather than mainly collecting lists of available resources from Member States and establishing an overview of possible gaps.

Horizontal activities

Effectiveness

In line with its mandate, Frontex has started to implement the horizontal activities stipulated in the Regulation. This includes the development and establishment of **EUROSUR,** which is now operational. However, the evaluation has evidenced that the EUROSUR Communication Network was facing systematic issues of data availability, limiting the achievement of its intended outcomes.

Another horizontal activity relates to inter-agency cooperation and the evaluation has evidenced that collaboration with EASO, Europol, EU-LISA and FRA was an important milestone in the work of the Agency. However, this is an area that needs to be further strengthened in the future.

Impact
Frontex has contributed to an **improved integration of external border management** through the Agency's horizontal activities. For example, the established ICT platforms (including the ECN) facilitate information exchange between the MSs and the Agency, thus contributing to more informed border management activities. However, there are still outstanding issues in terms of inconsistencies in national level reporting and the interoperability between ICT systems available.

Working practices
Frontex has introduced a number of initiatives to ensure that efficient working practices and procedures contribute to effective operations. However, **the distinct units and divisions in the Agency do not appear to be well integrated** and more internal cooperation is required across the whole Agency. The evaluation also concluded that Frontex's **administrative procedures could be made more effective** and better integrated to support the operational activities of the Agency.

Fundamental Rights
The appointment of the Fundamental Rights Officer and the establishment of the Consultative Forum have **contributed to ensuring and promoting the respect of fundamental rights** in the Agency's activities. However, the human resources allocated to these functions are considered to be limited relative to the objective of fully mainstreaming fundamental rights in all Agency activities.

Is there a need for further increased coordination of the management of the external borders of the Member States?
In the area of **Joint Return Operations**, the consulted stakeholders recognised the added value of the activities of Frontex and assessed that there is a need for increased coordination by the Agency in this area, also in response to the stronger migratory pressures at the external borders experienced in recent year.

Cooperation with third countries in the context of external border management is also an area where stakeholders saw the need for increased coordination through Frontex. Such coordination can only be implemented through a comprehensive strategy that outlines how different activities of the agency can contribute to the establishment of strong partnerships with third countries that would enable the implementation of the four-tier access control model of the IBM concept.

The need for further increased coordination was also recognised for the **risk analysis** element of the management of the external borders. With risk analysis, increased coordination can be achieved by ensuring that each Member State has sufficient qualified capacities for the collection and analysis of data, so that border guarding activities can executed in an informed, effective and efficient way.

Any strengthening of the coordination role of Frontex should include further consideration to the feasibility of a **European System of Border Guards**, which could overcome deficiencies in the current EBGT approach and provide enhanced coherence and effectiveness of the activities undertaken for the management of the external border of the Member States.

The evaluation's main recommendations

The evaluation has produced 29 key recommendations, including strategic, operational, capacity building and horizontal recommendations. These are summarised in turn.

A. Strategic recommendations

The evaluation recommends that the Commission, in consultation with MSs:

a) The assessment of the Agency' performance made by its staff and stakeholders revealed that there is a persisting need to establish a common and perhaps updated understanding of the concept of Integrated Border Management and clarify Frontex's role in implementing this concept, both with respect to its sharing of competences with Member States and other EU agencies.

b) In line with the preceding recommendation on IBM and with a view to clarifying the role and tasks of the Agency and enabling the Agency to carry out its tasks more effectively, it is recommended that the legislation giving tasks to Frontex is reviewed and consolidated where possible.

c) In addition to the new statutory tasks given to the Agency after the adoption of its amending Regulation, the 2011-2014 period covered by the evaluation saw major changes in the situational environment at the external border which led to repeated calls for more involvement of Frontex in the coordination of border management and related activities. The increased reliance on the Agency's capacities is not seen to have always come hand in hand with corresponding increased allocation of financial resources. It is recommended that for any further evolvement of the Agency's tasks there are sufficient financial resources allocated so that on-going and planned activities under its current mandate are not de-prioritised due to lack of resources.

d) Similarly, evidence collected from the evaluation showed that the evolvement of the Agency's tasks did not correspond to an increased allocation of human resources. Particular attention should be given to ensuring that the Agency is sufficiently resourced with staff to carry out its tasks.

e) Any strengthening of the role of Frontex should include further consideration to the feasibility of a European System of Border Guards, which could overcome deficiencies in the current EBGT approach and provide enhanced coordination, coherence and effectiveness. As part of this further consideration, the concept should be piloted in a live operational environment, perhaps as part of a coordinated cross-EU strategy to tackle the pressures in the Mediterranean and involving working with third countries to prevent irregular migration and on-shore processing of arrivals at the southern external borders.

B. Recommendations on operational activities

1. *Joint Operations – definition of objectives and scope*
The role and scope of Joint Operations should be clarified over the course of upcoming legislative revisions and policy reforms.

2. *Joint Operations - mechanisms for suspension and termination*
In order to ensure that effective mechanisms are available for the suspension/termination of Joint Operations, it is recommended that clear and transparent procedures and criteria for such situations are developed in cooperation between the Agency, Member States and the Consultative Forum.

3. *Joint Return Operations*
Within the scope of its current mandate, Frontex should take a larger role in the implementation of JROs by e.g. chartering flights.
It is also recommended that the European Commission, Member States and Frontex explore how to increase the mandate of the Agency in this area in a way that can bring further added value to the European Union.

4. *Risk Analysis – capacity building*
    In order to improve the overall level of risk analysis capacities across all Member States, Frontex can take a more proactive role in capacity building at Member State level based on CIRAM. This can be done through the development and implementation of basic training in risk analysis and the provision of already developed advanced training modules.

5. *Risk Analysis – assessing the capacities and vulnerabilities of MSs*
    The Agency should enforce this provision of the Regulation and prioritise the development of its capacities in the area of vulnerability assessment for the purpose of risk analysis.

6. *Risk Analysis – cross-border crime*
    Frontex should develop its capacity in the area of risk analysis related to cross-border crime in order to support other competent authorities in their tasks related to cross-border crime and its own activities, in line with the strategic recommendation on clarifying the mandate of the Agency in this area. The human resources needed for the task should be made available.

C. **Recommendation on capacity-building activities**

7. *Pooled resources - technical resources*
    Frontex should provide more detailed information on its operational needs for equipment, by engaging in closer dialogue with the Member States on this matter. It should also accommodate for the fact that needs for additional or special equipment can arise unexpectedly and cannot be planned for.

8. *Training*
    Frontex should implement the provision of the Regulation by developing and implementing an exchange programme for EBGT members.

9. *Training*
    Furthermore, the Agency should build on its successful establishment of common standards within the EU by working to disseminate these in major third countries (i.e. neighbouring countries especially). Third countries should also to a larger extent be invited to take part in Frontex-organised trainings.

D. **Horizontal recommendations**

10. *EUROSUR Communication Network*
    Core functions should be reviewed and updated in order to increase data sharing, establish a common data model and increase the reliability of the ECN. In addition, the extent to which the ECN and JORA can be aligned and integrated should be examined.

11. *Organisational assessment*
    A systematic organisational assessment of the Agency should be conducted in order to establish whether the current structure and profiles are fit for purpose.

12. *Working practices – internal cooperation*
    More practical working arrangements should be introduced, including by establishing a central document management system to make all relevant documentation internally available; offering the possibility for staff rotation; re-introducing horizontal coordination staff in order to facilitate exchanges of information between units; and improving internal management procedures.

13. *Working practices – Performance management*

The Agency's performance management system should be redesigned to reflect the priorities of the distinct divisions and the Management Board.

14. *Third country cooperation*
A strategy for cooperation with third countries should be formulated and adopted to ensure more targeted partnerships with third countries.

15. *JRO/Third country cooperation*
Frontex should take a larger role in the coordination of JROs by leveraging cooperation with third countries to facilitate the acquisition of emergency travel documents. Current third country initiatives (such as the EURINT network) in this area could be utilised in the approach.

16. *Fundamental Rights – Consultative Forum*
The role of the Consultative Forum as an advisory body should be strengthened through more exposure to the Agency's activities.

17. *Fundamental Rights – Code of Conduct*
The Codes of Conduct should be translated to relevant languages.

18. *Fundamental Rights – Roles and responsibilities*
A guideline concerning the roles and responsibilities with regards to fundamental rights should be developed.

19. *Fundamental Rights – Resources*
Human resources for the monitoring of fundamental rights by Frontex should be increased.

20. *Inter-agency cooperation*
A systematic approach to inter-agency cooperation with relevant EU agencies and international organisations should be formulated.

21. *Updating the working procedures of the Management Board*
The existing working practices of the Management Board should be reviewed with a view to considering the introduction of more decentralised consultations through working groups.

22. *Management tools*
Relevant management tools should be introduced. Some tools are already being developed (e.g. the quality management system) but others should be introduced based on needs. Potential tools could include: a unified approach to project management, including stakeholder and risk management tools, process management, and internal control measures. The selected tools should be accompanied by relevant training.

23. *Staff appraisal system*
A common staff appraisal system based on cross-cutting objectives and targets should be developed and implemented.

1. INTRODUCTION

Ramboll Management Consulting (lead contractor) and Eurasylum Ltd have been awarded the external evaluation of European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Frontex, under Article 33 of the Frontex Regulation. The evaluation was carried out between July 2014 and July 2015 and covers the activities of Frontex in the period from July 2008 to July 2014.

This report is the revised final report which presents the findings of the evaluation following the discussion on the draft conclusions and recommendations with the Steering Committee for the evaluation in May 2015. The report contains five main sections:

1. **Introduction** – purpose and evaluation team
2. **Methodology** – approach, background and mandate
3. **Evaluation findings** – results for each evaluation question
4. **Conclusions** – responses to overall evaluation questions
5. **Recommendations** – suggested improvements

1.1   Purpose of evaluation

The challenge of external border management has been at the centre of the political debate during the time of conducting this evaluation due to the tragic increase in casualties in the Mediterranean. The scope of this evaluation is not to assess to what extent the current interventions made by Frontex and the Member States (MSs) is sufficient to remedy the increased pressure of irregular migration.

The purpose of the assignment is to undertake an independent evaluation of Frontex and to assess the extent to which the Agency is fulfilling the mandate it has been given and whether it is contributing positively to integrated border management. The intention is to enable the Management Board (MB) to assess the implementation of the Frontex Regulation and to present findings and recommendations that will facilitate the discussion with the European Commission on possible changes to the Frontex Regulation, the Agency and its working practices.

For further information on the context and approach to the evaluation please refer to chapter 2.

1.2   Evaluation team

The evaluation has been carried out as a joint effort by a team of consultants from Ramboll Management Consulting and Eurasylum Ltd.

The team encompassed the following key positions:
- Project Director, Helene Urth, Ramboll
- Project Manager, Anders Kragh Bingen (replaced Hanna-Maija Kuhn as of 1 October 2014), Ramboll
- Quality assurance and border management expert, Solon Ardittis, Eurasylum
- Evaluation expert, Karin Attström, Ramboll
- Evaluation expert, Sebastian Niedlich, Ramboll
- Border management expert, Tony Mercer, Eurasylum
- Evaluator, Mathilde Heegaard Bausager, Ramboll
- Evaluator, Ida Maegaard Nielsen, Ramboll
- Evaluator, Tsvetelina Blagoeva, Ramboll

The steps taken and the work carried out by the evaluation team are presented in section 2.2.

2. METHODOLOGY

2.1 Interpretation and understanding of the evaluation

In accordance with the Frontex Regulation, the second external evaluation of the Agency has examined how efficiently and effectively the Agency is fulfilling its mission. It has also analysed the impact of the Agency and its working practices. The evaluation has taken into account the views of stakeholders, at both European and national levels.[1]

The Regulation also specifies that the first evaluation to be carried out after the amendment of the Frontex Regulation was to analyse the needs for further increased coordination of the management of the external borders of the MSs, including the feasibility of the creation of the European System of Border Guards (ESGB).[2] Additionally, the evaluation was envisaged to include a specific analysis of how Frontex ensured compliance with the Charter of Fundamental Rights during the application of the Frontex Regulation.[3]

These requirements were translated, in the Terms of Reference (ToR), into four different evaluation criteria[4] as illustrated in the following figure.

Figure 1: Evaluation criteria

Effectiveness

The extent to which the activities of Frontex implement its tasks as laid out in the Frontex Regulation.

Impact

The extent to which Frontex has reached its long-term objectives, i.e.:

The extent to which Frontex has improved the integrated management of the external borders of the Member States of the European Union.

The extent to which Frontex facilitates or renders more effective the application of relevant EU measures relating to the management of external borders in particular the Schengen Border Code.

The extent to which Frontex provides Member States and the European Commission with the necessary technical support and expertise as well as promotes solidarity between Member States.

Working Practices

The extent to which the organisational solutions and procedures support the implementation of the Agency's mission.

EU Charter for Fundamental Rights

The extent to which Fundamental rights are ensured and promoted by the Agency's activities.

Furthermore, as required by the Regulation, the ToR specified that the evaluation should provide conclusions on possible needs for further increased cooperation on the management of the external borders of the MSs, as well as on the links between the creation of the possible ESBG and the needs for increased coordination of the management of the external borders of the MSs, if any. Under the assessment of working practices, the evaluators also looked into the efficiency of the Agency's activities.

Based on discussions with the Steering Committee, it was decided to place a more concrete emphasis on the tasks that the Agency has been allocated through the amended Regulation, and to look specifically at the potential effects of these tasks. However, this had to take into account the fact that the amended Regulation is relatively new and, therefore, does not allow for an easy identification of its effects, and in particular its impacts, at this stage.

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[1] Frontex 1168/2011, Art. 33 (2).
[2] Frontex 1168/2011, Art. 33 (2a).
[3] Frontex 1168/2011, Art. 33 (2b).
[4] While these definitions do not necessarily correspond fully with the definitions for, in particular, effectiveness and impact in general evaluation literature, it has been decided to follow the definitions as stated in the terms of reference for the sake of clarity and to facilitate the communication during the evaluation.

In line with the ToR, the evaluation was divided into two main tasks:

- **Task 1:** Examining the implementation of Frontex mission and tasks while taking into account the legal and policy framework where Frontex works.
- **Task 2:** Assessing the needs for further increased coordination of the management of the external borders of the Member States; and the feasibility of the creation of a European System of Border Guards.

These tasks ran in parallel during the course of the evaluation – based on the findings of Task 1 discussed in details in section 3 it was possible to address the specification of Task 2. As Task 2 derives from the analysis of Task 1, it is not discussed in a separate findings section but treated within the Conclusions analysis presented in Section 4. The conclusions which present the results of Task 1 and 2 are the basis for the recommendations developed in Section 5, which also address both tasks. During the structuring phase, the evaluators have further specified the scope of the evaluation, as well as the approach to providing answers to the questions specified in the Frontex Regulation and the ToR.

The evaluators' concrete understanding of the main evaluation questions, sub-questions, indicators, judgment criteria and sources of data necessary to be collected and analysed under Task 1 have been operationalised into an Evaluation Matrix that guided the data collection and data analysis process. The Evaluation Matrix is attached in Annex 1.

2.2   Approach to the evaluation
This section presents the methodological approach used for this evaluation, as well as the data sources and methodological tools employed. Additionally, a set of strengths and challenges/weaknesses of the evaluation approach is presented.

2.2.1   Methodological approach
The evaluation was designed in accordance with the ToR and contained 4 interdependent stages, combining a set of different methodological and data analysis tools (see Figure 2).

Figure 2: Overview of phases, activities and outputs
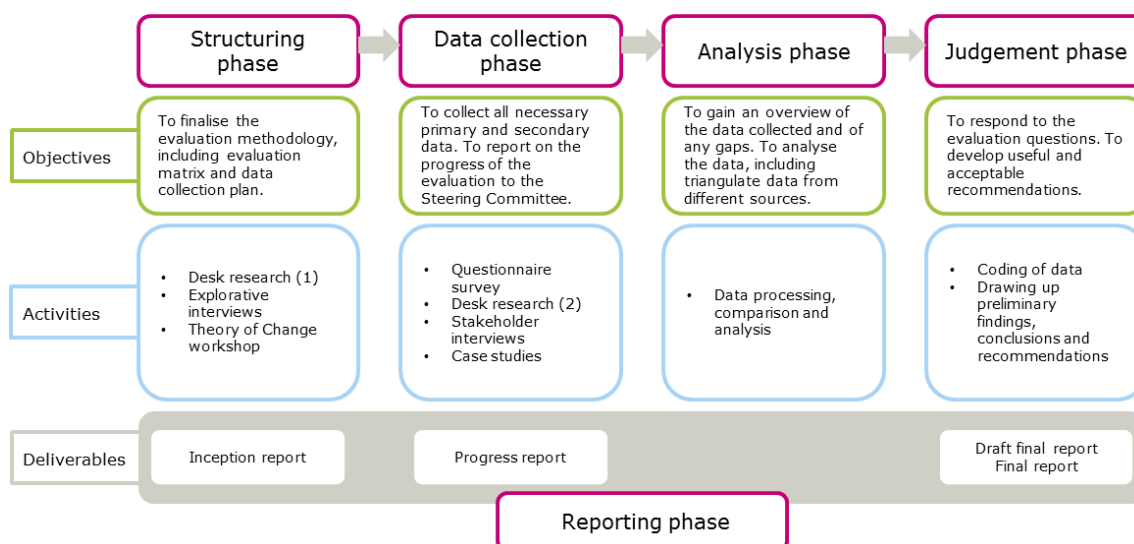
In order to approach the evaluation holistically, an Intervention Logic of the Agency was designed, delineating the logical causal sequence between activities developed by the Agency and observed results and impacts. An Intervention Logic is a methodological tool that allows the evaluator to infer hypothetical causal chains between activities and envisaged results and impacts. The Intervention Logic was fine-tuned, together with the Agency, in particular during the *Structuring phase* but also all along the evaluation process.

Subsequently, the evaluation team performed a contribution analysis by assessing the causal chains between activities and observed results and impacts, confirming or infirming the hitherto hypothetical causal chains with empirical data collected from various sources.

As aforementioned, several tools were utilised for the *Data collection phase*, which are delineated further below. The data collection tools included desk research, a survey, a set of stakeholder interviews and case studies.

The data collection sources encompassed both primary (i.e. interview and survey) and secondary sources (i.e. reports and relevant literature). Both primary and secondary data are fallible in terms of validity and reliability. Thus, in order to increase the validity and reliability of the data collected, two data triangulation strategies were utilised, namely: (a) methodological triangulation; and (b) data triangulation. The methodological triangulation implied the use of multiple data collection methods, whereas data triangulation implied the use of information collected from multiple sources and stakeholders by the evaluators. These strategies enhanced the validity and reliability of the findings and allowed the evaluator to corroborate different evidence.

The analytical strategies utilised in the *Data analysis phase* for data reduction and interpretation included *inter alia* coding of interviews, comparison, finding data commonalities and analysing in-depth a set of cases.

Finally, in the *Judgement phase*, while maintaining an unbiased and objective view of the Agency under evaluation, a set of conclusions and recommendations was drawn based on the findings of the previous stages, which are presented in the present report.

2.2.2   Methodological tools, data sources and data processing
A number of methodological tools were employed for the purpose of this evaluation, including desk research, an on-line questionnaire survey, stakeholder interviews and case studies. They were developed in a logical sequential explanatory manner, funnelling in from a broad scope (i.e. covering a wide set of areas) to a narrow scope (i.e. looking into specific and cross-cutting issues and cases).

Desk research: A systematic exploratory review of secondary sources (both internal, i.e. from Frontex, and external) was completed at the beginning of the structuring phase and was continuously developed during the data collection phases. The findings from the desk research fed into the evaluation design and the methodological tools. The data collected through desk research was complemented with primary data collected via the survey, questionnaire and case studies.

Questionnaire survey: An on-line survey was carried out with the purpose of collecting primary data from external and internal Frontex stakeholders and was designed in close observance of the evaluation matrix. The survey was distributed via the Ramboll survey system, SurveyXact, to 500 representatives of key stakeholder groups[5]. The overall response rate to the survey was 35.2%, i.e. 176 out of 500 completely responded to the survey, whereas 4.4% (i.e. 22 respondents) only provided partially complete answers (see Table 1 and Figure 3). The overall response rate is considered to be adequate. In the evaluator's experience a response rate of 35% is, on average, as expected in stakeholder surveys.

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[5] The categories of stakeholders that were included for both the survey and stakeholder interviews were: EU institution (EU Commission, Council, Parliament), Member States, Frontex staff, Frontex Management Board, Research community, International organisations and NGOs.

Table 1: Overall status response rate

	N° Respondents
	#
Complete	176
Partially Complete	22
Rejected	1
Not complete (Distributed)	301
Total	500

Figure 3: Overall status response rate (%)
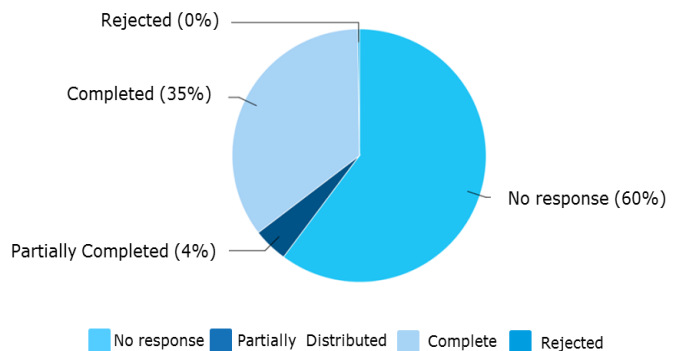
Source: Stakeholder on-line survey, Ramboll Management Consulting

However, the response rates were unevenly distributed across various categories of respondents and per country, ranging from 7% to 80% for some stakeholder groups (see Figure 4).Two caveats related to variance on the response rate per stakeholder group and per country should be duly noted. Firstly, lower response rates for certain categories of stakeholders and of countries may not be representative, thus generalisation was made with caution and findings from the survey were corroborated with findings from the interviews and case studies. Secondly, the evaluation team took into consideration non-response bias, when there was considerable variance in response rate per category of stakeholder and the non-respondents differed in meaningful ways from respondents.

Figure 4: Overall status response rate per category of stakeholder
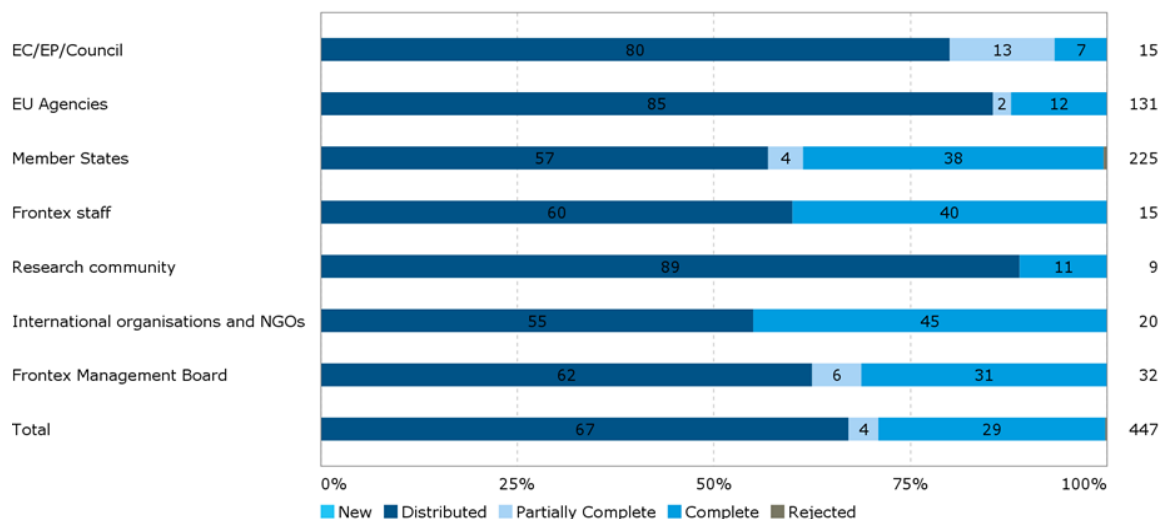
Source: Stakeholder on-line survey, Ramboll Management Consulting

Stakeholder interviews: In order to gain a more in-depth understanding of specific challenges and gather concrete examples, and as a logical sequence in the research design, the evaluation included a set of 34 semi-structured stakeholder[6] interviews. The semi-structured interviews aimed to conduct a systematic inquiry into specific issues, allowing the comparison between the stakeholders' responses while at the same time seeking to understand fully each unique experience. Interview data was processed through coding (using NVivo), which entailed the construction of a database where connections were made between specific areas of interest and the evidence collected.

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[6] The interviewees belonged to the same stakeholder groups as for the survey. See supra. footnote 5.

Case studies: A case study is a research method implying an in-depth investigation of class of events or a single instance of a class of events with the purpose of exploring causation and process-tracing causal links. The case studies conducted provided more intricate data and specific examples regarding areas of interest and allowed the evaluators to infer accurate causal links between activities and observed results and impacts. Hence, 6 case studies concerning the Annual Programme of Work, Risk Analysis, Joint Operation (JO) Poseidon Land, Joint Return Operations (JROs), Training of border guards and the ICT Strategy were conducted by the evaluators. Specific intervention logics for each of the cases were developed and the cases themselves encompassed evidence from desk research and interviews. Contribution chains were identified and tested between the activities of the Agency in each of these areas and the long term results and impacts.

A number of the data collection sources aims to address potential improvements as a result of the Agency's activities. In most cases a baseline has not been available in order to measure quantifiable improvements. Consequently, the improvements are assessed by the evaluation team based on perceptions expressed by respondents in the stakeholder interviews, questionnaire survey and case study interviews.

2.2.3 Strengths and weaknesses of methodological approach

Any methodological approach has its strong and fallible points. In order to perform an accurate and thorough evaluation of the Agency, a forward looking approach was employed and as a prerequisite to the inception of the evaluation, the evaluators identified potential challenges to the methodological approach and solutions for mitigation of such challenges. This ensured that they were identified and mitigated beforehand. The following boxes present some strengths and challenges of the methodological approach.

Box 1: Strengths and challenges of the methodological approach of the evaluation

Strengths	Challenges/Weaknesses
• The use of contribution analysis offered an approach designed to reduce uncertainty about the contribution of the intervention to the observed results and allowed for the establishment of clear connections between interventions, internal or external factors and the observed outputs. • The use of two data triangulation methods (data and methodological triangulation) ensured valid and reliable findings and conclusions based on the data collected.	• Given the broad mandate of Frontex and its various activities, a challenge that the evaluation team had to tackle was to make an in-depth analysis of each activity and correlate it with observed results and impacts. This was addressed by conducting a set of case studies that allowed for in-depth analysis of specific activities. • A set of challenges were encountered in the process of data collection, i.e. low response rate of the survey, difficulty accessing information (interviews, cases), in particular documents at Member State level. These have been tackled by the team by gathering data through different sources. Additionally, possible bias in the data collection and data analysis was addressed by employing different triangulation strategies.

2.3 Background and mandate of Frontex

The European Agency for the Management of Operational Cooperation of the External Borders of the Member States of the European Union (Frontex) was established *de jure* based on Council Regulation (EC) 2007/2004[7], having regard to the Treaty establishing the European Community,

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[7] Regulation (EC) 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union, OJ L 349/1, 25.11.2004.

in particular Article 62(2)(a) and Article 66[8] and has been *de facto* operational since 2005. The Frontex founding Regulation was amended twice, in 2007[9] and in 2011[10].

The core rationales for the establishment of the Agency are stipulated in the Frontex Regulation and can be viewed as being threefold. Frontex was set up to enhance and contribute to the integrated management of the external borders of the MSs of the EU. Additionally, Frontex was mandated with the role of ensuring the coordination of the MSs' actions implemented in view of providing effective external border management. Thirdly, the Agency was also given the role of providing the European Commission and the MSs with the necessary technical support and expertise in border management and with promoting solidarity among MSs[11].

Thus, while acknowledging that "the responsibility for control and surveillance of external borders lies with the Member States"[12], Frontex was given a pivotal role in supporting the improvement and implementation of integrated border management (IBM). IBM, as a concept, was defined by the Council in 2006[13] and, thereafter endorsed by the European Council of 4-5 December 2006[14]. IBM constitutes an area of shared competences between Member States and the Union and is structured around 4 tiers, which are outlined below.

Box 2: The concept of Integrated Border Management

> **Integrated border management** contains four interlinked dimensions:
> - **Border control** (checks and surveillance) as defined in the Schengen Borders Code[15], including relevant risk analysis and crime intelligence;
> - Detection and investigation of **cross border crime** in coordination with all competent law enforcement authorities;
> - The **four-tier access control model**: (a)measures in third countries, (b)cooperation with neighbouring countries, (c) border control, (d) control measures within the area of free movement, including return;
> - **Inter-agency cooperation** for border management (border guards, customs, police, national security and other relevant authorities) and **international cooperation;**
> - **Coordination** and coherence **of the activities of Member States and Institutions** and other bodies of the Community **and the Union**.

It is noteworthy that the concept of IBM is not confined solely to border checks and surveillance, as it encompasses issues related to cross border crime as well. This has been reinforced recently, in the 'Regulation establishing the instrument for financial support for external borders and visa as part of the EU Internal Security Fund'[16] and in the Council Conclusion on Terrorism and Border Security of June 2013, which specifically mention that IBM should take into consideration terrorism concerning external borders. [17]

In addition, despite the recent developments in operational law enforcement cooperation at EU level, the main competence in home affairs remains with the MSs and so does the primary

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[8] Currently, Article 77 TFEU.
[9] Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, OJ L 199/30, 31.07.2007.
[10] Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 304/1, 22.11.2011.
[11] Regulation (EC) No. 2007/2004, OJ L 349/1, 25.11.2004, Article 1(3).
[12] Regulation (EC) No. 2007/2004, OJ L 349/1, 25.11.2004, Article 1(2).
[13] Council of the EU (2002), Plan for the management of the external borders of the Member States of the European Union, 9834/1/02 FRONT 55 COMIX 392 REV 1, Brussels, 14 June 2002; Council document No 14202/06, Draft Council conclusions on integrated border management. References to the concept of integrated border management were made aldready during the Tampere European Council meeting in 1999 and in the Laeken European Council of December 2001. As a follow-up to this, the Commission drafted in 2002 a Communication "Towards Integrated Management of the External Borders of the Member States of the European Union", COM (2002) 233 final, on which the Council "Plan for the management of the external borders of the Member States of the European Union" was drafted.
[14] European Council Conclusions on Justice and Home Affairs Council, Brussels, 4-5 December 2006.
[15] The Schengen Border Code (SBC) regulates the internal and external border management, and was adopted in 2006; one year after Frontex became operational.
[16] Regulation (EU) No 515/2014, Preamble 24.
[17] Council of the European Union, Council conclusions on Terrorism and Border Security, Justice And Home Affairs Council meeting Luxembourg, 5 and 6 June 2014.

responsibility for border management, migration management and cross-border crime. The challenge for Frontex, therefore, is to provide added value at EU level by fulfilling a mandate which covers a great number of activities and that is dependent on the cooperation of MSs with diverse capacities, approaches and priorities in this area.

2.3.1   Frontex tasks

Frontex carries out its mandate via the tasks and obligations specified in its founding Regulation and the subsequent amended texts. Originally, in the founding Regulation (EC) 2007/2004, Frontex's tasks referred to six main areas of activities, as can be observed in the box below.

Box 3: Tasks delegated to Frontex through Regulation (EC) 2007/2004

(a) **Coordination of operational cooperation**: the Agency was tasked with the coordination of joint operations of MSs at the external borders of the EU (Art. 2(1)(a); Art. 3);

(b) **Training**: support for training of national border guards (Art. 2(1)(b); Art. 5);

(c) **Risk analyses**: develop a Common Integrated Analysis Model (CIRAM) and design tailored risk analyses (Art. 2(1)(c); Art. 4);

(d) **Follow-up research**: follow up on the developments in research relevant for the control and surveillance of external borders and disseminate this information to the Commission and the Member States. (Art. 2(1) d, Art. 6);

(e) **Management of technical equipment**: maintain a centralised record of the technical equipment of MSs and provide technical and operational assistance to MSs at external borders (Art. 2(1)(d); Art. 7, Art. 8);

(f) **Return cooperation**: support MSs in organising joint return operations (Art. 2(1)(f); Art. 9).

However, these were further elaborated and supplemented by Regulation 863/2007, which gave the Agency the responsibility for establishing Rapid Border Intervention Teams (RABITs). This provided the Agency and the MSs with the possibility to deploy RABITs for a limited period of time, "at the request of a Member State faced with an urgent and exceptional pressure […] at the external borders"[18].

As a consequence of structural internal and external challenges further delineated in European Commission documents[19], the Frontex founding Regulation was amended once again in 2011 and the mandate and tasks of Frontex were given further legal clarity and legal certainty and new tasks were added. A high degree of detail was provided in the amended Frontex Regulation as regards the mandate and tasks of the Agency. While acknowledging that all changes adopted are equally important, the following box briefly presents the additions to the previous tasks of Frontex.

Box 4: Additional Frontex tasks as stipulated in Regulation (EU) No 1168/2011

(a) **Operational cooperation**: the Agency is tasked with developing an Operational Plan (OP) in cooperation with the host MS for the JO (Art. 3a (1) (a-k)); the nomination of a coordinating officer for JOs (Art. 3b(5)); support in the development of a Code of Conduct for joint return operations (Art. 2a);

(b) **Risk analyses**: the Agency is tasked with developing an information system that enable swift and reliable exchanged of information regarding emerging risks at the external borders (Art. 2(h));

(c) **Management of pooled resources**: constitute a pool of European Border Guard Teams (EBGTs) (Art. 3a (1b)); the possibility to co-own or lease its own technical equipment (Art. 7); conduct negotiations with MSs regarding their contributions to the pool of technical equipment (Art. 7(3)) and inform the EP regarding the resources committed by the MSs (Art. 7(7));

(d) **Training**: Frontex staff and EBGTs need to receive relevant training regarding EU and international law and fundamental rights (Art. 5); develop a Common Core Curricula for the training of border guards and monitor its implementation (Art. 5); establish an exchange programme enabling border guards to work with their colleagues in another MSs (Art. 5);

(e) **Research and development**: Frontex shall proactively monitor and contribute to the developments in

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[18] Regulation 863/2007, OJ L 199/30, 31.07.2007, Article 8a.
[19] See for example: European Commission (2010), Commission Staff Working Document, Impact Assessment accompanying a Proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (Frontex), SEC(2010) 149, Brussels, 24.02.2010; COWI (2009), External evaluation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Final Report, Study made for the European Commission.

> research relevant for the control and surveillance of the external borders and disseminate that information to the Commission and the MSs (Art. 6);
>
> (f) **Fundamental Rights**: the Agency was tasked with the development of a Fundamental Rights Strategy and its implementation, as well as monitoring and control mechanisms to ensure the adequate and harmonious implementation of the provisions stipulated thereof (Art. 26);
>
> (g) **Processing and transmission of personal data**: the Agency is tasked with the processing in accordance with the principles of proportionality and necessity, and the transmission of personal data to relevant institutions (Art. 11a, 11b, 11c, 11d);
>
> (h) **Facilitation of operational cooperation with third countries and cooperation with competent authorities in third countries:** including the possibility to deploy liaison officers in third countries and the possibility to provide technical assistance (Art. 14).

In addition to the aforementioned tasks, the Agency manages a set of cross-cutting, horizontal tasks which are stipulated both in the founding Regulation and in the amended text. The activities in connection with the aforementioned tasks include, *inter alia:*

- Strategic governance and planning;
- Cooperation with Union agencies and bodies and international organisations;
-
- Observance and promotion of respect of Fundamental Rights in the Agency's activities (Art. 1, Art. 2a, Art. 1(2)).

While there is a straightforward connection between some of the dimensions of IBM and the tasks defined for Frontex, one of the dimensions is not explicitly reflected in the founding Regulation – namely that of cross-border crime. Cross-border crime in the context of EU border management was first defined in the Regulation establishing the EUROSUR, adopted in October 2013. That said, a number of Frontex coordinated operations and activities have already incorporated aspects related to combating and preventing cross-border crime.[20]

Apart from the tasks stipulated in the Frontex founding Regulation, a set of additional tasks relevant to the activity of the Agency can be found in other documents. Some of the most important legislative acts are included in the box below.

Box 5: Legislation delegating tasks to Frontex

> **Regulation establishing the European Border Surveillance System (EUROSUR)**[21] (2013): delegated a set of tasks to Frontex related to the EUROSUR Communication Network (ECN) and related to gathering intelligence and providing a situational picture at the external borders. [22] **This legislation is of particular importance for Frontex due to the fact that Frontex mandate has been strengthened in the fight against cross-border crime.**
>
> **Regulation on evaluation and monitoring of implementation of the Schengen Acquis in the MSs**[23] (2013): provided Frontex with a recast for its mandate in the sense that the Agency was granted a stronger role in the evaluation of the MSs in relation to the implementation of Schengen Acquis covering all stages of the process including the planning phase, the implementation, the follow-up and situational awareness.
>
> **Regulation amending the common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances**[24] (2013): allows the Commission to request assistance from Frontex in terms of provision of information, technical and operational assistance to be provided in case

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[20] For example: EPN Hera, Poseidon.
[21] Regulation (EU) No 1052/2013 of the European Parliament and of the Council establishing the European Border Surveillance System, O.J. L295/ 11.
[22] EUROSUR represents an information-exchange framework aimed at supporting the management of EU external borders. The National Coordination Centres (NCCs) represent the backbone of EUROSUR as they constitute hubs for the exchange of information form the national to the EU level.
[23] Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013.
[24] Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances, OJ L 295, 6.11.2013.

of temporary reintroduction of border controls. (Art.26) based on the risk analysis concluded by the Agency.

Regulation establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa[25] (2014): stipulates that the Agency is to be consulted on the draft national programmes submitted by Member States and on the activities related to the implementation of integrated border management, including, including the activities financed under operating support (Art. 9(4); Art. 12).

Regulation establishing rules on the surveillance of external sea borders[26] (2014): the core provisions which entail the use of new procedures by Frontex include, inter alia: (a) possibility to disembark third country nationals on the territory of another third country – the legislator provided safeguards to the respect of fundamental rights of the TC nationals by including as an obligation the general assessment by the Agency as well as by the hosting Member State of the third country in view of the possibility of disembarkation; (b) safeguards pending disembarkation – assessment of the personal circumstances of persons immediately after rescue;(c) exchange of personal data with third countries; (d)interception in territorial sea as well as in high sea under the strict application of the principle of non-refoulement, search and rescue situations.

2.4   The Agency's development

The context in which Frontex operates is characterised by very dynamic political, legal and social changes and challenges. Hence, the policy priorities, the activities of the Agency, as well as its overall development were and still are often affected by a broad spectrum of internal developments (e.g. change in policy priorities, increase in the annual budgetary allocation) and external developments (e.g. geopolitical momentum registered in neighbouring countries that gives rise to high migratory flows). As a corollary of challenges and developments that incurred both internally and externally in the past few years, Frontex has experienced a remarkable growth and development in terms of its mandate, activities and financial and human resources.

As evident from the legislative acts described previously, Frontex's mandate within the area of border control has grown multi-fold and appears to continue expanding. Alongside this, a growth in its activities was registered. Although the Agency registered a remarkable development in all areas of activity, an eloquent example of this growth is the increase in scope and number of activities related to operational cooperation, which also constitutes the main activity area of the Agency. The figure below illustrates the development of JOs and JROs over time. Although parsimoniously presented, the figure is intended to show only a trend in the number of active JOs over the course of each year. For the purpose of this figure, the JOs were not counted based on the number of framework JOs (e.g. Poseidon, Hera etc.) but based on the number of active instances every year of the different framework JOs.

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[25] Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC, OJ L 150, 20.5.2014.
[26] Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 189, 27.6.2014.

Figure 5: Overview of JOs and JROs development over the years (2006-2014)
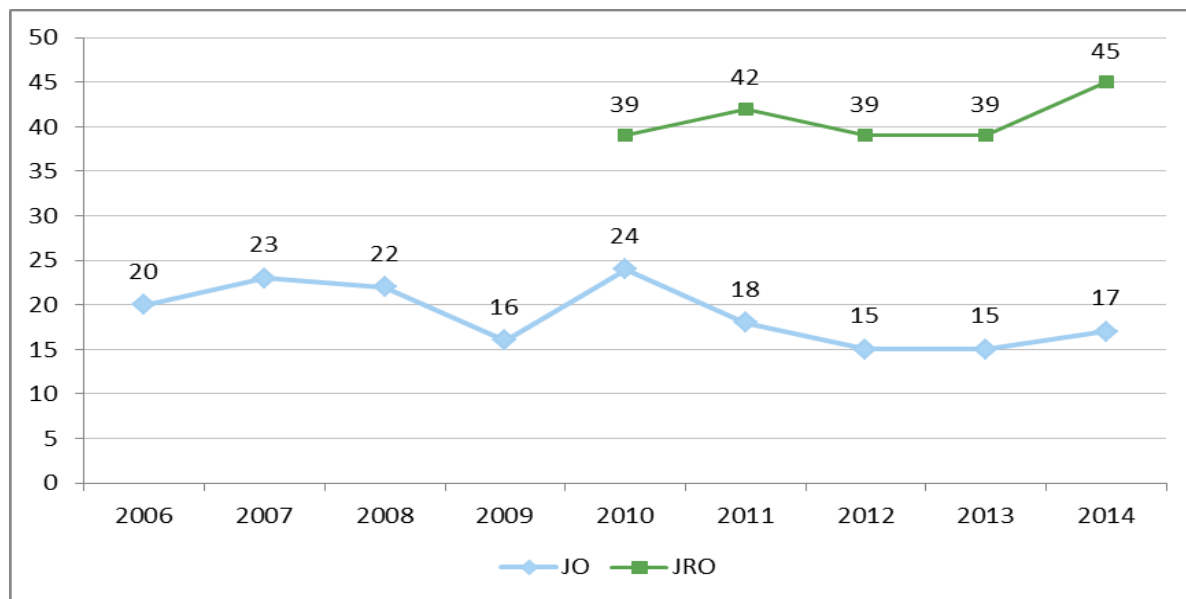
Source: Ramboll Management Consulting design, data from: Frontex Archive of Operations (http://frontex.europa.eu/operations/archive-of-operations/)

This growth in mandate and activities was coupled with a substantial growth in terms of financial and human resources. The graph below delineates the exponential growth experienced by the Agency in terms of financial resources. As can be observed, Frontex's budget increased almost 20 times in the time-span of 7 years, from € 6.1 million at its inception in 2005 €118 million in 2011 (the figure for 2011 includes additional funding due to the crisis in North Africa). However, a decrease of almost €30 million of the Agency's budget immediately after 2011 was registered and, since then, the budget of the Agency experienced a gradual increase (see Figure 6). These factors were taken into account in the evaluation, as the Agency's resources are spread across various tasks which may have an impact on the Agency's ability to carry out its mandate effectively and efficiently.

Figure 6: Overview budget allocations trend from 2005-2015
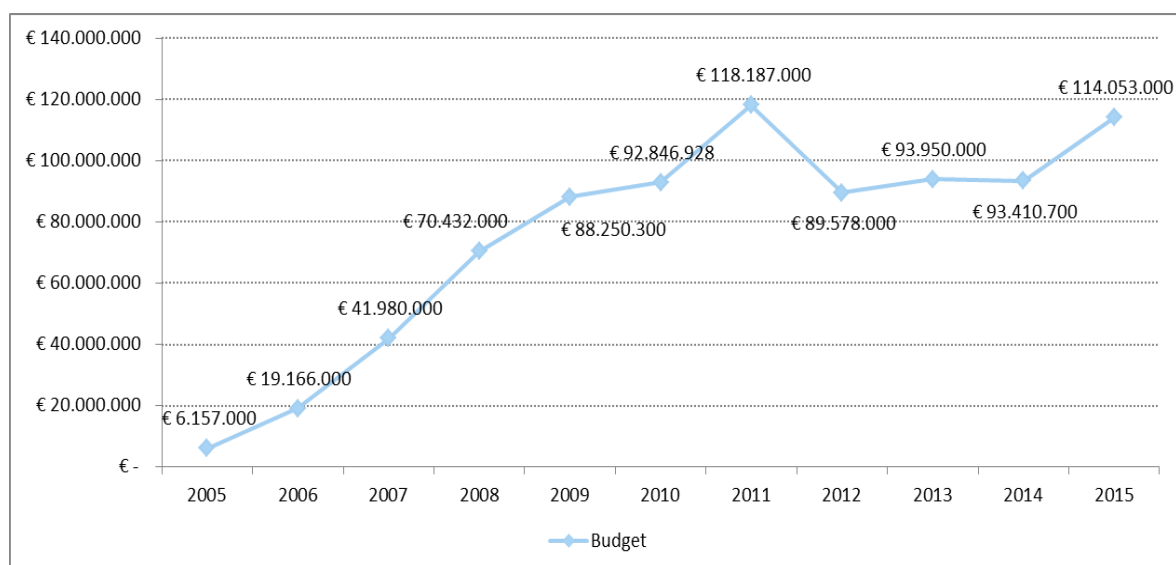
Source: Ramboll Management Consulting design, data from: Frontex Budgets 2005-2015; figures for 2007, 2009, respectively 2014 were provided by the Financial Division

In addition to an increase in financial resources, the Agency also experienced a seven-fold growth in terms of staff. Thus, the number of staff grew from 43 (end of 2005) to 317 (in 2014).[27] However, as can be seen from the table below, the number of staff for the past 4 years has remained rather constant and even a slight decrease can be noticed in the past 2 years. The composition of the staff is characterised by a high number of temporary administrators (AD) and seconded national experts (SNEs), as can be seen from Table 2.

Table 2: Frontex's staff 2012-2014

Types of post	Authorised under the EU budget 2012	Authorised under the EU budget 2013	Authorised under the EU budget 2014	Draft Proposal for 2015
Temporary Agents – Administrators (AD)	87	98	98	98
Temporary Agents – Assistants (AST)	56	55	54	53
Contract Agents (CA)	87	87	87	87
Seconded National Experts (SNE)	83	78	78	78
Total	**313**	**318**	**317**	**316**

Source: Frontex' Programme of Work 2012, 2013, 2014, 2015

2.5   Frontex's current organisation and management
The following section will introduce the management structure of the Agency, as well as Frontex's Performance Management System and Quality Management System.

2.5.1   Management structure
According to the provisions of Regulation 2007/2004 (as amended in 2011), Frontex is governed by a Management Board (MB) composed of representatives of the heads of the border authorities of the 26 EU Member States that are signatories of the Schengen *acquis*, plus two members of the European Commission.[28] The Board has the responsibility of controlling the functions of the Agency, establishing the budget and verifying its execution, ensuring transparent decision-making procedures are in place and appointing the Executive and Deputy Executive Directors.

The Executive Director (ED) represents the Agency and manages the administrative, operational and financial measures necessary for its proper operation. At the moment, the Agency is headed by Fabrice Leggeri, who was nominated as Frontex's Executive Director as of 16 January 2015. Additionally, the position of Deputy Executive Director is occupied by Gil Arias, as of 1 January 2006.The overall structure of the Agency is illustrated by the following figure.

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[27] Frontex (2014), Frontex Programme of Work 2014, p. 2.
[28] Representatives from the United Kingdom and Ireland are also invited to participate in Management Board meetings. Iceland, Lichtenstein, Norway and Switzerland also participate in the agency's Management Board meetings but have limited voting rights.

Figure 7: Frontex structure
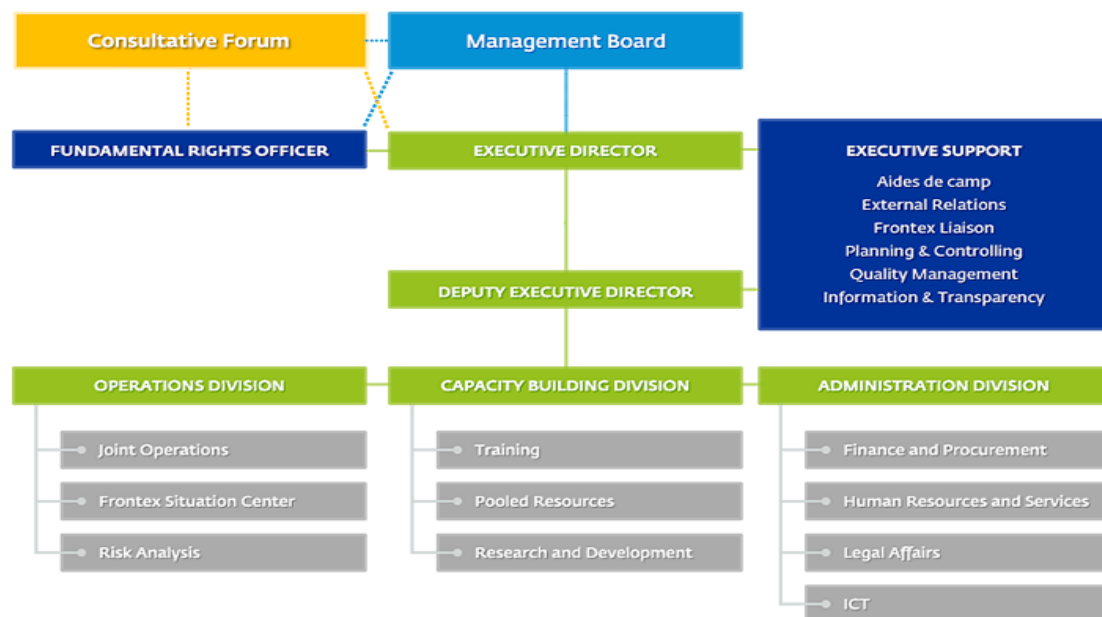
Source: Frontex

Performance Management System and Quality Management System

Since 2010, Frontex has been working on establishing a Performance Management System that has the aim of enabling the management and governance structures to steer the activities of the Agency towards the achievement of its objectives.

The system is based on 38 performance and governance indicators - financial and non-financial metrics - used to quantify objectives to reflect the strategic performance of the organisation. The indicators have different 'drill down levels', generating information for different management and governance levels. Indicators are grouped along four criteria (namely participation, effectiveness, impact, performance), and the Agency's strategic goals (situational awareness, supporting response, emergency response, development, organisation, staff).[29] The conceptual and design phase of the indicator framework was finalised in 2010 and the tool was introduced as of January 2011. Data for 2011 is used as a baseline for future assessment.

Frontex also relies on a *Quality Management System (QMS),* which ensures harmonious cooperation between units and the implementation of tasks according to high quality standards. Frontex implements its tasks via 6 core operational business processes which are supported by the management processes, as well as support processes as outlined in the QMS, namely: (a) situation maintenance; (b) risk analysis; (c) operational activity management; (d) training; (e) research and development; and (f) pooled resources. These processes should be followed and implemented by the units involved, and performance should be assessed against 40 key performance indicators. The cross-divisional cooperation needs to be rooted in an understanding of such complementarity, and reportedly is facilitated by regular meetings between heads of divisions.

In addition, Frontex has developed a set of "internal control standards". The Agency has put in place 16 standards, which were inspired by those of the European Commission, and which provide a comprehensive set of standards and guidelines for evaluating and further developing the internal control system (management system) of Frontex. The standards are grouped under six "building blocks" covering key aspects of management, i.e. Mission and Values; Human Resources; Planning & Risk Management Processes; Operations and Control Activities; Information and Communication; Evaluation and Audit. Each year the adequacy of the internal control system is assessed and improvements are made.

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[29] As outlined in the Frontex (2014), Work Programme for 2014.

The Performance Management System and Quality Management System provide a framework for harmonization of processes between units and the implementation of tasks according to high quality standards. The present evaluation has assessed the modalities for utilisation of these systems and how they contribute to the working practices of the Agency.

The current organisational structure of the Agency does not comprise of a coordination unit for strategic and horizontal issues functions. Additionally, the Agency does not dispose of a self-standing unit that would have the responsibility of dealing with the Management Board activities from a substantive perspective. The MB only benefits of the support of its Secretariat.

2.6 Frontex's activities and resources allocated

This section delineates Frontex's activities and the resources allocated in the past 3 years per activity. To this end, the activities of Frontex have been clustered along two main dimensions:

- **Coordination of operational activities** (i.e. Operations, Frontex Situation Centre, Risk analysis);
- **Capacity building** (i.e. Training, Pooled Resources, Research and Development)

In addition to this, this section also delineates aspects related to horizontal activities, namely **fundamental rights**, **administrative tasks and external dimension/third country cooperation**.

2.6.1 Financial resources allocated per area of activity

The financial resources of the Agency are distributed across the different areas of activity. As can be seen from Table 3, the largest share of the budget, 62%, is allocated to operational activities which are implemented by the Operations Division and the Capacity Building Division. Following Frontex's Strategy, JOs are allocated the greatest share of the overall budget – €46 million for 2014.

Table 3: Frontex budget 2012-2014

		Budget 2012	Budget 2013	Budget 2014
	Administrative expenditure	€ 30,627,000	€ 31,399,100	€ 33,062,000
Operational expenditure	Joint operations	€ 46,993,000	€ 48,381,900	€ 46,330,700
	Risk analysis	€ 2,450,000	€ 4,265,000	€ 6,801,000
	Training	€ 4,500,000	€ 4,760,000	€ 4,050,000
	Research and development	€ 2,340,000	€ 2,880,049	€ 1,000,000
	Pooled resources	€ 1,000,000	€ 1,100,000	€ 1,000,000
	Miscellaneous Operational activities	€ 2,168,000	€ 1,163,951	€ 567,000
	Supporting Operational activities	€ -	€ -	€ 600,000
	Total Operational activities	*€ 58,951,000*	*€ 62,550,900*	*€ 60,348,700*
	Total expenditure	**€ 89,578,000**	**€ 93,950,000**	**€ 93,410,700**

Source: Frontex Budget 2012, 2013, 2014, 2015

2.6.2 Coordination of operational cooperation

Frontex´s Operations Division includes three units covering Joint Operations, the Frontex Situation Centre and Risk Analysis. In relation to operational activities, the core task of the Agency is to support MSs in the implementation of border management at the external borders of the EU MSs.

At the division level, the key activities follow the operational cycle. Firstly, the Operational Division monitors the situation (at the external borders) by collecting information, which is then managed through the Frontex Situation Centre. The division is also responsible for analysing the information along with assessing whether the involvement of Frontex is relevant. Based on information gathered, the Risk Analysis Unit provides annual risk assessments and quarterly

reports on the situational picture at the external borders. In addition to this, the division also has as key tasks the planning, implementation and evaluation of operational activities that are primarily managed by the Joint Operations Unit. Each operational activity conducted by Frontex is subject to systematic evaluation performed by the Joint Operations with contribution from the Risk Analysis Unit. The evaluations are presented to the Directors and approved by the Deputy Executive Director. The evaluations are available both to the MB and the participating MSs.

2.6.2.1   Joint Operations

Frontex's role in relation to JOs is to plan, coordinate, implement and evaluate joint operations conducted at the external borders by staff from more than one MS and using MS´ equipment. Each JO follows a clear cycle and the basis for the organisation of each JO is the Operational Plan (OPLAN). An OPLAN is drafted in collaboration with the host MS and with the consultation of the participating MSs prior to each joint operation or pilot project. Frontex is responsible for nominating a Coordinating Officer for each JO. The JOs can be terminated when the conditions warrant it[30] or when a participating state requests it. JOs are evaluated within 60 days after termination of activity.

The planning of JOs is based on Frontex´s Strategy, the Multi-Annual Plan and the Annual Programme of Work (PoW), taking operational priorities at the EU level into account. The annual planning follows the European budget cycle and begins 18 months in advance. It is currently being considered whether it would be sufficient to amend the Strategy and Multi-Annual Plan every second year, rather than on an annual basis, as it is being done now. The rationale behind this is that very few changes are made to the documents on an annual basis in order to ensure continuity and consistency over time.

JOs respond to the annual risk assessment, which establishes priorities by identifying the main risks (for example 6 main risks were in focus in 2014). However, given that a certain degree of uncertainty is connected to risk forecasting, Frontex is tasked with developing contingency plans and ensuring that a reserve budget is available.

Thus, Frontex's primary role in the JOs is to provide a platform for cooperation along with relevant coordination structures, which can help boost MS' capacity to cope with situations at the external borders.

2.6.2.2   Frontex Situation Centre

The Frontex Situation Centre manages Frontex's information flow in relation to JOs, MSs, external partners and to some extent the information flow form the media (together with RAU). The Situation Centre has the core task of gathering intelligence through monitoring and processing of data relevant to operational cooperation, as well as ensuring the availability of the data through a central contact point responsible for communication and the Frontex One Stop Shop (FOSS). The Centre hosts the FOSS, which is Frontex's platform for disseminating information to Member States, Schengen Associated Countries and other partners. The FOSS supports and facilitates cooperation by ensuring that information is readily available. The Frontex Situation Centre also hosts the EUROSUR Fusion Services (based on the JORA software platform), which is the platform to deliver services based on Articles 10, 11 and 12 of the EUROSUR Regulation (European Situational Picture, Common Pre-Frontier Intelligence Picture and Common Application of Surveillance Tools).

2.6.2.3   Risk Analysis

Frontex is requested to design and use a common risk analysis model, along with general and specific risks analyses, tailored to certain scenarios. The Agency is also duty-bound to place emphasis on MS which are under disproportionate pressure at the external borders of the EU. In order to ensure that the Risk Analysis Unit is able to do so, MSs are responsible for providing updated situational information on potential threats at the external borders of the EU to Frontex.

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[30] Frontex may terminate JOs (and pilot projects) when the conditions no longer warrant it, such as unfavourable weather conditions, achievement of the stated objectives, or in cases of suspected or documented violations of fundamental rights.

In practice, the Risk Analysis Unit provides periodical products, in particular annual risk assessments and quarterly reports on the EU external borders. Finally, the Risk Analysis Unit must provide assessments of the capacity of the MS to respond to challenges, threats and pressure at their external borders. These results must be presented to the Agency´s MB.

When joint operations are ongoing, a dedicated team from the Risk Analysis Unit monitors and analyses the operation.

In accordance with the provisions of Regulation 1053/2013 on the evaluation and monitoring of the Schengen *acquis*, Frontex is to provide risk analysis to the annual evaluation programme and the planning of on-site visits.[31]

2.6.3 Capacity building

The Capacity Building Division encompasses three units, namely Training, Pooled Resources and Research and Development. This division has the core aim to provide the Agency and MSs with sufficient and adequate resources that allow for the efficient and effective implementation of operational cooperation and to drive forward innovative ideas that are aimed at integrating state-of-the-art technological advancements in the management of borders.

2.6.3.1 Training

Frontex supports the organisation of training that helps develop the capacity and skills of personnel from participating MSs and Frontex. Prior to the participation in operational activities, staff take part in training regarding relevant EU and international law, including human rights and international protection. Border guards who are part of the European Border Guard Teams (EBGTs) are provided with advanced and specific training opportunities. Frontex has established exchange programmes enabling both trainers and students, i.e. national border guards, to travel to another MS where they can learn from and work with their counterparts in another MS.

Additionally, the Training Unit has been tasked with developing Common Core Curricula (CCC) intended to be integrated into the MS' national training system for border guards. The Training Unit works on developing and improving training on law enforcement, including specific training tailored to equip national border guards with tools and knowledge to tackle particular situations.

2.6.3.2 Pooled Resources

The Pooled Resources Unit has the responsibility of maintaining an overview of available equipment and personnel, including specifications and profiles of staff, which is essential to the work of the Joint Operations Unit. The Pooled Resources Unit is responsible for specialised, horizontal tasks which provide crucial input to the Operations Division.

The Unit is also responsible for managing the new mechanism for secondment of national experts as guest officers. In conformity with the provisions introduced by Regulation 1168/2011, the technical equipment managed by this unit may be purchased, co-owned and/or leased by Frontex itself. The Pooled Resources Unit is part of the annual bilateral talks with Member States on their contribution to the pool and deployment of technical equipment, and also provides information on the annual record of the technical equipment which Member States have made available to the Agency. This information is reported on an annual basis to the European Parliament (EP).

2.6.3.3 Research and Development

Frontex serves as a platform for exploring innovative ideas of integrating technological advancement in the process of management of the external borders of the EU. In this sense, the Research and Development Unit is responsible for providing insight into future capacity needs and solutions of border control that take into consideration and capitalise on the potential of

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[31] Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen

state-of-the-art technological advancements. Thus, the Agency monitors and contributes to developments in research relevant to the control and surveillance of the external borders.

The Agency has commissioned studies on the ethics of border security and counter-corruption measures as a way of providing an accurate picture of MS' practices in these fields, and input for policy-makers. Other studies focus on risk analysis methods, foresight (i.e. prediction of future flows at borders) and push and pull factors for migration that influence people's decision to attempt to enter the EU irregularly. The research activities are organised into a border checks programme and a border surveillance programme.

2.6.4 **Fundamental rights**

With the entry into force of the Lisbon Treaty, the Charter of Fundamental Rights of the European Union[32] (EU) became legally binding[33]. This new status of the Charter strengthened the Union's action in respect for fundamental rights. This also had implications for the work of Frontex, which must include fundamental rights in all its activities as a matter of priority. Thus, Frontex was tasked through the amended Regulation with the obligation to embed and mainstream the respect for fundamental rights and international protection in every level of its activities following the planning cycle. Safeguarding the principle of non-refoulement and addressing the needs of vulnerable persons also became priorities in the activities of the Agency.

The main entities safeguarding the implementation of fundamental rights in all Frontex activities are the Consultative Forum (CF) and the Fundamental Rights Officer (FRO). Whilst all staff at Frontex and participating staff from MSs must observe fundamental rights, the FRO of Frontex is tasked with observing JOs and pilot projects, from drafting monitoring reports to implementation and through to evaluation. Knowledge on fundamental rights is circulated through the Handbook for Good Practices, the general Code of Conduct and Code of Conduct for JROs and training. Furthermore, based on Regulation 1168/2011, Frontex has implemented a Fundamental Rights Strategy (FRS) and corresponding Action Plans.

Frontex's work on fundamental rights is also supported by collaboration with external stakeholders, on a European level by the Fundamental Rights Agency (FRA) and on an international level by the United Nations High Commissioner for Refugees (UNHCR).

2.6.5 **Horizontal tasks - Administration**

Frontex´ Administration Division manages four units, namely, Finance and Procurement, Human Resources and Service, Legal Affairs and Information and Communication Technology (ICT). These support the units under the operations division and the capacity building division, as well as the executive support, with resources, in particular the technical aspects of financing and human resources.

The Finance and Procurement Unit develops and implements the annual procurement plan, and manages the finances of the Agency including project finances and reimbursements. The Human Resources and Services Unit is responsible for staff training, e.g. language training, management skills, introduction training. The Legal Affairs Unit supports the operational role of Frontex within the Agency´s mandate and manages the internal regulatory framework. The ICT Unit delivers the technical communication infrastructure to the Agency and is responsible for the support, maintenance and further development of the ECN.

2.6.6 **Horizontal tasks – Executive Support**

Several other horizontal executive support functions are included under the direct management of the Executive Director and the Deputy Executive Director. These include functions related to information and transparency, planning and controlling, quality management and external

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[32] The Charter was solemnly proclaimed by Parliament, the Council and the Commission in Nice on 7 December 2000 (OJ C 364, 18.12.2000). On 12 December 2007 the Presidents of Parliament, the Council and the European Commission signed and once again solemnly proclaimed the Charter.
[33] Consolidated version of the Treaty on the European Union and on the Functioning of the European Union, OJ C 115, 09/05/2008, Article 6.

relations with third countries, respectively with international organisations and EU bodies. In addition to this, the aides de camp and the Frontex liaison officers fall under the direct management of the Executive Director as can be seen from Figure 7.

2.7   Previous evaluation of the Agency and recommendations
The Agency has been subject to one previous evaluation, covering the first three years of existence of the Agency, which was conducted by COWI. The evaluation focused on assessing the working practices, effectiveness and impact of the Agency´s activities and structures. The findings of the evaluation were largely positive but a set of points for further improvement were identified and recommendations were made.

The present evaluation has not systematically gathered evidence to confirm or infirm whether the recommendations made in the previous evaluation were followed by the Agency. The scope of the present evaluation, as defined by the ToR and the amended Regulation, precluded such an assessment. However, based on the evidence gathered in the framework of the present evaluation, it has been possible to establish that the majority of the recommendations made in the previous evaluation were followed up by the Agency. A table included in Annex 7 delineates the recommendations that were followed up by the Agency and those which are still under consideration.

The pivotal step towards taking into consideration the recommendations made in the previous evaluation was taken with the amendment of the Frontex Regulation in 2011. This has brought legal clarity both in connection to the activities and structures of the Agency and has embedded various recommendations in the legal basis and the mandate of Frontex including, *inter alia:*

- Streamlining and clarifying the process of execution of operational cooperation (both JOs and JROs) *(through Art. 3-3c, also the Operational Plans and the Code of Conduct)*;
- Enhancing the quality of risk analyses, also by cooperating with other European agencies (e.g. Europol) *(through Art.13)*;
- Contributing to research and development and disseminating the information to the Commission and the Member States *(through Art. 6)*;
- Enhancing and raising awareness on the RABITs mechanism, as well as providing clarifications regarding its functioning *(through Art. 8a, 3b, 3c)*;
- Enhancing the development of JROs and promoting best practices, as well as ensuring close cooperation with relevant fundamental rights organisations to promote high respect for fundamental rights *(through Art. 9, also the CF, FRS, FRO)*;
- Embedding fundamental rights and international protection standards in the activities of the Agency *(through Art. 26a, FRS, FRS Action Plan)*;
- Ensuring that the business cycle and lines of communication are clear in order to develop good working practices *(Performance Management System and Quality Management System)*.

3.   EVALUATION FINDINGS

This chapter contains the findings of the evaluation and is structured around the evaluation questions. The responses to evaluation questions follow the evaluation matrix which was introduced and approved in the Inception Report. The matrix entails the five evaluation questions with 24 corresponding sub-questions. Each sub-question has a number of indicators with their own norm and judgement criteria which are assessed based on the information collected through the survey questionnaire, the conducted case studies and the stakeholder interviews. Each indicator assessment is completed with a brief conclusion. The evaluation matrix has been kept as the analytical design for this evaluation. However, some sub-questions have been moved without changing their original numbering to better reflect the evidence collected (e.g. from impact to effectiveness).

3.1   Effectiveness

The analysis presented under the following sub-questions aims to assess the extent to which the activities of Frontex have implemented the tasks set out in the Agency's mandate.

3.1.1   To what extent has Frontex's coordination of joint operations been effective?

The coordination of Joint Operations by Frontex is one of the Agency's most important activities, which benefits from the largest share of the overall budget (around 38% in 2014). In accordance with Article 3 (1) of the Frontex Regulation, the Agency shall evaluate, approve and coordinate proposals for joint operations and pilot projects made by Member States, including the requests of Member States related to circumstances requiring increased technical and operational assistance, especially in cases of specific and disproportionate pressures. It should be highlighted that as with many of its other activities, Frontex shares the responsibility for coordination of Joint Operations with Member States, who bear full authority over operational and administrative decisions in the context of a Joint Operation.

Indicator 1.1: The Agency has implemented activities which have contributed to the effective coordination of Joint Operations

The Evaluation assessed whether the activities undertaken by the Agency contributed to the effective coordination of Joint Operations (JOs). The stakeholder survey results revealed that the majority of respondents (85%) believed that this was the case.

The case study on Poseidon Land identified key activities which the Agency carries out relating to the coordination of JOs. Starting from the yearly risk analysis process, the Agency and Member States identify key risks to the security of the external borders which they then discuss in the context of the planning of the Annual Programme of Work for the Agency and the bi-lateral talks during which MS discuss their needs, contributions and priorities for the following year with Frontex.[34] These consultations inform the Agency's drafting of the JO Operational Plans. Based on the yearly Operational Plan, resources are allocated, personnel are deployed and JOs are co-financed by Frontex. The case study revealed that, during its reference period, these activities have enabled the Agency to coordinate the participation of well over 20 MSs/SACs each year in the Poseidon Land JO.

Stakeholder interview data revealed the area of risk analysis as being a particularly efficient enabler in the JO process. The Agency's role in facilitating cooperation between MSs including through the deployment of Frontex officers to support the operation on the spot were assessed to have enabled the effective coordination of JOs. Stakeholders' feedback offered through the interviews also assessed positively the ability of the Agency to deploy staff and equipment in a short time, with a low administrative burden and in a cost-efficient manner.

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[34] See Section 3.1.3 for a more detailed description of the Risk Analysis activities of the Agency and Section on the Working practices of the Agency for more information on the Annual Programme of Work and the bilateral talks.

On the other hand, the interviewed stakeholders offered somewhat contradictory assessments of the Agency's coordination capacities – while some representatives of Member State border management authorities connected their positive assessment of Frontex's approach to coordinating JOs to the background of the Agency's staff in border management and law enforcement, others suggested the need for Frontex to invest in staff with specific expertise in the area of JOs in order to achieve more effective coordination.

A logistical rather than procedural challenge to the effectiveness of the coordination of JOs was reported to be the fact that in some host Member States, the centre for the coordination of the JO and the National Coordination Centre for EUROSUR are handled by different authorities and not centralised.

Overall, it was pointed out that in terms of best practices on coordination, there seems to be a certain lack of established routines for sharing information on such between the different sectors for joint operations (aid, land, sea)[35]. In connection to this, the use of "all-in-one" planning meeting concepts for air and land border operations was assessed as time-saving, cost-efficient and recommended for extension to sea border operations as well. Before changing to this practice the existing concepts should be considered and reflected as part of a new meeting approach.

The evidence confirms that the activities implemented by the Agency contribute significantly to the effective coordination of JOs.

Indicator 1.2: The Agency has developed a well-functioning Operational Plan to guide Joint Operations
The evaluation assessed how effective the Agency is in developing well-functioning Operational Plans to guide JOs. The survey assessed this activity, and 67% of the survey respondents who offered an assessment agreed that the Operational Plans are adequate.

Figure 8: To what extent do you agree with the following statement: "The operational plans guiding joint operations are adequate." (N=123)
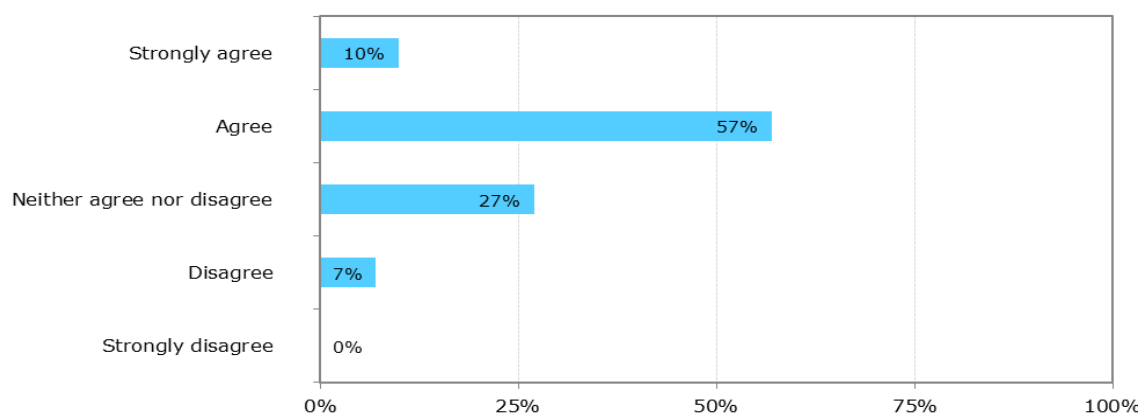
The case study on Poseidon Land revealed that the yearly Operational Plans draw on up-to-date and regularly revised risk analysis and include the JO's operational aims, objectives and concept; a detailed implementation plan; the coordination structure; details about cooperation with third countries, other Union bodies and international organisations; details about command, control, communication and reporting; organisational arrangements and logistics; evaluation; and financial provisions. The yearly Operational Plans are drafted by the Agency in coordination with the Host MS (Greece and Bulgaria in this particular case) and circulated to participating MSs for their comments. With regard to evaluation, a number of 'indicators of achievement' are produced by Frontex in relation to each activity mentioned in the Operational Plan. The case study on

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[35] For further information please refer to the joint operations case study.

Frontex's ICT Strategy has further confirmed that, by providing technical support towards data collection which informs analysis, the Agency enables the provision of relevant and detailed operational plans.

Stakeholder interview data confirmed that the Agency has set clear timelines for the Members States' feedback on the plan and holds a preparatory meeting during which the text of the Operational Plan and details regarding the activity, operational area, resources and periods of implementation are agreed.

Overall, the survey results, interviews and case study findings confirmed that operational plans are well-functioning.

Indicator 1.3: The Agency has developed a Code of Conduct and has disseminated it to all the relevant stakeholders
The evaluation assessed whether the Agency had developed a Code of Conduct and disseminated these to all relevant stakeholders involved in JOs.

Desk research confirmed that the Frontex Code of Conduct was developed through consultations with a number of Member States' authorities, FRA and international organisations such as UNHCR. All participants in Joint Operations coordinated by Frontex are bound by this Code of Conduct, which includes specific provisions on the respect of fundamental rights and the right to international protection and lays out a set of behavioural standards that all staff involved in a Frontex joint operation must follow. The research confirmed that the Code of Conduct was disseminated effectively by way of inclusion in training programmes.[36]

Indicator 1.4: The Agency has ensured that every Joint Operation has sufficient resources
The deployment of technical and human resources is assessed in detail in Section 3.1.5, the following analysis focuses on the sufficiency of such resources for the implementation of Joint Operations.

As evident from the following figure, the survey results confirm that the overall assessment of the Agency's track record in ensuring sufficient resources for the development of Joint Operations is positive, with a total of 58% of all respondent (strongly) agreeing that this is a case and a third of the respondents remaining neutral on the subject.

Figure 9: To what extent do you agree with the following statement: "The Agency has ensured sufficient resources for the development of joint operations." (N=152)
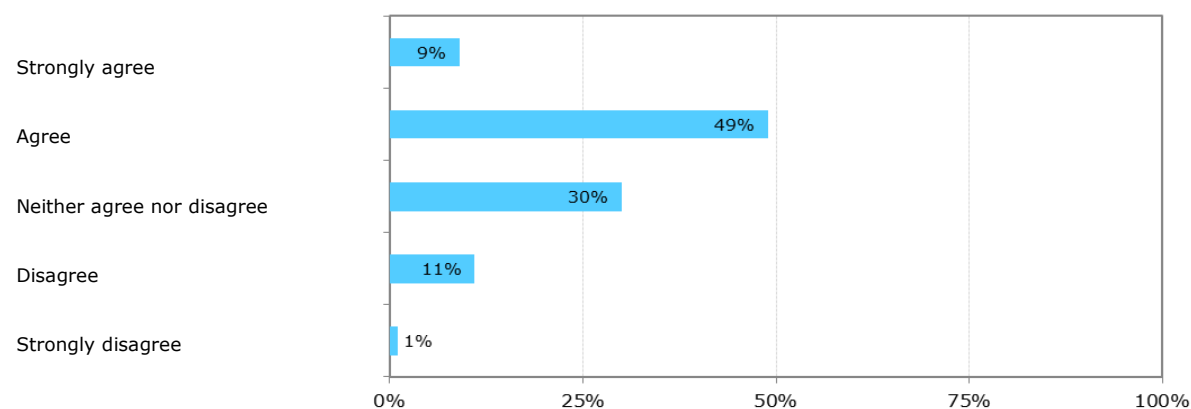
The majority of the human resources deployed have had sufficient expertise to perform the provisions of the Operational Plans, with the exception of some issues relating to the

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[36] The same observation is valid for the Code of Conduct for Joint Return Operations.

interviewers' command of English. In terms of equipment, the case study concluded that the resources deployed have been adequate overall. However, a serious lack of mobile terrestrial surveillance equipment (i.e. thermo vision vehicles, aerial means and dog teams) available to the Hellenic Police was reported in recent years. Also, the patrol cars deployed by the home MSs did not always cover the requirements set, especially as regards the all-terrain drive capability, which forced resources to be deployed only in specific areas where they could be used. This case study also confirmed that financial resources allocated to this JO were in line with its operational objectives.

Further analysis of the subject of technical equipment and human resources of operational activities is discussed under Section 3.1.5, but overall, the evidence suggests that the Agency has been effective, at least to some extent, in ensuring that every Joint Operation is sufficiently resourced.

Indicator 1.5: The Joint Operations are assessed to be effective

Desk research carried out on the case study on Poseidon Land covered the yearly Evaluation Reports which review the achievements of the Operational Plan's objectives, the links to other Frontex activities and best practices and provides recommendations for the preparation of future operations. These reports revealed that between 2011 and 2014 676 facilitators had been arrested and 18,000 irregular migrants apprehended and in 2013 and 2014, a total of 2,020 illegal border crossings were detected. They also confirmed that an enhanced exchange of knowledge among officers had been achieved as a result of the Agency's intelligence workshops. Furthermore, they showed that the cooperation fostered by the Agency in terms of border surveillance, information gathering, screening and debriefing had resulted in an increased situational awareness of the EU external borders. In addition, there had been an improvement in the quality of information generated through interviews with migrants as a result of the expertise and training of the human resources deployed.

One interviewee assessed that there is scope for Frontex to improve its ability to close and open new operations with greater flexibility, rather than continuing operations for certain durations of time. In this regard, the interviewee noted that in recent years there have been positive developments in this direction. In Art. 3 (1a), the Regulation outlines that a Joint Operation or pilot project can be terminated where there is evidence of human rights violations. According to the information collected in the evaluation, these provisions have not been used yet and some stakeholders expressed concern as to whether Frontex has developed sufficient mechanisms to this end.

In general, interview respondents commented that Joint Operations were an effective tool for fostering solidarity among Member States and have been effective in promoting common approaches and practices in border control. However, it should be noted that the interviewees had widely diverging views as to what the role of Joint Operations is, including with respect to the use of Joint Operations for search and rescue activities and with regard to the cross-border element of IBM. This indicates a need for the objective and scope of Joint Operations to be clarified.

To what extent has Frontex's coordination of Joint Operations been effective?
The collected evidence confirms that Frontex's coordination of Joint Operations is effective. The Agency was assessed to have successfully carried out its tasks in terms of coordination and the operational plans developed by it were deemed to be well-functioning guides for the implementation of Joint Operations. The Agency was confirmed to have developed and disseminated a code of conduct and has mostly managed to ensure that sufficient resources are available for the successful implementation of Joint Operations, although room for improvement was noted in this regard. Given the divergence of stakeholder's views on the role of Joint Operations, including with respect to the use of Joint Operations for search and rescue activities, there is a need for the objective and scope of Joint Operations to be clarified.

3.1.2   To what extent have high quality and accurate risk analyses been carried out by Frontex in due time?

The risk analysis activities of Frontex are based on the application of the Common Integrated Risk Analysis Model (CIRAM) for the collection and processing of data and the operation of the Frontex Risk Analysis Network (FRAN). Based on data collected through FRAN and reported from ongoing Joint Operations, Frontex's Risk Analysis Unit (RAU) produces a range of strategic and operational risk analysis products, which provide actionable intelligence on a broad range of subjects related to the management of the external borders of the European Union. Ultimately, the results of the risk analysis activities of Frontex are meant to serve as a basis for strategic and operational decisions that contribute to optimal allocation of resources for border checks and surveillance.

It should be noted that the Agency has a mandate to assess the capacity (equipment, resources) of Member States to respond to challenges, threats and pressure at their external borders (Art. 4 paragraph 3). According to information collected during the evaluation, while steps have been taken towards the development of the Agency's capacity for conducting this **vulnerability assessment**, the process has not been enacted yet. The reasons for the delay in the implementation of this task of the Agency are both internal and external:

- On the one hand, the RAU reported that the introduction of this task in the Regulation did not result in the allocation of human resources for its performance. Given the rest of the on-going activities, new tasks set (such as the use of risk analysis in Schengen evaluations) and ad-hoc requests for risk analysis by the European Commission, the development of vulnerability assessment capacities were not prioritised.
- On the other hand, the assessment of vulnerabilities can also be a politically sensitive subject and there is a perceived reluctance from some Member States to engage in the process.

It should be mentioned that the EUROSUR Communication Network (ECN) also has built-in functionalities for collection of information on the capacities of Member States in separate external border sections. This information can be analysed with respect to identified risks in order to identify the need for additional intervention when irregular migratory pressures are exerted in particular border areas. According to information from Frontex, this functionality of ECN is not used consistently by Member States at the moment.

Another issue that has not yet been implemented by the Agency is the performance of risk analysis with regard to **cross-border crime**. Despite some ad-hoc activities in this area (e.g. there have been previous attempts for voluntary reporting on a set of indicators), there has not been a comprehensive effort in that direction yet. The identified obstacles for this are to be found both in the continuous legal uncertainty on the definition of cross-border crime[37] and the scope of Frontex's mandate in this area, as well as in the lack of dedicated human resources.

Finally, Regulation 1168/2011 introduced several provisions related to the **processing of personal data** collected during joint operations, pilot projects and rapid interventions by the Agency, for the purpose of contributing to the security of the external borders of the Member States. According to the Regulation, personal data is to be processed by Frontex only in cases where it should be transmitted to Europol or other Union law enforcement authorities and for the preparation of risk analyses by the Agency. [38] At the point of the evaluation, the framework for the processing of personal information was not yet functional. Some stakeholders shared the view that the rules for personal data processing set by the Regulation are too narrow given among else recent calls for increased efforts in targeting facilitators of irregular migration. Others recommended that an assessment of the appropriateness of the mandate is to be made once the framework has been implemented.

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[37] A definition has only been introduced in EUROSUR Regulation No 1052/2013, Art.3(e)
[38] An operational agreement between Frontex and Europol was finalised in December 2014 and submitted for the approval of the European Data Protection Supervisor.

Indicator 2.1: The Agency has carried out risk analyses, which are found to be relevant by the stakeholders

In the survey of stakeholders, the overall relevance of the risk analyses provided by Frontex was assessed as being either quite relevant (47%) or very relevant (41%), while none of the respondents considered risk analysis products to have no relevance at all.[39] These results exceed the judgement criteria set by the evaluation (70%).

Figure 10: How do you assess the relevance of the risk analyses provided by Frontex? (N = 103)
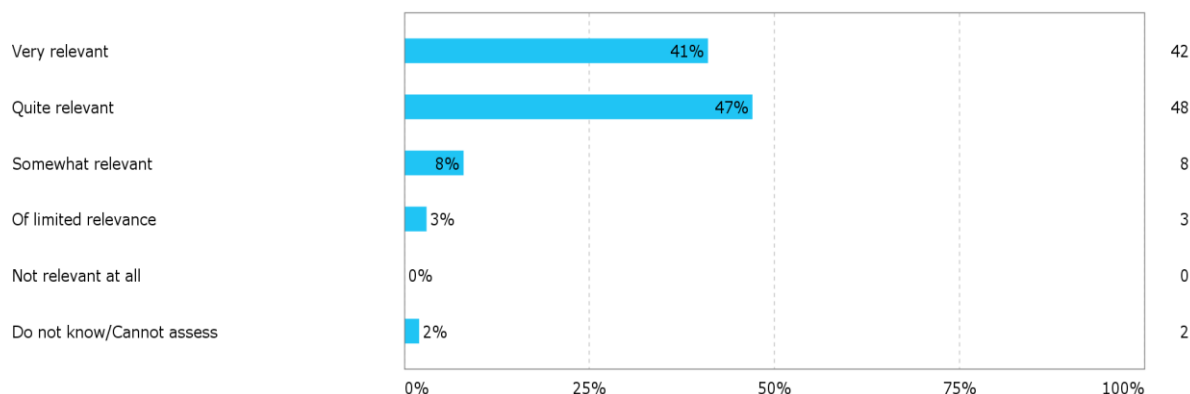
Representatives of organisations from all main stakeholder groups were able to offer concrete examples of the relevance of the risk analysis products. Europol noted the need for more risk analysis related to organised crime in migration and highlighted this as an area where both Europol and Frontex can enhance their activities.

Indicators 2.2 and 2.3: MSs and other stakeholders provide all the necessary information for risk analyses in due time and the quality of the data provided is adequate

Given that the quality of risk analyses is highly dependent on the input of the relevant parties, it is important to assess the timeliness, adequacy and quality of the contribution of the Member States to the risk analysis activities of the Agency.

RAU representatives highlighted that the differences in the national capacity for collecting risk analysis data were the weakest point in the risk analysis activities of the Agency. While some Member States operate very advanced structures for risk analysis, in others these functions were reported to be quite limited.

Both RAU officers and FRAN members who provided feedback to the evaluation were of the opinion that the processes implemented and their derived outputs have been continuously improving. The FRAN Information Exchange System Annual Report for 2014 assesses that since the beginning of the information exchange in 2008, the timeliness of the monthly statistical reporting has been steadily improving – e.g. while in 2011 the number of reports uploaded within the deadline was on average 21, in 2013 this number has jumped to more than 25 and this positive trend was reported by Frontex RAU staff to have continued in 2014. So while in 2008 54% of the 360 reports were received on time, in 2013 87% of the 366 reports were timely.

The noted scope for improvement in the provision of data by MSs is also reflected in the results of the survey, as depicted in the following figure. Asked about their assessment of the quality of the data provided, only 56% of all respondents agree that it is adequate while more than a third of the respondents are neutral on the subject.[40]

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[39] Additional analysis of the results shows that the assessment is consistent across different categories of stakeholders.
[40] In order to ensure the quality of data used, RAU provides quality assurance of the data received through FRAN,.

Figure 11: How do you assess the timeliness and quality of risk analysis data provided by MSs to Frontex? (N = 70)

Strongly agree	10% / 10%
Agree	46% / 59%
Neither agree nor disagree	39% / 26%
Disagree	4% / 4%
Strongly disagree	1% / 0%

■ The quality of data is adequate   ■ MS provide data in due time
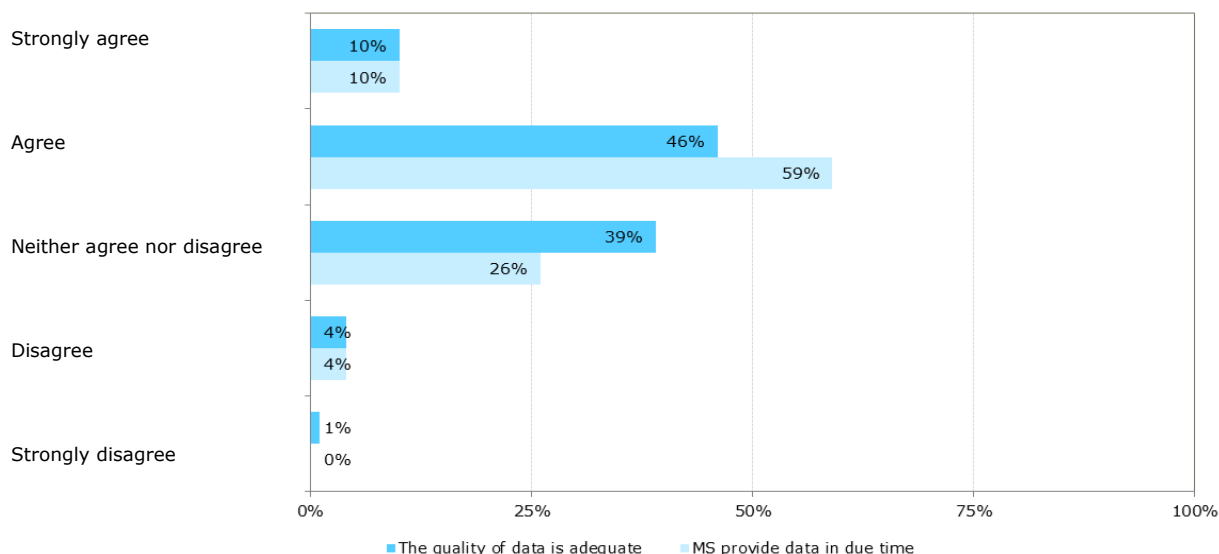
As regards the quality of the data provided by other stakeholders (e.g. partner IOs and NGOs, EU Agencies), almost 95% of all survey respondents agreed that at least to some extent this is adequate.

Indicator 2.4: Risk analyses are provided by the Agency to the MSs in due time
Both Frontex staff and MSs' representatives acknowledged that strategic risk analysis products are sometimes a little delayed, but justified this by the constraints of the cycle of collecting and analysing information. In general, though, risks analyses are assessed as being timely.

Indicator 2.5: Risk analyses and related intelligence are accurate
None of the interviewed respondents was of the opinion that the risk analysis products are inaccurate.[41] On the contrary, both EU and Third Countries assessed the RAU reports as being accurate. Evidence of the "accuracy" is also indirectly derived from the feedback provided on quality and timeliness. Given that risk analysis products are deemed timely, thus up-to-date, and are confirmed to be based on high quality data, it can be concluded with a fair amount of certainty that these products are also accurate.

Indicator 2.6: The risk analyses are based on the integrated risk analysis model
CIRAM was developed by Frontex in cooperation with Member States and there is strong evidence from the conducted survey, interviews and case study to suggest that the framework is applied successfully and serves as the basis for producing a broad range of risk analysis products, as discussed more concretely in the following. 74% of the respondents assessed CIRAM as being either very relevant or quite relevant.

Indicator 2.7: The risk analyses prepared by the Agency are being used by the MSs
The relevance of the risk analysis products of the Agency is further underscored by the fact that the majority of stakeholder organisations (EU institutions, MS' authorities) were reported to use these to a (very) high degree (67%) or at least to some degree (27%). These results are in line with the judgement criteria set by the evaluation (90%).

Strategic and operational risk analysis products are used to different ends. The goal of the strategic risk analysis activities of Frontex (e.g. Annual Risk Analysis, Assessment for Operational Deployment, FRAN Quarterly) is to build up a picture of the situation, patterns and trends in irregular migration and cross-border criminal activities at the external borders, including

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[41] One responded expressed a preference for more evidence to substantiate certain conclusions

trafficking in human beings. Interviewed representatives of the MSs and the Agency confirmed that this strategic intelligence is featured in these products and that they use them to guide their border management activities at the national borders and border areas, and in determining their participation in joint operations.

Operational risks analysis (e.g. biweekly reports from Joints Operations and Analytical Warning assessments) provides intelligence specific to the areas where Joint Operations are carried out, and collected documentary and interview evidence confirms that operational risks analysis products serve as a basis for operational decisions that contribute to optimal allocation of resources for border checks and surveillance. Operational analysis products were assessed by all stakeholders as enabling Frontex and MSs authorities to plan their operational activities strategically to target the areas and *modi operandi* that pose the biggest threat to the security of the external borders.

Risk analysis outputs also indirectly inform the development of training by the agency (see next Section for more details).[42]

> **To what extent have high quality and accurate risk analyses been carried out by Frontex in due time?**
> **The collected evidence confirms that high quality and accurate risk analyses have been carried out on time by Frontex, although the effectiveness of the risk analysis process is somewhat negatively affected by the disparity in the risk analysis capacities at national level. Overall, the risks analysis products issued by RAU are assessed as accurate and relevant and are used by a broad range of stakeholders as a result.**
> **The noted gaps in the risk analysis tasks and activities of the Agency are with respect to the processing of personal data, performance of vulnerability assessment and the performance of risk analysis addressing cross-border crime.**

3.1.3   To what extent has Frontex delivered relevant assistance to Member States on training of national border guards, including the establishment of common training standards?

Indicator 3.1: The Agency has delivered relevant input to the training tools for national border guards
The Frontex training unit has developed curricula for basic (the Common Core Curriculum for Basic Border Guard Training, CCC) as well as advanced training. Accompanying these curricula are proposals for teaching methods and tools, among others listening exercises for English language training at basic level, available online or on CD-ROM. Curricula and tools are developed in collaboration with national and international experts.

In the survey of Frontex stakeholders, the respondents were asked to assess whether the available training for European Border Guards has improved as a result of Frontex' work and 64 % of the respondents either agreed or strongly agreed with this statement. Only three respondents out of 150 disagreed with the statement. This is supported by observations from interviewees who find the tools developed by Frontex to support the implementation of common curricula highly relevant and useful.

The implementation of curricula and tools into national curricula and training is the responsibility of Member States. Though Frontex supports these processes to some extent, the implementation at national level is, according to stakeholders interviewed, potentially the weak link in the equation. While the curricula and tools are good, they may be implemented quite differently. The level of implementation at Member State level has recently been examined by Frontex in the CCC Interoperability Assessment Project, the results of which have been taken into account in the

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[42] Indicator 2.8: Risk analyses are taken into account for the development of the core curricula and training standards has been integrated with Indicator 3.2: The training is developed and delivered on the basis of risk analyses and other well established needs

evaluation under section 3.2.4, looking further into impacts of Frontex's activities in the area of support to border guard training.

While improvements may be made on the aspect of implementation at national level, based on the evidence collected for this evaluation, it is clear that Frontex has delivered relevant input to training tools for national border guards.

Indicator 3.2: The training is developed and delivered on the basis of risk analyses and other well established needs

As outlined in the Frontex Regulation (Art. 4), "The Agency shall incorporate the results of a common integrated risk analysis model in its development of the common core curricula for the training of border guards referred to in Article 5."

According to consultations with internal Frontex stakeholders, there is no direct link between the results of the risk analysis activities and the development of training curricula and tools. However, when new training activities are initiated this is done on the basis of a needs assessment based on consultations of national border management authorities, relevant Commission units and agencies as well as on the basis of stakeholders' opinions and interests as expressed in official meetings of national training coordinators, surveys, official letters, etc. As such, the results of risk analysis activities, and the trends that they may help establish, are likely to impact on indirectly the decisions made regarding the development of training tools and curricula.

As the evaluation has not provided firm evidence for this, however, no strong conclusion can be made on this indicator.

Indicator 3.3: The Agency has developed common training standards

Frontex has developed common training standards. In particular the achievements in relation to common standards for the basic training for border guards are important to highlight. The Common Core Curriculum EU Border Guard Basic Training (CCC) has been in existence since 2003 and has been updated twice, in 2007 and 2012. The standards outlined by the CCC are commonly agreed upon and according to the Frontex Regulation (Art. 5) MSs are obligated to implement the CCC into their national training curricula. Several Frontex partner countries[43] have also implemented the CCC.[44]

Another key concept introduced by Frontex for the purpose of establishing common standards is the EU's Sectoral Qualifications Framework (SQF) for Border Guarding, which is in line with the European Qualifications Framework for Life Long Learning. It serves to establish a framework for comparability and transparency of qualifications of European border guards training across countries[45].

This indicator was not assessed in the stakeholder survey. All stakeholders consulted through interviews as well as in connection with the case study agreed that the work carried out by the Frontex Training Unit has contributed to the harmonisation and improvement of the level of training for border guards in the EU, by means of the activities involved in the CCC project and the introduction of the SQF. Additionally, one stakeholder mentioned recently developed online training programmes as another way of promoting harmonisation and common standards.

In conclusion, the existence of the CCC and the SQF are evidence that the Agency has developed common training standards. Evidence collected moreover indicates that the existence of these common standards has contributed to harmonisation and improvement of the level of training for border guards in the EU.

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[43] Albania, Bosnia & Herzegovina, Montenegro, Moldova, Former Yugoslav Republic of Macedonia, Ukraine, Georgia.
[44] Common Core Curriculum EU Border Guard Basic Training; 2012
[45] https://www.youtube.com/watch?v=mSyZwGnhLiw

Indicator 3.4: The Agency has delivered relevant training in relevant EU and international law and human rights for participants prior to their engagement in operational activities

Among the training activities carried out by Frontex officers are training sessions devoted to preparing members of the EBGT for deployment in joint operations and rapid border interventions. All EBGT members are meant to receive training in relevant union and international law, including fundamental rights and access to international protection.[46]

Among the stakeholders surveyed, 87 % of those who had taken part in operational activities responded that they had taken part in training prior to the activity. This means a fulfilment of the judgment criterion set for this indicator[47]. Moreover, the majority (58 %) of these respondents assessed that they had been able to apply the new skills gained from the training to a high or a very high degree. Only 8% assessed that they apply the new skills only to a limited degree.

This is supported by the views of stakeholders expressed in interviews. The interviewees were generally very positive about the efforts made by the Frontex training unit, both in terms of developing training curricula and tools and as regards the training provided by Frontex to EGBT members.

As regards Fundamental Rights, interviewees representing international organisations that are members of the Frontex Consultative Forum were also very positive about the efforts made by the Agency. However, on the other hand, some stakeholders voiced concern over the degree of implementation in practice by border guards of concepts learned during training. This was a view that was shared by numerous representatives of the CF*.*

Interviewees also pointed out that various degrees of compliance with and implementation of the training tools can be observed in different MS. This was also substantiated by findings of the Poseidon Land case study, which revealed that some MSs (e.g. Germany) diligently organized comprehensive briefings on fundamental rights standards and international law before deployment of their officers in the JO, and gave reasons to believe that this is a customary procedure for all JOs. In contrast, evidence from the interviews suggested that, in the case of some MSs, there were situations in which officers that were not in the experts' pool were deployed in JOs. This raises questions related to their level of training on fundamental rights matters. A representative of one MS even suggested that some MSs do not ensure compliance with the principle of non-refoulement.

Overall, the Agency can be said to have fulfilled stakeholders' expectations with regards to this indicator, however, some challenges remain at MS' level in terms of implementation.

Indicator 3.5: The Agency has established an exchange programme for national border guards enabling them to work with colleagues in other MSs

At the moment, three types of exchange programmes exist, managed by the Frontex Training Unit:
- The Teacher's Mobility Programme[48]
- The Students' Exchange Project[49]

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[46] http://frontex.europa.eu/operations/european-border-guard-teams/
[47] Specific judgement criterion set: "90% of the participants declare that they have received the relevant training before participating in operational activities"
[48] The purpose of this project is to support the implementation of the CCC basic BG training by enhancing the knowledge and understanding of teachers in border guard training academies of the practical implementation of the CCC, and the issues that border guards face in applying theoretical teachings in practice. Through visits in other countries, together with colleagues from other MS, teachers get a deeper understanding of the subject and practical examples to bring into their teaching to improve its quality. (Frontex: General Guidelines for Teachers; Frontex Common Core Curriculum - Teachers' Mobility project)
[49] The purpose of this project is also to facilitate the exchange of practice, between students in BG training academies. The programme is meant to foster cooperation and mobility. In practice, the project provides the possibility for students (having similar rank and being at similar levels of training) from two different BG training institutions (ideally in two different MS), both teaching according to the CCC, to go on exchange at the other academy. This too is aimed at supporting the implementation of the CCC as the knowledge and experience gained by the students is meant to improve their understanding of how the CCC is applied elsewhere and hence improve interoperability of border guards. (Frontex: General Guidelines; Frontex Common Core Curriculum - Students' Exchange project)

- The European Mid-Level Course[50]

All three exchange programmes are fairly new initiatives. The most widely used thus far is the Teacher's Mobility Programme, which interviewed participants rated very highly. The experience provided them with concrete tools and examples to bring into their own teaching and improved the quality of their teaching, especially with regard to the objective of ensuring interoperability of EU BGs.

With the implementation of these three programmes, however, the agency does not completely fulfil the obligation stipulated by the Frontex Regulation to "establish an exchange programme enabling border guards participating in the European Border Guard Teams to acquire knowledge or specific knowhow from experiences and good practices abroad by working with border guards in a Member State other than their own."[51] According to consulted internal Frontex stakeholders, this is something the agency will focus more on in the future.

Indicator 3.6: The perceived cost-benefit of the Agency's training activities
The fulfilment of this indicator is to be assessed through a comparison of the share of the Agency's resources allocated to training activities against the share of the national border guard services who consider that the training tools have been useful.

In the stakeholder survey, the majority of the respondents agreed that a) "The training tools for national border guards are relevant", and b) "As a result of Frontex's work, the available training for European Border Guards has improved".

This was supported by the assessments made by stakeholders interviewed, who were generally very positive about the contributions of the Frontex Training Unit to the improvement of the capacity and interoperability of European border guards. In fact, some interviewees even went as far as to state that the Agency's training activities are perhaps the most beneficial work provided by Frontex.

In view of this, the approximately 4 % of Frontex' aggregate budget allocated to the Training activities can be considered relatively small compared to the perceived benefits.

> **To what extent has Frontex delivered relevant assistance to Member States on training of national border guards, including the establishment of common training standards?**
> **The collected evidence confirms that Frontex has delivered relevant assistance to Member States on training of national border guards, including the establishment of common training standards. In conclusion, the agency's stakeholders, consulted through survey and interviews, positively assessed the work of the Frontex Training Unit. Potential weak links in terms of achieving the desired objectives of common standards, improved capacity and interoperability of EU border guards are, according to interviewees, to be found mainly at national level and related to the Member States' implementation of the Frontex developed standards and tools.**

3.1.4   To what extent has Frontex participated in the development and dissemination of research relevant for the control and surveillance of external borders?

According to Art. 6 of the founding Regulation, Frontex shall proactively monitor and contribute to the developments in research relevant for the control and surveillance of the external borders and disseminate that information to the Commission and the Member States. In practice, the Agency does not have the capacity to conduct R&D itself. In recent years, the budget for

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[50] Course taught in English, in border police academies and border police offices in (so far) four different countries, with participants from different (so far) 15 different European countries. The aim of the course is to "give junior supervisory staff not only in-depth knowledge of command, control and operational structures of other border guard services but also an opportunity to optimize their expertise on border guard cooperation and to view border control as a common European task." (http://frontex.europa.eu/news/frontex-mid-level-course-for-border-guard-officers-started-in-lubeck-germany-MI42Xc)
[51] Frontex Regulation, Art. 5 (b)

research and development within Frontex has been reduced from 2.34 million Euro in 2012 to 1 million Euro in 2014.

Specific research, for which consultations with MSs have established there is a need, is outsourced to third parties. The main tasks undertaken by the R&D unit consist of assessing the need for R&D, and following up on research and industry developments. Moreover, the unit acts as an intermediary between industry representatives, researchers and border guard agencies for the purpose of matching available knowledge and products for border surveillance and border checks with present or future needs, and vice versa. This is done through the organisation of demonstration events, conferences, etc. In addition, the R&D unit was active in driving the process of harmonisation of practices in border control, both operational and technical, in line with existing and future EU measures.

More specifically, a concrete and significant task of the Frontex R&D Unit in recent years has been the development of the ECN (in accordance with Art. 11 of the founding Regulation), for which a project manager from the unit has been assigned. Once the platform was developed, the practical operation was handed over to other responsible units in the Agency.

Indicator 4.1: The Agency has made relevant research available to the Commission and the Member States in due time
As outlined above, the role of the R&D Unit is mainly to act as a mediator between different stakeholders involved in research and development related to border management. The Unit's main target audience is the Commission and MSs. To the former, the Agency serves as experts in relation to policy development or for assessments of proposals for EU programme funding of projects related to border management, for instance. Vis-à-vis MSs, the Unit aims to keep national border guard service informed of new developments in border management technology, etc. and to make the needs of MSs known to researchers and developers in the field.

In the survey, the Agency's stakeholders were asked to assess the extent to which Frontex has been able to live up to this aim by making relevant research available to the Commission and the MSs in due time. Among the survey respondents from the Commission, EU agencies and member States, the majority agreed that the Agency has achieved this. The share of respondents who assessed this question positively, however, does not meet the judgment criterion for this indicator (70 % agreement). However, this can in part be explained by the relatively large share of the respondents (in both groups) who replied that they did not know/could not assess the question. This is perhaps an indication that the formulation of the question was not clear enough, and as a consequence, no firm conclusion can be drawn on this aspect.

Looking at the assessments provided by stakeholders in interviews, the view on the work of the Frontex R&D unit is generally positive, especially considering the limited amount of resources attributed to this area, as one interviewee pointed out. Among the positives, stakeholders mentioned the working groups established by the Agency for the purpose of identifying good practices and potential gaps in knowledge and possible solutions. According to stakeholders interviewed, it is beneficial for the development of tools for border management that the initiative is taken at European level; this provides a wider perspective and more possibilities.

Representatives of Third Countries, in particular, were very positive when assessing their collaboration with Frontex in this area, stating that Frontex extends many invitations to them to take part in demonstration events and conferences. This is highly useful as a forum for sharing experience and practices, as challenges and needs of border agencies are often the same across countries, and not only within Europe.

Indicator 4.2: The information is adequate to support EU's policies in Integrated Border Management
Looking at a list of outputs and products produced by the R&D unit over the years 2012-2014, it is clear that a wide range of concrete activities have been carried out, many of which can be

clearly linked to the implementation of EU policies in relation to Integrated Border Management. This concerns for example the many meetings, presentations and conferences organised in relation to the implementation of the Automated Border Control (ABC) gates, and a project concerning "Facilitation of exchange of information and cooperation between Frontex, EU Member States, and the United States Department of Homeland Security on the use of biometrics at the border".

From the information provided by the Agency to the evaluators it is clear that a lot of results have come from the work of the R&D unit in the form of different concrete products developed, information and advice provided, etc. What has been less clear to the evaluators is what kinds of effects these outputs have contributed to. The material provided to the evaluators is relatively activity- and output-oriented, while links to the overall objectives of the agency are not always particularly clear (this relates not only to the activities of the R&D unit but also to other aspects of the agency's work), making it difficult to assess the effectiveness of the otherwise good work produced.

As a consequence, the evaluation has not provided sufficient evidence to conclude on the extent to which the information and work provided is *sufficient* to support EU's policies. When asked in the survey to what extent they agreed that "The Agency has contributed to the development of new technologies for Integrated Border Management", stakeholders again found it difficult to assess the question. Only very few (8 %), however, specifically disagreed with the statement. Hence, the indication is in favour of a positive assessment.

Looking at the EUROSUR platform specifically, the majority of the external stakeholders consulted in the survey assessed the tools positively and agreed that it is "an effective communication network".

As a small point of critique, a couple of stakeholders interviewed recommended that Frontex should change focus in their R&D activities and make them more needs-driven rather than industry driven, as in their experience there is strong commercial pressure in this field.

> **To what extent has Frontex participated in the development and dissemination of research relevant for the control and surveillance of external borders?**
> **The evidence has not been sufficiently strong to provide firm conclusions on the indicators. This was in part due to the lack of a clear link between the outputs produced by the R&D unit and the overall objectives for Frontex's work. Nevertheless, it can be concluded that stakeholders and especially Third Country representatives assess the work of the Frontex R&D unit positively, especially considering the relatively limited budget available for this work. From the Member States' point of view, it was highlighted by some stakeholders that the work could be improved by making it more needs-driven; meanwhile others mentioned the established working groups as a positive example of the Unit's work and a potential way to becoming more focused on identifying and bringing forward the particular needs of Member States.**

3.1.5   To what extent has Frontex facilitated the deployment of relevant technical equipment and human resources in the Member States?

As already mentioned, the Pooled Resources Unit manages the technical and human resources made available to the Agency for different operational activities. In line with Article 7(1) of the Frontex Regulation, the Agency may acquire itself or in co-ownership with a Member State, or lease technical equipment for external border control to be deployed during joint operations, pilot projects, rapid interventions, joint return operations or technical assistance projects in accordance with the financial rules applicable to the Agency. Article 7(2) states that the equipment listed in the technical equipment pool shall be deployed during the afore-mentioned activities.

According to interviewed representatives of Frontex, the provisions for full or co-ownership of equipment by the Agency have not been put to full effect yet, aside from one pilot project for the procurement of technical equipment for land operations which is currently being evaluated.

Indicator 5.1: The deployment of technical equipment is being conducted in line with the operational plan
As already discussed in Section 3.1.1, Joint Operations are in general carried out in line with the operational plan. According to interviewed stakeholders, due to the timing of the established cycle of planning and the fast changing nature of the situational picture, there are often calls for additional resources during the year, which cannot always be addressed by MSs on such an ad-hoc basis. However, such complications were assessed to be met with understanding and flexibility both by Frontex and Member States.

The case study on Poseidon Land concluded, as mentioned in the analysis on Indicator 1.4 that the deployment of technical equipment for this Joint Operation was generally adequate for the implementation of the Operational Plans.

Indicator 5.2: Sufficient and operationally adequate technical equipment is available for joint operations, pilot projects and rapid interventions
With regard to the deployment of technical resources, as evident from the following Figure, only about half of the surveyed stakeholders (Member States and Frontex staff in this case) agreed that the technical equipment deployed by Member States meets the requirements of the call for participation issued by the Agency. Even less than half of the respondents assessed that the equipment that ends up being deployed meets the operational needs of the JO in terms of quantity.

Figure 12: To what extent do you agree with the following statement (N=150)

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Human resources made available for joint operations are adequately trained.	6%	56%	23%	14%	1%
The technical equipment deployed by the MSs in Frontex joint operations meet the requirements expressed by the agency in the call for participation.	6%	44%	41%	9%	0%
The technical equipment deployed by the MSs in Frontex joint operations meet the operational needs in terms of the quantity	4%	42%	43%	10%	1%

These somewhat underwhelming results are confirmed by the interviewed stakeholder who point to a need for increased effectiveness in the area of resources deployment.

In general, interviewees noted a systemic lack of availability of sea-border surveillance equipment and a number of other issues with the current arrangements for deployment of technical and human resources, the responsibility for which rests with Member States. Interviewees suggested that Member States' decision on the type or amount of resources made available to pooled resources is often motivated by national interests (for example if the member State is on a particular migratory route) or based on the resources not needed nationally and which can be "spared" for the JO. A Member State representative commented that the effectiveness of the process of contribution to the pool is impeded in several ways:

- on the one hand, Frontex is not too specific in the call for participation regarding the particular type of equipment needed, which leads to some offers for equipment being rejected;

- on the other hand, Frontex does not have complete information on the availability and specifications of technical equipment used/available in Member States, due to the perceived reluctance on the side of Member States to fully disclose this;
- in addition, the Agency's considerations for achieving a geographical balance among the contributions to pooled resources limiting its level of effectiveness as sometimes the appropriate equipment or expertise was not being allocated.

One interviewee highlighted that the cooperation of Member States in contributing equipment had been adversely affected by the Agency's changes to the funding eligibility criteria, notably by making VAT ineligible for funding. Consequently, with regards to the deployment of vessels, Member States are now only reimbursed for the fuel but not the VAT on the fuel. The interviewee assessed that this has had a negative effect on Member States' willingness to dispatch technical equipment due to the increase in costs and they are more willing to contribute human resources.

The case study on Poseidon Land has shown that, whilst the technical equipment deployed was considered adequate overall, a range of limitations and shortcomings were reported occasionally. As mentioned previously, these included a serious lack of mobile terrestrial surveillance equipment (i.e. thermo vision vehicles, aerial means and dog teams) available to the Hellenic Police and the deployment of patrol cars which did not have all-terrain driving capability thus limiting the areas where they could be used.

Some stakeholder interview data highlighted the need for more long-term planning of assets in order to ensure the availability and suitability of the equipment required. In this respect, the need to work on solutions for filling the gaps in relation to equipment needs by way of leasing contracts and services has been highlighted, as has been the need to develop solutions for operationalising the mandate of the Agency to (co-)own equipment.

Overall, the collected evidence suggests that the deployment of technical resources is a challenging area for the Agency and one in which it has been effective only to some extent.

Indicator 5.3: The deployment of human resources is being conducted in line with the operational plan
The evaluation aimed to assess the Agency's effectiveness in coordinating the deployment of human resources in line with Operational Plans. As already discussed in Section 3.1.1, the operational plans are in general assessed to be adequate and followed throughout the joined operations. The case study on Poseidon Land did not reveal any issues regarding the deployment of human resources for this JO, which, as already indicated, has ranged from 225 to 826 each year. Stakeholder interviews did not raise any issues in connection with this indicator either.

Indicator 5.4: Sufficiently and adequately trained human resources are available for joint operations, pilot projects and rapid interventions
The evaluation assessed the effectiveness of the Agency in ensuring that sufficiently and adequately trained human resources are available for joint operations, pilot projects and rapid interventions. The survey results (Figure 12) showed that 62% of respondents agreed that the human resources made available were adequately trained.

The case study on the Poseidon Land JO evidenced that the majority of the human resources allocated to this JO had the necessary skills to carry out their role in the Operational Plan. However, as previously indicated, some limitations were reported in terms of the language skills (English) of some interviewers/de-briefers and insufficient training prior to missions.

The stakeholder interviews pointed to the need for Liaison officers to be recruited by Frontex and stationed locally, for example in Greece or Italy, in order to ensure that there is sufficient operational experience amongst the human resources available. Stakeholder interview data also revealed that the human resources deployed for operations did not always have the necessary language skills.

The OPERA tool was assessed to have contributed positively to the effectiveness of the management of pooled resources and in general respondents assessed that the procedures in place for the rapid deployment of human and technical resources were working rather well.

One interviewee called for more involvement of Frontex in the process of nomination/selection of human resources by Member States, pointing out that Frontex should understand better how Member States approach the assignment of establishing a pool and thus ensure they communicate their needs to Member States in way that is understood and addressed accordingly.

The interviews provided mixed feedback on the issue of seconded guest officers – while some Member State respondents were in favour of this mechanism for providing human resources to Joint Operations, other saw it as exerting a pressure on their limited national pools of officers available for deployment. In regard to this, one interviewee suggested that a more careful assessment of whether individual operations require the use guest officers or the introduction of a quota-like approach to determining the number of guest officers needed vis-à-vis the number of the host MSs officers participating.

In summary, the evidence suggests that the Agency has been effective in coordinating the deployment of suitably trained human resources only to a limited extent.

> **To what extent has Frontex facilitated the deployment of relevant technical equipment and human resources in the Member States?**
> **Overall, the evaluation has concluded that the Agency's activities to facilitate the deployment of relevant technical equipment and human resources have not been fully effective. Although there is some evidence to suggest the deployment of human resources works more smoothly than that of technical equipment, both aspects were assessed as being effective only to some extent. There is noted room for improvement in the procedures for organising MS's contributions in terms of technical resources.**

3.1.6   To what extent has Frontex effectively supported the coordination and organisation of joint return operations of Member States?

Article 9 of the Agency's Founding Regulation stipulates that, subject to the return policy of the EU and, in particular Directive 2008/115/EC, the Agency is to provide Member States with the necessary support, including, upon request, the coordination or organisation of Joint Return Operations (JROs). Article 9 (1a and1b) also states that the Agency will develop a Code of Conduct for JROs which will highlight the obligation to provide for an effective forced-return monitoring system. In addition, Article 9 (2) points out that the Agency will cooperate with Third Countries to identify best practices on the acquisition of travel documents and the return of illegally present Third Country nationals.

Indicator 6.1: The Agency has formulated a Code of Conduct on JROs and distributed it to the Member States
The evaluation assessed whether the Agency has developed a Code of Conduct for JROs and disseminated it to the MSs. The "Code of Conduct for Joint Return Operations coordinated by Frontex" was finalised in October 2013. The document was developed by the Frontex Legal Affairs unit in consultation with the MSs, the Frontex Fundamental Rights Officer and the Consultative Forum.

Desk research and interviews carried out as part of the case study, together with statements made in stakeholder interviews, conclude that the Agency has, to a large extent, been effective in developing its Code of Conduct for Joint Operations coordinated by Frontex in consultation with the Member States, the Fundamental Rights Officer and the Consultative Forum. However, it was noted by some case study interviewees that it would be helpful if this document (which is in English) were translated into other Member States' languages. Some case study interviewees and NGO representatives also called for the Code of Conduct to include a clear obligation for every returnee to be certified as fit to fly.

Both stakeholder and case study interviews showed that, although the Code of Conduct highlights the obligation to provide for an effective forced-return monitoring system, in line with Article. 8(6) of the Return Directive,[52] the Directive leaves a wide margin for interpretation as to the form of such a system – e.g. Member States are not obliged by the Directive to ensure that a monitoring officer is physically present during the return operation. As a result, although Member States are always encouraged by Frontex to have a monitor physically present during return operations, some Member States do not as their particular monitoring systems do not require them to do so.

The evidence collected confirmed that the Agency has been successful in disseminating the Code of Conduct by way of posting the document on FOSS, presentations delivered to Member States in quarterly meetings when the Code was first introduced, standardised training and multiplier training programmes delivered to Escort Leaders, attaching the document to every Implementation Plan and reinforcing the stipulations during pre JRO flight briefing meetings.

Indicator 6.2: Member States inform the Agency about Joint Return Operations in due time
The evaluation assessed whether an effective process was in place to facilitate Member States in informing the Agency about JROs in due time. The results of the stakeholder survey show that 72 % of the respondents who offered an assessment (strongly) agreed that Member State provide information to the Agency in due time. Desk research and interviews conducted for the case study further confirmed that the standardised procedures set up by Frontex in the form of the Rolling Operational Plan and the quarterly meetings facilitate/support a process whereby Member States to inform the Agency about their planned JROs in due time.

It was concluded, therefore, that the Information Flow process set up and disseminated by the Agency ensured that the MSs communicated their intentions to carry out a JRO with sufficient time for effective planning and coordination. A web-based system called Frontex Application for Return, which was being developed by Frontex at the time of the evaluation is expected to enable real time updates on the Rolling Operational Plan and will further enhance this system.

Indicator 6.3: The Member States are informed by the Agency about Joint Return Operations offers in due time
Similarly, the evaluation assessed whether adequate procedures were in place to ensure that the Agency informed MSs about the offers of JROs in due time. The survey revealed a generally positive perception about the timeliness of the information flow amongst respondents with relevant knowledge in this area - 83 % of the respondents who provided an assessment of this question agreed or strongly agreed that the Agency has provided information in due time. It should be mentioned that the general offer of JROs is regularly published on FOSS and thus is usually known well in advance, from several weeks up to several months.

Furthermore, it was evident from the case study desk research and interviews that the Agency is very effective in disseminating this information. This revealed that an efficient and harmonised system has been set up by the Agency whereby Member States formally communicate their intention to carry out a JRO via a standardised "Offer of JRO by air information sheet" which is swiftly disseminated by Frontex to other Member States. In the case of the two tracked JROs in the case study, the offers were communicated to Member States on the same day as they were received from the Organising Member State (OMS).

It was concluded, therefore, that the Agency is effective in supporting the coordination and organisation of this phase of JROs.

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[52] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. OJ L 348, 24.12.2008, p. 98–107

Indicator 6.5: The Agency provides adequate support, briefing, coordination and monitoring during the entire operation

The Agency's support provided throughout the entire JRO process was evaluated. The stakeholder survey results showed that respondents with experience in this area considered that the Agency was effective in providing support in terms of briefing, coordination and monitoring during the entire JRO process.

Figure 13: To what extent do you agree with the following statements: (N=100)
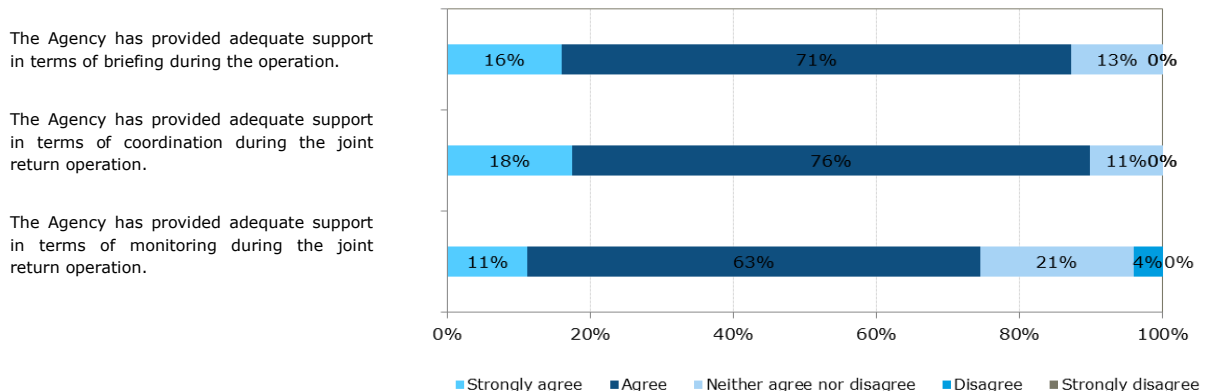
The case study also confirmed the Agency's effectiveness in these areas. The standardised information flow process set up by Frontex with the Agency acting as the information hub, coordinating participation and organising the distribution of seats, enables a simplified, efficient and harmonised system. All of this is supported by the drafting of a detailed Implementation Plan which is finalised and distributed to Organising and Participating Member States in due time. Frontex's support is also effective in that it avoids time consuming administration on the part of involved Member States and frees up their officials to focus on other important matters, such as acquiring Emergency Travel Documents. The presence of a Frontex Operational Manager on the JRO flight, who has been involved at every stage of the JRO process, ensures that effective up-to-date briefing is provided and informed monitoring of the operation takes place. Comments made in stakeholder interviews also revealed a positive perception of the support provided by the Agency throughout the JRO process but some suggested that the Agency could provide more support to MSs in acquiring emergency travel documents. However, with regard to the latter, both Frontex staff and the Commission representative interviewed pointed out that MSs should take full advantage of the EURINT project[53] which would assist them in the acquisition of emergency travel documents as the current level of human resources does not allow for broader involvement in this area. The study on the feasibility of the creation of a ESBG advocated for a more active role for Frontex in supporting JROs through the creation of a ESBG[54], but this was not highlighted in the conducted interviews.

The conducted data collection revealed that many stakeholders call on Frontex to continue and even increase its effective contribution to the coordination and organisation of joint return operations. One area for Frontex to further increase the added value it brings to JROs would be for the Agency to take the lead in organising charter flights, in line with the mandate for this provided by Art. 9 (2) of the Frontex Regulation.

To what extent has Frontex effectively supported the coordination and organisation of joint return operations of Member States?
Overall, the evaluation assessed that Frontex's activities have been very effective in supporting the coordination and organisation of JROs. The procedures set in place and the training provided by the Agency enabled an efficient and uniform process which complies with EU and relevant international law.

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[53] http://www.eurint-network.eu/

[54] "Study on the feasibility of the creation of a European System of Border Guards to control the external borders of the Union", 2014 p. 6,

3.1.7   To what extent has Frontex facilitated the exchange of relevant information with the Commission and the Member States?

In order to assess the extent to which Frontex has facilitated exchanges of information with the Commission and Member States, the evaluation built on 2 indicators, namely:

- Indicator 7.1: The Agency has provided ICT infrastructure supporting information exchange for operational activities
- Indicator 7.2: The Agency has established effective mechanisms for operational information exchange with the Commission and Member States

Indicator 7.1 focuses on examining the ICT infrastructure in place and presents an assessment of how and to what extent the Frontex IT application in combination have supported operational activities. This assessment is then complemented by indicator 7.2 which takes a broader view on whether the Agency has established mechanisms for operational information exchange with the Commission and Member States, in particular assessing the effectiveness of those mechanisms. These mechanisms include the Member States' ability to communicate needs to Frontex and the National Frontex Points of Contact (NFPoC).

Indicator 7.1 The Agency has provided ICT infrastructure supporting information exchange for operational activities

This indicator assesses the effectiveness of Frontex in delivering the ICT infrastructure required for the exchange of information between the Agency and Member States. In other sections of the evaluation, indicators 9.1-9.3 investigate the effectiveness of Frontex in delivering its tasks specifically related to the EUROSUR Framework and the EUROSUR Communication Network (ECN). Finally, the impact of these ICT-related activities of the Agency is assessed with indicator 12.2 under Section 3.2.3.

The present ICT strategy was finalised in 2010 and covers the period until 2013. This strategy shows that the aim of the Agency´s ICT sector is to ensure that Frontex has the computing, telecommunication, network services and technical services necessary to reach its objectives, notably effective and efficient coordination of Member States in the management of the EU´s external borders. That is to say, ICT resources and information technologies are considered support functions for the Agency´s operational assignments. [55]

The main source of information for the effectiveness of Frontex in its implementation of the ICT strategy is the case study conducted on this subject. Based, in particular, on 8 interviews with Agency staff involved in the area of ICT, the case study revealed that the strategy is in fact not used for guiding the Agency's activities in the area – nearly all interviewees were unaware of the existence of the strategy. The case study suggests that Frontex's ICT infrastructure has supported information exchange for operational activities in five key ways:

- The Agency follows up on information identified by the Frontex Media Monitor (FMM). Based on this information, Frontex can send out early alerts and situational reports to its internal and external customers.
- Supported Member States' access to documents from Frontex meetings through Frontex-One-Stop-Shop (FOSS).
- Supported the collection and sharing of data, notably through Joint Operations Reporting Application (JORA), the Frontex Risk Analysis Network (FRAN), and data collected by the

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[55] It is important to note that although it is not be the focus of the evaluation, Frontex´s ICT Unit also supports Frontex business units for the development of most of their applications. This means that apart from directly supporting operational activities, the Agency also contributes with technical specifications and supports the server infrastructure on which these applications run, as well as manages the ICT operations such as frequently taking backup and restoring data when needed. The unit also maintains support on everything related to email services, networks, file systems, Member States´ connections, and the connections of the external Frontex offices (Brussels and Piraeus, Greece).

Frontex Situation Centre (FSC) such as satellite images were highlighted by interviewees as valuable sources of data.

- Supported surveillance and monitoring through the ECN and JORA, notably the Visual Data Discovery Service (VDDS) which allows Member States to more easily evaluate areas where operational responses should be launched. Currently, the EUROSUR Fusion Services (EFS) is the main tool for supporting information exchange with the MS.
- Supported updated overview of deployed personnel and their skills, through OPERA.

Through this, Frontex's ICT infrastructure supported Joint Operations (coordination, implementation or evaluation of Joint Operations, using Member States' staff and equipment at the external borders - sea, land and air); and Risk Analysis (collation and analysis of intelligence on the on-going situation at the external borders). These findings are also supported on an individual application level, where the survey shows that most of the ICT tools provided by Frontex were assessed as effective.

Figure 14: To what extent do you agree with the following statement: "JORA/FOSS is an effective communication network".
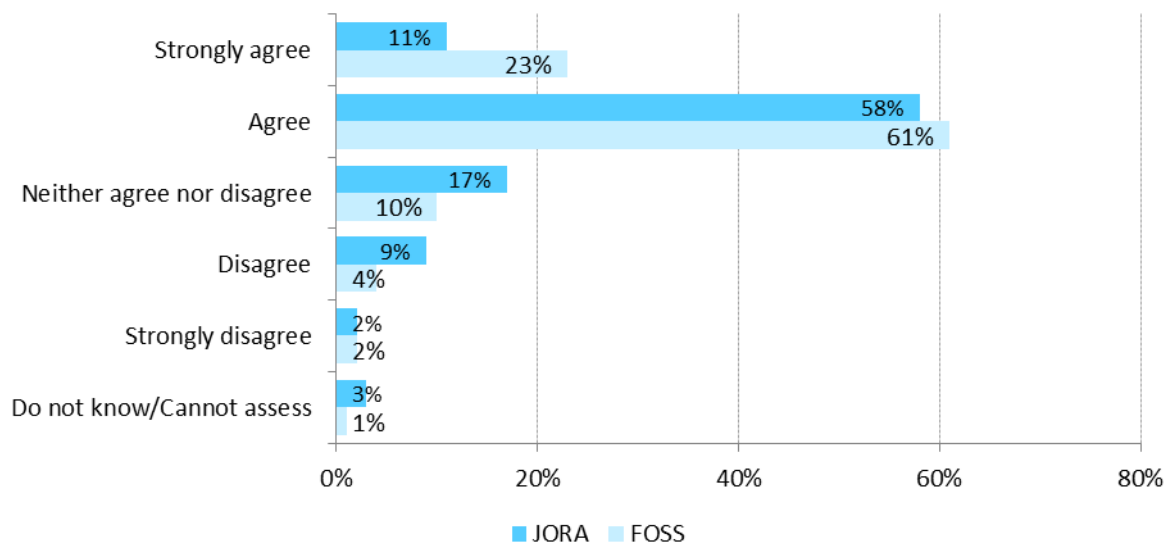
Whilst the overall assessment is that Frontex's ICT infrastructure has provided support to information exchange for operational activities, findings also indicated that a number of shortcomings persist, in particular in relation to the ECN, which is discussed separately in Section 3.1.8.

On a more general level, the case study suggests that the Agency could benefit from a more holistic direction for ICT, in particular in relation to the implementation and integration of the ECN. This has resulted in issues with the compatibility between systems, leading to difficulties in sharing data. These difficulties have led to some of the challenges in data collection analysed in this case study, and are indicated to reduce the efficiency of ICT´s support to operational activities.

Indicator 7.2: The Agency has established effective mechanisms for operational information exchange with the Commission and Member States
The analysis of indicator 7.1 showed that overall the ICT infrastructure provides good support to information exchanges which are important for the planning and execution of operational activities. With regards to other mechanisms for exchanging information, such as Member States' ability to communicate needs to Frontex as well as more structured mechanisms such as the Frontex Risk Analysis Network (FRAN), the evaluation shows that the Agency has complemented the technical set-up with additional mechanisms. Overall, the stakeholder survey shows that the

general opinion was positive regarding the role of the Agency in establishing effective mechanisms for operational information exchange with the Member States. The majority of respondents agreed (49 %) or strongly agreed (18 %) with the fact that the Agency has established effective mechanisms for operational information exchange with the Member States.

Figure 15: To what extent do you agree with the following statement: "The Agency has established effective mechanisms for operational information exchange with the Member States." (N=175)
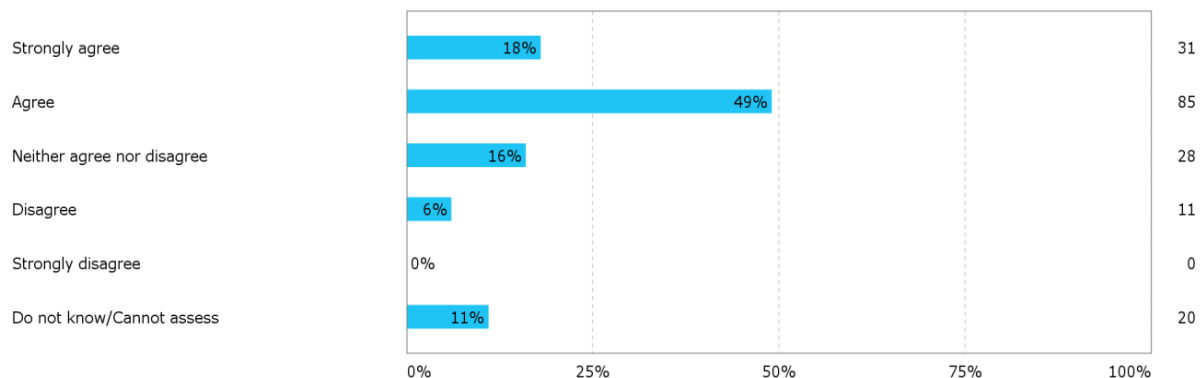
On this question, the judgment criterion for this indicator has thus been met, as app. 70 % of the beneficiaries consider that the exchange of information is effective.

Looking at other aspects of the information exchange between Frontex and MSs, such as whether Frontex obtains relevant information from the MSs, the survey responses varied. A large part of the respondents considered that Frontex received relevant information from the Member States to some degree (44%) or to a high degree (20%). However, some of the respondents considered that Frontex obtains relevant information from Member States only to a limited degree (21%) or not at all (2%).

When asked to assess to what degree they consider that the Member States are able to communicate to the Agency their needs and expectations, almost half of the respondents said that they considered that this was the case. Notably, analysis of the results per stakeholder group shows that Member States feel more confident about their ability to communicate their needs and expectations to the Agency, compared with the opinion expressed by Frontex staff in the survey.

The relation between Frontex and National Frontex Contact Points was also evaluated in the survey. The relevant stakeholders were asked to assess whether they consider that: (a) National Frontex Points of Contact (NFPoC) have received relevant information from Frontex; and (b) National Frontex Points of Contact (NFPoC) have distributed information from Frontex to the relevant authorities. Aspect a was assessed more positively than aspect b. Especially Frontex staff were sceptical about the extent to which NFPoCs distribute information from Frontex to relevant authorities, while MSs respondents assessed both questions positively. This indicates that Frontex staff experiences a communication breakdown, which is not perceived by MSs.

Another important information exchange mechanisms is the Frontex Risk Analysis Network (FRAN) which interviews with staff from Frontex showed is a useful information exchange mechanism between the Agency, the MSs and the Commission.

Data collection takes place through the upload of excel documents to ICONet. Despite the lack of a centralised on-line system for data collection the conducted interviews with representatives of MS did not reveal any dissatisfaction with the current practice.

While the evaluation also set out to assess the information exchange between Frontex and the European Commission, no feedback on this issue was received by the Commission. Indicator 7.2 is, thus, only partially assessed.

To what extent has Frontex facilitated the exchange of relevant information with the Commission and the Member States?
In conclusion, evidence collected through the survey and case study shows that the Agency's efforts within ICT have facilitated the exchange of relevant information with Member States and provided good support to operational activities. From the Member States' side the assessment of the Agency's ability to establish effective mechanisms for operational information exchange is predominantly positive. The survey showed that Frontex staff was slightly more negative in their assessment of the information exchange with Member States, which indicates that the Agency experiences a communication breakdown that is not perceived by the Member States to the same extent. Some challenges have also been faced in relation to compatibility between the Frontex supported ICT systems, leading to difficulties in sharing data. Hence, while the overall assessment of the Agency's activities in this area is positive, there is room for improvement.

3.1.8   To what extent had the development and operation of the EUROSUR framework received adequate assistance from the Agency?

The European Border Surveillance System (EUROSUR) is a regulation which established an information-exchange framework meant to enable near real-time sharing of border-related information between members of the network - the Schengen countries and Frontex. Developed by Frontex in consultation with MSs, the platform is fuelled through information-input by National Coordination Centres (NCCs), on the basis of which Frontex can create a comprehensive European Situational Picture of the external borders.

The key IT application aimed at implementing the EUROSUR regulation is the ECN. The ECN is supported by the EFS and provides both through the ECN as well as directly to the MSs, decision support information tools and services. The ECN is not fully operational yet and will have its own evaluation in 2016. While it was not under the remit of this evaluation to assess in detail the implementation, operation and effectiveness of the system, feedback was nevertheless provided by stakeholders through different channels and is thus summarised in the following paragraphs.

Indicator 9.1: The Agency provides the national coordination centres with regular and reliable surveillance information on external borders
As can be seen in Figure 16, the majority of respondents who offered an opinion on the quality of surveillance information provided by the Agency to NCCs, considered such information to be regular and reliable. However, this share falls short of the norm set by the evaluators (70%).

Figure 16: The Agency has provided reliable and regular surveillance information on external borders to the national coordination centres.
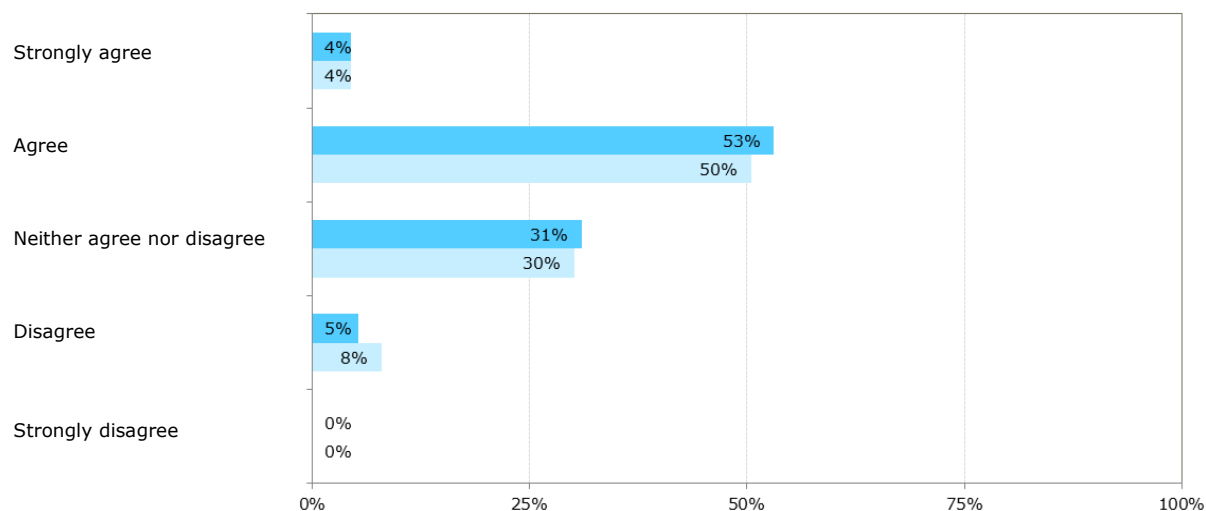
The case study on Frontex's ICT strategy revealed that the Agency's ability to provide reliable and regular surveillance information on external borders is largely dependent on the reliability and regularity with which information is provided by Member States. As mentioned already in Section 3.1.7, there are several parallel ICT platforms through which information is exchanged and this provides important support to operational activities. However, it was mentioned as a shortcoming that Frontex does provide a single access point the different ICT platforms. At the same time, the case study and interviews revealed that there are systematic challenges in collecting data (discussed in detail under indicator 9.2), which also affect the outputs of the system provided to National Coordination Centres. In this regard, 3.1.7 showed that a number of challenges have been linked to the implementation of the ECN which mean that the potential of the system cannot be fully exploited, namely technical issues with connecting to the ECN from Member States, duplication between JORA and the ECN and the lack of a common data model. The latter shortcoming is documented in the case study, which suggests that it is partially explained by the fact that Member States use the ECN differently, for example choosing different sharing options (when they upload data) and filling in codes in incorrect formats.

Indicator 9.3: The Agency has established an effective cooperation with the national coordination centres on access to the European situational picture
The survey results show that on the question of whether the Agency has established effective cooperation with national coordination centres on the situational picture, 67% of the respondents who could assess the question confirmed that this was the case – a result that falls just short of the 70% judgement norm set by the evaluators. It should be noted that Frontex staff who responded to the survey assessed their role more positively compared to the MS respondents.

Figure 17: The Agency has established effective cooperation with national coordination centres on the European situational picture (N=149)
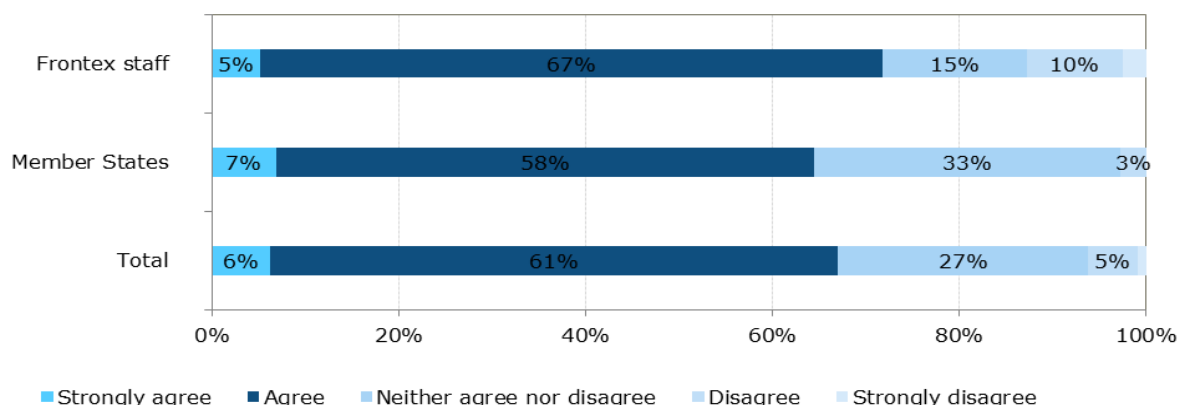
In line with the survey results, the interviews and case studies revealed that there were certain issues (e.g. limited accessibility of ECN outside of the NCCs), which prevented the full exploitation of ECN and its functionalities in the cooperation between Frontex and MSs in this area. While there was inconclusive evidence as to the exact ways in which Frontex is not effective in establishing cooperation with NCCs, it should be noted that the Frontex Situational Centre (FSC) is reported to be currently working on a strategy for cooperation with Member States and internal stakeholders on the exchange of information which is expected to address current issues related to ICT governance. The FSC reports that the EFS as a source of information on the European situational picture is not constrained by the same limitations and issues as the ECN.

Indicator 9.2: The Agency has established an effective communication network

According to the survey results, overall, the perception of the effectiveness of ECN is varied: out of the 62 respondents who confirmed that they use the system, only 49% agreed or strongly agreed that the system is effective, which again falls short of the target level of agreement at 70%. The results per category of respondent show that more than one third of the Frontex staff respondents did not agree or strongly disagreed with the fact that the system was effective. These results can be explained by the shortcomings of the system at its current level of implementation and use, as reported by the interviewees and in the case study findings.

Figure 18: To what extent do you agree with the following statement: "ECN is an effective communication network".
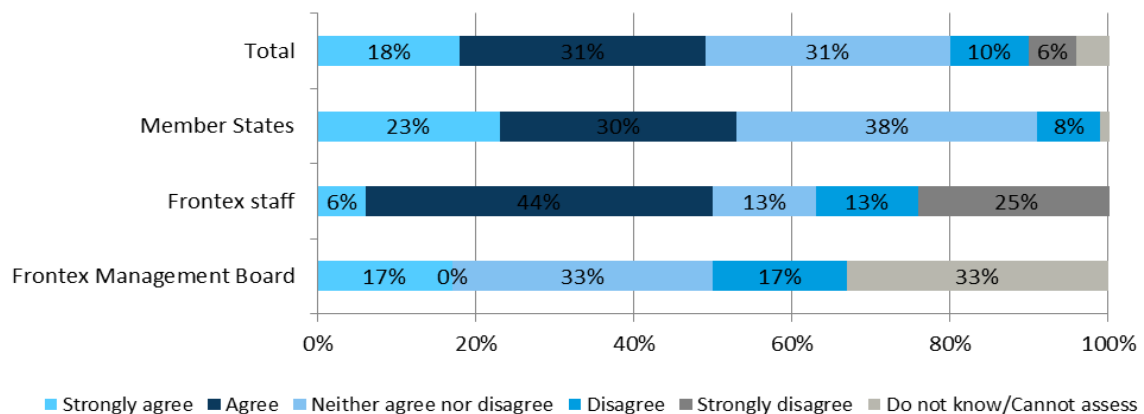
As already mentioned, the case study on Frontex's ICT strategy indicates that the ECN faces challenges in achieving its intended outcomes as a consequence of systematic issues in terms of data availability. Frontex staff involved in the issue noted that the current ECN is based on the prototype which was originally piloted, rather than a fully developed application. The prototype gives users a poor experience which discourages usage of the application, because users repeatedly have trouble with core functions including logging-on, accessing web-map data and uploading data themselves. This is assessed to be an internal factor which inhibits the system from achieving its intended results to the fullest extent possible.

Another shortcoming of the ECN is that it allows Member States to select with whom they share the information they entered. Despite the fact that the EUROSUR regulation obliges Member States to share all data, the prototype´s optionality results in them not always sharing. Interviewees suggested that this may be because Member States do not know how to use the ECN´s sharing options, or because they are not aware of that other Member States and Frontex benefit from their data. This can be categorized as an internal factor which is an obstacle to exploiting the full potential of the ECN and which limits the ECN´s contribution towards the intended output.

Whilst the technical shortcomings of the ECN application appears to be the primary cause of difficulties, Member States´ practices can also reduce the collection of data. Interviewees highlighted that Member States share incidents by writing descriptions rather than filling in the standardized tables, which means that the information is not standardized. This is an external factor which prevents EUROSUR from contributing to the output to the fullest extent possible. The consequence is that analysis becomes burdensome, since staff have to read all incidents reports, rather than simply extracting the data from the tables.

To what extent has the development and operation of the ECN received adequate assistance from the Agency?
The collected information provided inconclusive evidence of the extent to which Frontex has adequately assisted the development and operation of ECN. Since ECN is still in the process of being implemented, it is concluded that further efforts are

required both on the side of Frontex and MSs. Preliminarily, the evidence suggests that the current shortcomings in the system are due to issues with the original ECN application as well as users in Member States not being fully able to use the ECN as it was intended.

3.1.9   To what extent had Frontex facilitated operational cooperation with authorities in third countries?

The Agency's priorities regarding key areas for the development of operational cooperation with the competent authorities of third countries are information exchange, risk analysis, training, research and development, joint operations and pilot projects. These activities are implemented by the respective divisions in Frontex, with support from the External Relations/Third Countries team.

Indicator 8.1: The Agency has enhanced cooperation with relevant authorities in third countries
The evaluation assessed the Agency's effectiveness in enhancing cooperation with relevant authorities in third countries. Firstly, the survey showed that only 47% of the respondents agreed with this indicator. There was a notable divergence of views within specific stakeholder groups. Whilst most Member States were positive about Frontex's role in this regard, a higher percentage of representatives in South European states (i.e. Spain, Greece and Italy) strongly disagreed with the statement. Notably, all respondents from Greece strongly disagreed. Additionally, Frontex staff seemed to be split over this issue.

According to Frontex officials interviewed for this evaluation, third countries relations are an integral part of Frontex's mission. These relationships represent a valuable tool for effectively tackling irregular migration and cross-border crime and form an important part of the EU's IBM strategy.

Frontex pursues the signing of working arrangements as its preferred option for establishing a framework for cooperation with different third countries. These take into account the mutual interests of each partner country individually, with an emphasis on gradual development of sustainable partnerships.

EU candidate and potential candidate countries receive special attention, in particular in seeking to align their border management structures with EU standards. Neighbouring and also Mediterranean third countries also have preference.

As of December 2014, Frontex had concluded Working Arrangements/Memorandum of Understanding with the competent authorities of 17 countries: the Russian Federation, Ukraine, Moldova, Georgia, the Former Yugoslav Republic of Macedonia, Serbia, Albania, Bosnia and Herzegovina, the United States, Montenegro, Belarus, Canada, Cape Verde, Nigeria, Armenia, Turkey and Azerbaijan as well as with the Coordination Service of the CIS Border Troop Commanders and the MARRI Regional Centre in the Western Balkans.

Based on a working arrangement, cooperation may be further structured so that both sides commit resources to specific planned activities over a given timeframe.

Following the mandates of the Management Board to conclude working arrangements with Libya, Morocco, Senegal, Mauritania, Egypt, Brazil and Tunisia, the agency has undertaken further efforts to renew negotiations with the authorities of third countries, in particular, Egypt, Morocco, Senegal and Tunisia. According to Frontex representatives, external factors (security, political instability, country interests) have limited the progress in concluding working arrangements.

It should be noted that working arrangements are not the only way of getting operational cooperation started – for example, Frontex's Risk Analysis Unit has been able to set up a

framework for regular information exchange and joint analytical work with North and West African countries without working arrangements. The result of this has been that since 2010 the Africa-Frontex Intelligence Community (AFC) has been operating as an informal community of border security and intelligence experts sharing information and knowledge of common interest.

Another option for cooperation, referred to in the Frontex Regulation, is through existing bilateral arrangements between non-EU states and individual Member States of the EU. This option was applied to good effect, i.e. in Frontex Joint Operation Hera, focusing on migration flows from West Africa to the Canary Islands. Mauritania and Senegal have both been involved in Hera as a result of bilateral agreements in place with Spain, and their contribution has yielded positive results. In the field of training also some examples of facilitation of bilateral cooperation were identified.

Both case study and stakeholder interviews reflected the need for more significant progress with third countries (the Maghreb countries were given as a particular example) along the lines of the existing cooperation with Nigeria, which was highlighted as an example of the effectiveness of Frontex's activities towards third countries. Frontex's Working Arrangement with the Nigerian Immigration Service has facilitated the development of the Best Practice Guidance for JROs to Nigeria which has assisted Member States significantly in their work in this area. Nigerian authorities have also been progressively involved in other events coordinated and organised by Frontex, in particular related to air and sea border control.

Furthermore, Frontex is participating in the European Commission-led initiatives within the framework of the EU Dialogue on Migration, Mobility and Security, in particular with Tunisia and Morocco, thus establishing and maintaining direct contacts with the competent authorities of these countries and exploring the possibility to start up a formal negotiation for the conclusion of a working arrangement.

Cooperation with third countries in the area of return is also taking place through the EURINT project funded by the Asylum, Migration and Integration Fund (AMIF), launched in 2010 and scheduled until 2020. Over 20 MSs take part in EURINT as project partners, with the aim to increase the commitment of third countries towards (forced) returns, including by facilitating the issuance of travel documents. Frontex provides the EURINT-network with access to the FOSS platform, through which members can share and exchange third-country information, reports and best practices related to the acquisition of travel documents.

The case study on JROs also identified the Melita project as an example of the effectiveness of the Agency's activities in pre-return assistance to Member States and the ensuing positive consequences for relations with third countries.

The JRO case study also concluded that the Agency had been effective in facilitating operational cooperation in the area of Escort Leader training for Collecting JROs.[56]

A stakeholder interview revealed the Memorandum of Understanding negotiated between Frontex and the competent authorities of Turkey as another example of the positive impact of Frontex's activities in the area of cooperation with third countries. This covered exchange of alerts through FOSS, risk analysis, the deployment of Frontex or EU experts to border crossing points in Turkey and the participation of Turkish officials in training programmes. The interviewee considered that the impact of Frontex's activities was very positive and highlighted the area of risk analysis as being particularly productive. The case study on Poseidon Land found that, under the 2014 Operational Plan, regular monthly meetings between the Greek and Turkish authorities have been organised with a view to improving cooperation between the two countries and exchanging operational information and data for the purpose of assessing the latest situation related to illegal

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[56] In Collecting JROs, non-EU countries provide the escorts to perform the return of their own citizens.

migration. This case study also found that, pursuant to the signed agreement between Bulgaria and Turkey, regular joint bilateral meetings were organised with a view to preventing and resolving border incidents.

While the track record of the Agency in terms of facilitating cooperation with third countries received an overall positive assessment, the collected evidence with regard to the Agency's capacity building activities in this area gives indications that there is a need for improvement. The survey of stakeholders shows that only 26% of the respondents agreed that the Agency had provided sufficient support to capacity building in third countries. Feedback received from the Frontex staff indicates that the current activities in terms of capacity building as well as other areas of cooperation would be more effective were the Agency to develop and adopt a third country strategy, that would enable different units to coordinate their contributions to third country relations in a more aligned manner and allow the agency to prioritise its third-country related activities more strategically.

It should be noted that the last amendment of the Frontex Regulation provided the Agency with the possibility to carry out certain activities outside the territories of EU Member States, such as launching and financing the building and technical assistance projects in third countries, also benefiting from Union funding. Article 14 also provides for the deployment of Frontex Liaison Officers (FLO) in third countries, based on risk analysis results identifying a third country as a priority country (country of origin or transit regarding illegal migration).

According to interviewed Frontex representatives, since the new provisions are expressed as optional in the Regulation and are not allocated specific human or financial resources, they have not been considered as a priority for Frontex so far. Indeed, information was received that while the Agency has been working on setting up a framework for implementation, the possibility to deploy a liaison officer is to be used for the first time in 2015 – during the 52nd Management Board meeting held 18 - 19 February 2015, a decision was taken on prioritising Turkey for the deployment of a FLO.

In terms of providing technical assistance to third countries, since 2014, two Union funded initiatives are underway on IBM with the Eastern Partnership countries with Frontex in the lead and WCO, IOM and ICMPD as implementing partners. Likewise, Frontex is engaged with EASO in a technical assistance project aimed at familiarizing Tunisia and Morocco with the work of the agencies. Representatives of Frontex noted that technical assistance to third countries has the potential for very high impact with even small financial resources. This pointed to the need for more flexibility in this area, including by using to that end resources from the Frontex budget, such as unabsorbed funds at the end of the financial year.

Interviewed representative of Third Countries indicated their interest in having more opportunities to participate in more training activities on subjects such as cross border crime or irregular migration. According to representatives of Frontex, the current constraints for involving third countries to a higher extent have to do with insufficient financial and human resources for capacity building.

> **To what extent has Frontex facilitated operational cooperation with authorities in third countries?**
> **Although there is significant evidence to show the Agency's effectiveness in its cooperation activities with third countries, the collected evidence indicates that this is an area for further, future development.**

3.1.10 To what extent has Frontex enhanced the cooperation with the relevant EU agencies and international organisations?

The analysis of the cooperation between the Agency and other EU or non-EU partner organisations (EU institutions, agencies, bodies and international organisations) provides the opportunity to assess the possible forms of interactions, the mechanisms used and the outcome of their activities to be able to underpin the role and functions of Frontex in the EU inter-institutional environment.

Indicator 13.1: The Agency has increasingly engaged in relevant cooperation with other agencies and international organisations
The conducted interviews offered many examples of the good cooperation between Frontex and other **EU agencies.**

Frontex was reported to cooperate closely with the Justice and Home Affairs (JHA) agencies. The main partner in the area of asylum and migration management is the European Asylum Support Office (**EASO**), with which the Agency was assessed to have a very good and close working relationship. EASO and Frontex cooperate on a DEVCO-funded project covering Morocco, Tunisia and Jordan, as well as on a project under the Instrument for Pre-Accession.

The main interface for Frontex and **Europol** activities is in the area of countering the facilitation of illegal immigration. Frontex and Europol cooperate on the strategic level through the exchange of strategic intelligence products. At institutional level, the agencies cooperate through the Group for coordination of JHA agencies which provides joint input to EC documents, a recent example being their contribution to the internal security strategy.[57] At operational level, Europol has a general commitment to support Frontex on joint operations, which often include an objective to combat and prevent cross-border crime, but according to a representative of Europol, this is an area where the cooperation can be improved, both from Europol's side in terms of ensuring the resources for systematic participation in the JO processes and from the side of Frontex in terms of engaging Europol more actively. In connection to this, room for improvement with respect to the cooperation between Frontex and Europol can also be found in the area of cross-border crime more generally, where Frontex is currently not implementing any regular risks analysis activities (see Section 3.1.2 for more details).

Frontex has also taken part in Operation Archimides, which was coordinated by Europol and highlighted as a good example for cooperation between the agencies by Europol. [58]

The scope for cooperation between Frontex and Europol has been expanded as a result of the adoption of the revised Frontex regulation and the EUROSUR Regulation (Art 17). While the parameters for cooperation on the latter have yet to be defined, the arrangements necessary for providing personal data collected during JOs to Europol in line with the provisions of the revised Frontex regulation are in the process of being implemented. The transmission of such data required the set-up of an operational agreement between the two agencies, which according to a representative of Europol took a lot of time to develop and significant pressure from the JHA council and the Commission towards Frontex. The Agency's challenges in terms of implementing Article 11b and c is illustrated in annex 2.

To develop the situational awareness and to enrich the content of the risk analysis products, structured exchange of information has also been set up with the EU Agency for large-scale IT systems (EU-LISA). The agency also cooperate on the upcoming project on Smart Borders Frontex has also received support from EU-LISA in the framework of the security accreditation for ECN.

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[57] See Communication from the Commission to the European Parliament and the Council COM(2014) 365 final
[58] More information about Operation Archimides can be found on https://www.europol.europa.eu/content/operation-archimedes

The cooperation between Frontex and the Fundamental Rights Agency (FRA) was assessed by representatives of the agencies as very effective. Under the auspices of the cooperation agreement between the two agencies, FRA officers are in touch with most units of Frontex where there is scope for cooperation. FRA provides input to the process of development of border guard training and guidelines, for example FRA was part of the working group on the revision of the Common Core Curriculum in 2012 contributed to improving the content of the curriculum with regard to fundamental rights and data protection aspects. Additionally, Frontex supports FRA research at border crossing points, and FRA shares its third-country analysis with Frontex and follows-up on this if it indicates the need for action by Frontex.

Cooperation in the area of training also takes place between Frontex and **CEPOL.** CEPOL is responsible for coordinating law enforcement training scheme and Frontex contributed to this by developing the sectoral qualifications framework for border guards. In general the cooperation between the two agencies was assessed as good and well organised, ensuring that the activities of the agencies do not overlap.

Frontex actively cooperates with the European Maritime Surveillance Agency (**EMSA**) for the purpose of establishing and subsequently implementing a service level agreement on the provision of earth observation services. The cooperation of the agencies was assessed as good, although getting the service-level agreement in place between the two agencies was a long and difficult process due to the challenge of making arrangements for Frontex to pay EMSA for the services provided, notably costly satellite images, as the agencies' frameworks were not suited for accommodating such commercial business processes. Due to certain budgetary limitations on EMSA's side and the ensuing constraints on their ability to provide the data required by Frontex, a suggestion was made by Frontex that back-up options could be explored, such as working with commercial enterprises.

The conducted interviews offered many examples of the good cooperation between Frontex and **international organisations.**

UNHCR cooperates bilaterally with Frontex in several different aspects and also participates in multilateral cooperation with the Agency in the context of the Consultative Forum.

UNHCR has worked closely with Frontex since the establishment of the Agency. Interviewed representatives of UNHCR and Frontex provided positive feedback on the effectiveness of the cooperation, which takes place at working level, rather than just as a one-way process of UNHCR sharing information. The organisation is indeed able to provide valuable information from their officers in the field in third countries, and especially countries of origin for large migratory flows. This information is discussed in weekly meetings with Frontex. Discussions also take place regarding issues such as protection at sea (in the context of the situation in the Mediterranean). At operational level, the cooperation between the Frontex and UNHCR has been reinforced through the introduction of a more institutionalised approached, whereby UNHCR is invited to join in some of the briefing to new officers taking part in Joint Operations, by providing presentations and practical examples on how to ensure there is a working referral mechanism when it comes to protection, that is adjusted to the specific conditions of the JO. An interviewed UNHCR representative assessed that the organisation's participation in JOs in this manner is very effective and reported that there are on-going discussions with Frontex on how to evolve the practice.

IOM is another international organisation which cooperates extensively with Frontex. Just like UNHCR, IOM has both a bilateral and a multilateral cooperation with the Agency. For example, on a bilateral basis, with the recent outbreak of Ebola in West Africa and the consistent trend of many migrants from West Africa arriving in Italy, IOM provided information on Ebola to Frontex officers participating in border management operations in Italy (on symptoms, prevention, etc.). Frontex and IOM are also jointly involved in capacity building, e.g. through the Eastern

Partnership IBM capacity building project, in which Frontex is in the lead with WCO, IOM and ICMPD as implementing partners.

In the multilateral setting of the Consultative Forum, IOM contributes in particular through the training and joint operations working groups of the Forum.

Box 6: Example of enhanced cooperation between Frontex and international organisations

> **Development of the VEGA children handbook**
> Interviewed representatives of Europol, UNHCR and IOM highlighted the development of the VEGA children handbook as a good example of how the cooperation between different stakeholders can lead to the development of a very useful product and promote cooperation between the Agency and its stakeholders.
>
> The handbook is a border guard manual meant to equip officials at air borders with the tools they need to tackle child trafficking at airports. Frontex involved the Consultative Forum (and thus IOM and UNHCR) in drafting the handbook and there was a whole operation to pilot the project. This was the first instance of deployment of CF and FX officers at a MS airport. FX invited MSs to volunteer to be part of this, which was assessed as a good way of involving MSs in addition to promoting the product to them. The project's benefits were assessed to go beyond the direct intended impacts of improving the capacities of border guards to detect children at risk, by providing a valuable opportunity for CF members and FX officers to work together and thus gain better understanding of each other's challenges.
>
> Bothe IOM and UNHCR have expressed interest in having this good practice applied to other areas of cooperation.

These findings indicate that Frontex is cooperating with other EU agencies and IO stakeholders in a satisfactory manner – a conclusion also supported by survey data. More than 70% of all respondents (strongly) agreed that Frontex has enhanced its cooperation with relevant organisations.

Figure 19: To what extent do you agree with the following statement: "Frontex has enhanced cooperation with relevant international organisations." (N=174)
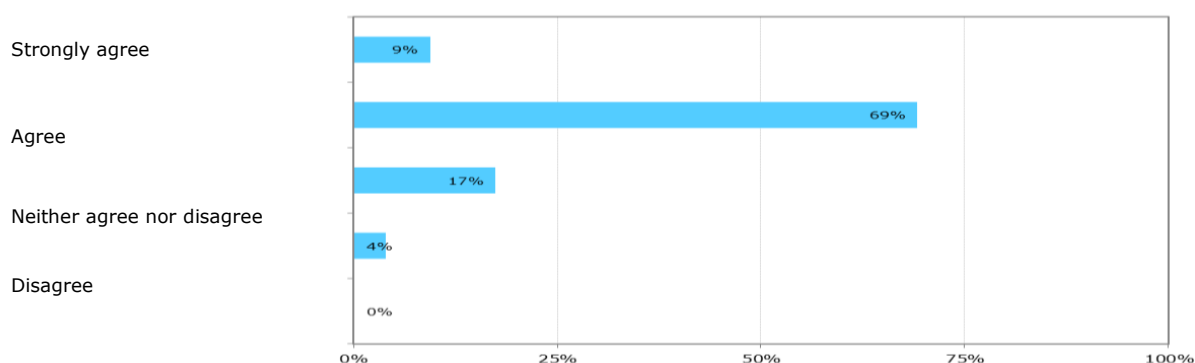
Although the evaluation did not investigate in detail the impacts of this cooperation, the collected evidence on the effectiveness of on-going cooperation activities with other EU Agencies and with international organisations suggests that these activities contribute to the improved coordination of border management of the EU external border – e.g. the cooperation with CEPOL and FRA in relation to training materials contributes to the establishment of common standards and, in turn, a more uniform level of border control at EU external borders. Cooperation with international organisations facilitates the implementation of the Agency's activities requiring cooperation with third countries.

Room for improvement in terms of cooperation with EU Agencies was identified in the area of cross-border crime (between Frontex and Europol).

> **To what extent has Frontex enhanced the cooperation with other EU Agencies and international organisations?**
> The collected evidence confirms that Frontex has enhanced its cooperation with other EU agencies and international organisations, which contributes positively to the implementation of a number of tasks of Frontex, such as those in the area of training and relations with third countries. Room for improvement can be found in the area of cooperation on cross-border crime related issues between Frontex and Europol.

3.2 Impact

The analysis presented under the following sub-questions aims to assess the extent to which the Agency: (a) has contributed to the improvement of the integrated management of the external borders of the MSs; (b) whether it has facilitated a more effective application of the relevant EU measures relating to the management of the external borders including the Schengen Borders Code; (c) has provided relevant technical support and expertise, as well as promoted solidarity between MSs.

3.2.1 To what extent had the Agency improved the coordination of actions on border management between MSs?

Indicator 10.1: The Agency has contributed to the improvement of Joint Operations at the external borders

The impact of the Agency's role in planning, coordinating, implementing and evaluating Joint Operations was assessed. In the stakeholder survey the view regarding the contribution of Frontex to the improvement of Joint Operations at the external borders was highly positive. The majority of respondents (84%) considered that Frontex has contributed to the improvement of Joint Operations.

Figure 20: To what extent do you agree with the following statement: To what extent do you agree with the following statement: "Frontex has contributed to the improvement of Joint Operations at the external borders" (N=87)
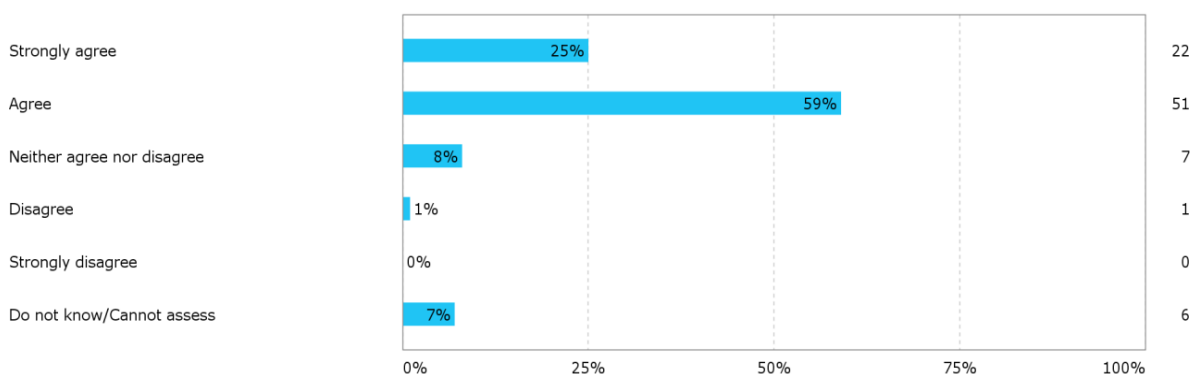
The case study carried out on Poseidon Land revealed that the impact of this particular Joint Operation can be seen in the enhanced exchange of knowledge between officers and increased situational awareness of the EU external borders through border surveillance support, improved information-gathering by guest officers, screening and debriefing experts (supported by interpreters with specific expertise in the area) and a higher quality of information generated through interviews with migrants apprehended, which has increased during the case study's reference period. The impact of these improvements is that the ability of the Greek authorities to control their land borders with Turkey and to reduce the number of incidents of illegal migrant crossing and cross-border crime has been enhanced and therefore a more efficient and uniform level of border control has been ensured at the EU's external borders.

Stakeholder interviews conducted on the subject of Joint Operations highlighted that the training and access to experts provided by Frontex has contributed to the improvement of Joint

Operations as has the establishment of multi-national network teams which has enhanced information sharing. It was also considered that the role of Frontex in Joint Operations had enabled an improvement in the capacity to cope with situations arising at the EU's external borders.

Overall, the findings reflected the positive impact of the Agency's contribution to Joint Operations.

Indicator 10.2: The Agency has contributed to the improvement of Joint Return Operations

The evaluation also assessed the impact of the Agency's activities in coordinating MS' efforts to maximise the efficiency and cost-effectiveness of JROs whilst ensuring that respect for fundamental rights of returnees is maintained at every stage of the process. The survey of stakeholders assessed the degree to which Frontex has contributed to the improvement of Joint Return Operations at the external borders. This retrieved a generally positive picture with 71% of the respondents who offered an assessment considering that Frontex has contributed to the improvement of Joint Return Operations to a high or very high degree.

Figure 21: To what extent do you agree with the following statement: "Frontex has contributed to the improvement of Joint Return Operations at the external borders" (N=63)
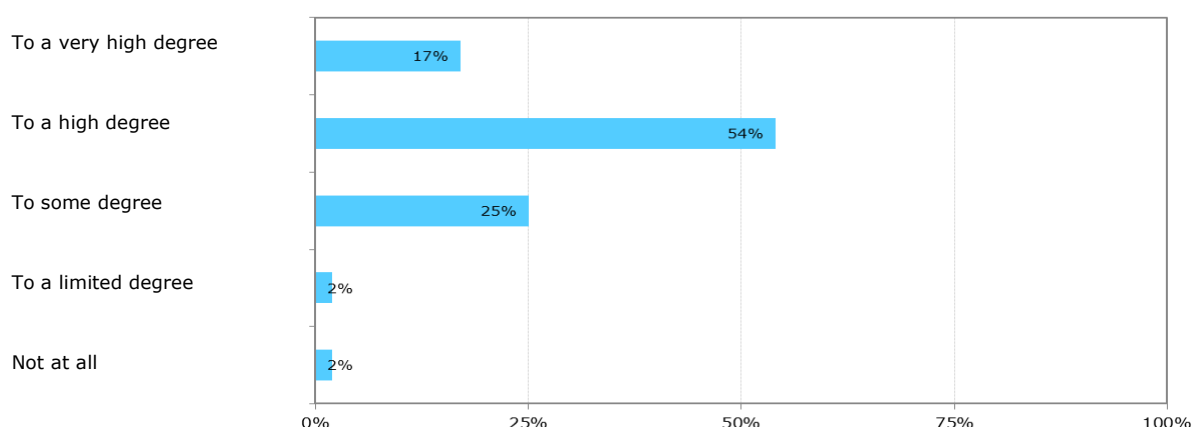
The case study on JROs concluded that significant developments have been achieved by Frontex in the area of Joint Return Operations since 2008. Nearly all Member States have now participated in a Frontex coordinated JRO and 27 destination countries have been covered. The following figures relating to JROs were provided by Frontex for the period 2008-2014 and they show a steady increase in the number of returnees.

Table 4: Joint Return Operations 2008-2014

Year	Number of JROs	Number of returnees	Frontex co-financed JRO
2008	15	801	5
2009	32	1622	21
2010	39	2038	35
2011	42	2059	37
2012	39	2110	37
2013	39	2152	38
2014	45	2279	45

Evidence presented in the case study interviews concluded that there has been a real improvement in the process of JROs over the evaluation period and this has provided a solid platform for a further strengthening of the Frontex role. The interviews all confirmed the important impact of the high quality training that had been organised, the efficiency of the

standardised procedures set in place and the effective coordination of participation carried out by Frontex. The case study interviews highlighted that Frontex had contributed to a more harmonised, efficient, compliant and professional approach in the area of JROs. Comments made in stakeholder interviews also confirmed the positive impact of the Agency's support. However, they also confirmed opinions expressed in the case study interviews that the impact of Frontex's role in Joint Return Operations would be even more significant if Frontex were to take the lead in the organisation of these operations.

Overall, there is strong evidence of the positive impact of Frontex's activities in terms of joint return operations.

Indicator 10.3: The Agency's activities provide a clear added value to the border management activities of the Member States
The activities of the Agency were assessed with a view to providing clear added value to the border management activities of the MSs.

Desk research and case study interviews conducted highlighted the added value provided in the training programmes delivered by the Agency, particularly in the area of screening where 140 screeners from the EGBT pool had received training in addition to the national workshops conducted in Greece and Bulgaria (JO Attica) and in Risk Analysis where more than 400 officers have been trained. The impact of this contribution to capacity building highlights the added value the Agency provides to the border management activities of Member States. Similarly, the Agency's role in the provision of standardised training for national Escort Leaders in JROs (250 have been trained since 2008), the development of the Common Curriculum for Escort Officers and the training provided to third country Escort Officers for Collecting Joint Return Officers reflects the added value of increased knowledge and understanding of the operational and compliance aspects of JROs and collecting JROs.

Stakeholder interviews identified that the information and knowledge sharing opportunities provided by the Agency, together with the access to guidelines on best practice represented real added value. By bringing together the expertise from across the Member States to share best practice, Frontex enables the implementation of common standards and interoperability. Attendance at a Frontex organised workshop on land border surveillance was a particular example given by one interviewee to highlight the Agency's added value in Member States' border management activities.

Frontex's activities in the area of Risk Analysis were identified, both in the case study and in the stakeholder interviews as significantly enhancing the MSs' situational awareness and creating a culture of intelligence, thereby providing clear added value to their border management activities. Likewise, the Agency's role in both JOs and JROs had enabled a high level of collaboration between Member States and improved practice thereby providing real added value. Furthermore, the co-financing scheme set in place for JROs was considered to be of significant value to Member States' border management activities.

To what extent has the Agency improved the coordination of actions between MSs?
It was concluded, therefore, that the Agency's activities have had a positive impact in reinforcing and streamlining cooperation between MSs border authorities and therefore improving the coordination and effectiveness of MSs border management activities.

3.2.2   To what extent has Frontex enhanced operational cooperation with authorities in third countries?

Indicator 11 was addressed under effectiveness.

3.2.3   To what extent has the Agency managed to support the MSs in introducing more effective measures of external border management?

While Section 3.1.2 focuses on outlining outputs and effectiveness of the risk analysis activities of the Agency, the following indicators aim to assess the impact of these activities in terms of their contributing to the efficient allocation of resources for border checks and surveillance and henceforth the achievement of efficient high and uniform level of control along the external border and facilitation of bona-fide border crossings. The evidence collected through the case study, survey and a number of interviews with stakeholders offer concrete examples of causal links and positive qualitative assessments that confirm the connection by the risk analysis activities of Frontex and their intended impacts.

Indicator 12.1: The Agency has provided relevant risk analyses tools to facilitate a more effective application of the available resources for external borders management
As already discussed, the Agency produces a large number of strategic and operational risk analysis products every year. According to the survey results, the role of these products in planning and allocation of available resources is viewed largely positively. Close to 70% of the surveyed respondents agreed that Frontex's Risk Analyses improved the allocation of technical, human and financial resources at the external borders (see Figure 22) which satisfies the judgement criteria set by the evaluation for this indicator.

Figure 22: To what extent do you agree with the following statements? - Frontex's risk analyses […]
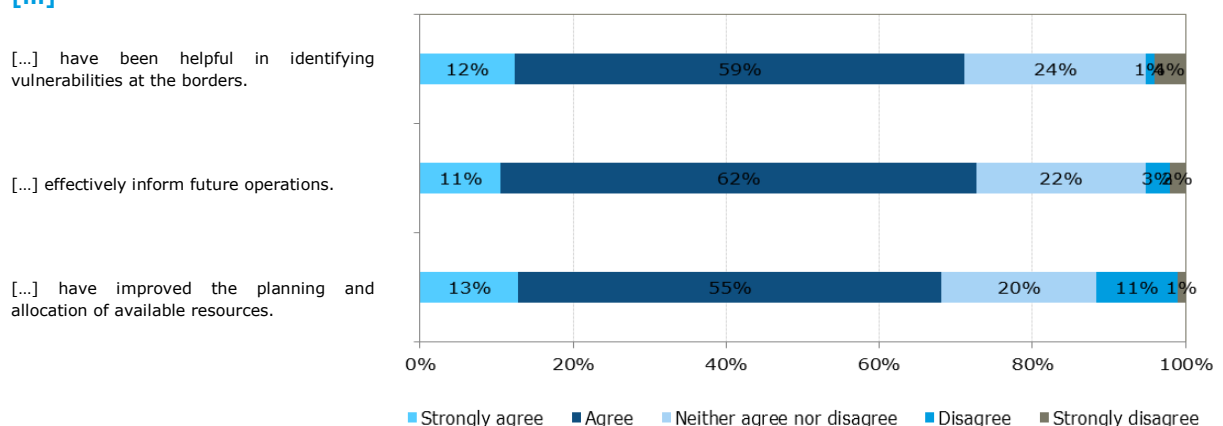
The survey results are supported by evidence from the conducted interviews and case study on the subject of risk analysis, which offer multiple examples of how operational and strategic risk analysis products enable Frontex and Member States to make informed decisions on the allocation of resources to the border management of the external borders of the European Union and the Schengen Area.

At operational level, risk analysis outputs were confirmed to also guide the implementation of Joint Operations. In the face of vast areas that need to be covered through surveillance and monitoring and the limited availability of human and technical resources, operational analysis products were assessed by all stakeholders to enable authorities to plan their operational activities strategically to target the areas and *modi operandi* that pose the biggest threat to the security of the external borders.

For example, the JO biweekly reports, developed by RAU on the basis of intelligence collected from debriefers, summarise the identified trends of relevance for the migratory pressure on the external border in the area of relevance for the JO, as well as the findings of operational and debriefing activities from the past two weeks. Based on these, the reports offer recommendations – e.g. the debriefing teams are advised to focus on obtaining information on the alternative

routes for reaching the EU offered to migrants by facilitation networks.[59] Recommendations are also directed to the project manager for the JO, advising them to liaise with MSs' authorities for the collection of data of relevance for the JO – e.g. pictures of the wooden boats from which migrants are rescued, in order to establish their country of departure.[60]

As evidenced by Figure 22, the majority of survey respondents (strongly) agreed that the Risk Analyses realised by the Agency constitute an adequate basis for information for future operations. Similarly, most of the respondents (strongly) agreed that the Risk Analyses are helpful in the process of identifying vulnerabilities at the borders. In both cases the agreement rates surpass the judgement criteria threshold of 70% set by the evaluation.

Once again, the interviews and in-depth investigation conducted as part of the case study on Risk Analysis offer further evidence that the outputs of the risk analysis activities of the agency fulfil their intended purpose.

At strategic level, strategic risk analysis products such as the Annual Risk Analysis report are confirmed to be integrated into the process of decision-making involved in the planning of Frontex's activities through the Programme of Work discussions and the ensuing bilateral talks with the MSs. Member States reported that they used the information reported in ARA in order to identify the need to support other countries in border guard activities through JOs due to pressure on the EU external borders and prioritise their participation in JOs. Based on the strategic risk analysis products, the Finnish Border Authority can, for example, identify the direction in the Mediterranean from which the impacts on Finland are the greatest and recommend that Finnish resources are used in an operation targeting this area. The same approach was reported to be used in the Dutch border management authority.

The planning of each JO involves the development of a Tactical Focused Assessment (TFA), which covers any recent developments relevant to the scope of the JO. The TFA is used to finalise the operational plan to determine exactly what types of technical equipment are most appropriate for a given operation - whether to use fast boats or larger craft or whether helicopters or aeroplanes would be best suited to a given environment, for instance. The precise location and time-scale of joint operations are also determined largely by the TFA.

Final Evaluation Reports (FER) of completed JOs include conclusions about the implementation of the operation and corresponding recommendations on whether the operation should be renewed and how it can be coordinated and implemented more effectively.

It is important to highlight that data collected at MSs' level represents the main inputs for the risk analysis activities of Frontex. That said, the process and outputs of data collection are different in each MS and come with its own terminology and definitions, baselines, etc. The Common Integrated Risk Analysis Model (CIRAM)[61] introduced a common vocabulary and a common set of indicators which enabled the consistent and regular collection of data by MSs, without necessarily changing the data collection processes at national level. Interviewed stakeholders confirmed the **added value of CIRAM**, which was assessed to enhance the cooperation between MSs and with RAU by enabling them to "speak in the same language".

Indicator 12.2 The Agency has provided relevant systems for information exchange that facilitate the application of the available resources for external border management
As already discussed under the analysis of Frontex's effectiveness in carrying out its tasks in relation to the provision of ICT infrastructure, the different communication platforms set up as part of the Agency's ICT strategy do facilitate the exchange of relevant information between the Agency, Member States and other stakeholders.

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[59] Biweekly Analytical Report Joint Operation Hermes 2014 Weeks 28 & 29 (7-20 Jul 2014), RAU/S2/DM/BS, Ref. 13110/2014
[60] Biweekly Analytical Report Joint Operation Hermes 2014 Weeks 28 & 29 (7-20 Jul 2014), RAU/S2/DM/BS, Ref. 13110/2014
[61] See Section 3.1.2 for more details on CIRAM

The following analysis builds on this evidence by focusing on the impact of this information exchange in terms of improving the allocation of resources for border management through the delivery of early alert and situational reports to internal and external stakeholders of the Agency.

According to interviewees, Frontex delivers early alerts and situation reports to internal and external customers. The interviewees highlighted that JORA is particularly useful in this regard, because it allows the collection of nearly real-time data from joint operations. JORA has a visualisation component (Eurosur Fusion Services) which allows Member States to access satellite images, and retrieve route information on specific vessels. As a result, Member States have up-to date information about cross-border migration and cross-border crime, which provides them with an improved evidence base when deciding to take actions on the border. Therefore, ICT is assessed to have made border management more effective in recent years, because it has boosted situational monitoring and the access to early alerts.

According to Frontex, in the past two years 100 000 incidents were registered in JORA, showing a steep increase from previous years. Interviewees underlined that JORA contributes significantly to data collection since it is a user-friendly and stable application, which is easily accessible through a VPN connection, thus providing users with a high degree of flexibility.

The case study on the Agency's ICT strategy offered evidence that the most significant contribution of ICT in ensuring usages of early alerts and situational reports is by making these easily available, in particular through FOSS. Interviews with representatives from Member States showed that Member States use early alerts and situational reports to identify geographical areas where an operational response is needed. Additionally, the JORA allows Member States to plan deployment more precisely, and some evidence indicated that Visual Data Discovery Service (VDDS) provided vital input in operational planning, since they can more easily evaluate situations, and thus put forward evidence-based deployment plans.

Moreover, interviews with the Agency´s staff showed that ICT applications have provided increasingly useful situational pictures which have supported Member States and Frontex in making decisions on border management. As previously mentioned the main shortcoming with JORA is the duplication of efforts with the ECN, which could be addressed when revising the ECN application. Evidence suggests that Frontex-One-Stop-Shop (FOSS) is an essential ICT application in this regard, since it provides the Agency´s Member States and external partners with a simple and secure depository for sharing information. Thereby, it enables Member States to access information, which is a prerequisite for them making use of the available information. Interviews with Member States confirmed that FOSS is a very useful "library" which has reduced the time required to retrieve documents needed to report to superior officers. As already indicated in Section 3.1.7, the evaluation survey also overwhelmingly confirmed that there is a high degree of satisfaction with FOSS, showing that 84% of respondents agreed that FOSS is an effective communication tool.

In addition to those systems, the presence of OPERA is assessed to contribute to a more effective and efficient deployment of border guards by making the information accessible and updated. Interviews with Member States confirmed that OPERA gives them easy access to information on the deployment of border guards and their skills. Thereby, OPERA improves the Agency´s and Member States overview of available resources, which is indicated to improve border management. Whilst OPERA was generally highlighted, as a well-functioning and useful system, two areas for improvement were identified during the ICT case study. Firstly, OPERA contains information on the training which a border guard has received, for example through Frontex. This information is uploaded by Member States, and one interviewee noted that there have been cases where border guards were mistakenly indicated to have taken part in training, which they had not attended. This may at times pose a problem for the deployment of human resources, because selected border guards do not have the required training. Secondly, efficiency gains could be realised if OPERA and JORA were more inter-operational in the sense that information in OPERA can be transferred into JORA easily, rather than typing it in twice as is currently the case.

In summary, according to the conducted case study and interviews, the current issues with the ICT platforms operated by the Agency are that there are still inconsistencies in the way that Member States report information through the available systems and that more effectiveness and efficiency could be achieved if the IT systems were more inter-operational, allowing data to automatically transfer from one system to another thus ensuring a more complete picture, whilst reducing resources spent on semi-automatic transfers.

> **To what extent has the Agency managed to support the MSs in introducing more effective measures of external border management?**
>
> **The evidence collected through the case study, survey and a number of interviews with stakeholders offer concrete examples of causal links and positive qualitative assessments that confirm the connection by the risk analysis and information sharing activities of Frontex and their intended impacts. The collected evidence confirms that Frontex's risk analysis activities have facilitated to a high extent the more effective use of the available resources for external borders management. Likewise, the ICT platforms that facilitate information exchange between Member States and the Agency have enabled the collection of almost real-time data that informs border management activities. The impact of the latter is only somewhat impeded by remaining issues with the inconsistency of reporting at national level and the lack of complete interoperability between the available ICT systems.**

3.2.4   To what extent has the Agency contributed to the improvement of the professional capacity of border guards?

The support for training of border guards provided by Frontex is meant to contribute to improving the capacity of European border guards and to making sure that they live up to common EU standards in carrying out their work. This in turn should contribute to improving the interoperability of European border guards and, hence, help ensure uniformity in border controls and facilitate the movement of travellers at EU borders.

Indicator 16.1: The Agency has contributed to the development of relevant training for European Border Guards
This indicator was assessed to fit better in connection with indicator 12.

Training of border guards is ultimately the responsibility of MSs. However, it is within the mandate of Frontex and its Training Unit to contribute to improving the training of European border guards by developing common curricula to be implemented into national training by MSs and by providing specialised training to border guard teachers and to EBGT members in topics particularly relevant for Frontex supported operations.

The results of the stakeholder survey show that a majority (across all respondent groups) found that the available training for European Border Guards has improved as a result of Frontex's work. In what regards MSs' responses, the result is just below the norm of 70% of MSs representatives agreeing with this, but this is mainly due to a large proportion of respondents not being able to assess the question. 65 % agreed or strongly agreed, while less than 1% disagreed and none strongly disagreed.

This positive assessment is supported by evidence collected through case studies. The case study looking into the work of the Agency's Training Unit and, more specifically, on the development and implementation of the Common Core Curriculum on Border Guard Basic Training (the CCC) showed that the development and implementation of common standards for basic training through the CCC has contributed to improving the professional capacity of border guards. The contribution story in the box below provides an example of how and where indicators of this contribution are seen.

Box 7: Example of how the CCC has contributed to improvement of the professional capacity of border guards

> The CCC and the projects supporting its implementation at national level have contributed to enhancing and harmonising standards in basic border guard training within the EU. Concrete examples exists of how the harmonisation and improvement of BG basic training has contributed to improved interoperability, especially in what concerns border guards' ability to work together with colleagues from other countries when carrying out work at their own border posts.
>
> Particularly the focus of the CCC on reaching certain levels of English language skills were mentioned by several interviewees as an aspect contributing to improved interoperability. Speaking the same language – both in the literal and the figurative sense (i.e. having similar pre-conceptions and understandings of concepts) – is an important foundation for improving communication. And good communication is crucial in establishing good cooperation.
>
> As a result of being trained according to similar standards, methods and tools, border guards have a better understanding of the practices of their colleagues in other countries, and practices are made more similar.

Indicator 16.2: Common training standards are being used.

Frontex has developed common training standards, at least as regards basic training for border guards, through the development and implementation of the Common Core Curriculum for Border Guards Basic Training (CCC). This is, as outlined above, evidence to the fact that common standards have been developed. The extent to which these are also being used is another question, which depends highly on the level of implementation of the CCC at MS level.

According to evidence collected in the case study the CCC was considered by interviewees to be sufficiently flexible to be transferred into national training curricula, regardless of the challenges presented by the vast differences between the formats, length (ranging from 3 to 36 months), framework, etc. of BG basic training in the European countries. Moreover, efforts are made by Frontex and MSs to deal with these challenges and where integration in certain national curricula is weak, this is due to external (national) factors, such as national legislation not being accommodating to implementing a European curriculum.

This is supported by the recently concluded CCC-Interoperability Assessment Project (CCC-IAP), which, among other things, aimed to assess the level of implementation of the most recent version of the CCC from 2012. While the study concludes that all academies/countries covered by the study have made efforts to implement the CCC2012, there are discrepancies in the implementations (mainly due to the above listed reasons). 24 of the 30 academies taking part in the CCC-IAP declared that they had experienced difficulties in implementing the CCC, and for several the work is still ongoing. According to the report on the project, Frontex is contemplating taking action towards accommodating the issues faced by the national training institutions in relation to CCC implementation by e.g. facilitating a network for exchange of experience and information for those academies that are struggling with the implementation.

In the case study, an example on the benefits of the CCC shows how the implementation of common training standards may contribute to promoting solidarity between Member States, which is in part what the evaluation question for this section set out to investigate. The example is outlined in the box.

Box 8: Example of how harmonised standards in BG basic training helps promote solidarity between Member States

> Teaching according to common European standards and harmonised curricula provides a feeling within the national border guard organisations of being part of a joint European organisation of border guards facing common challenges and working towards common objectives.
>
> This change in attitude, as a stakeholder described it, from considering border controlling a national matter to perceiving of the duty as a common European responsibility, has, among others, been brought about by the implementation of a common curriculum and common standards in BG basic training.

It can thus be concluded that not only do common standards exist, they are also widely implemented and used. Though the BG training academies have experienced difficulties in implementing the 2012 version of the CCC, and in some cases the implementation work is still ongoing, the common standards and the tools and methods developed by Frontex in support of their implementation are highly appreciated. Hence, despite the challenges posed by e.g. national legislation, the national BG training authorities are keen to make use of the CCC and it is considered to contribute to harmonised standards and to promoting solidarity between the MSs, as regards management of the external borders.

Indicator 16.3: The training participants apply their new skills on joint operations.
The Training Unit of the Agency also contributes to enhancing the capacity of border guards in other ways than through its input to the basic training, e.g. by providing training to EBGT members and preparatory training for those partaking in joint operations. An important indicator on the relevance of the training provided and its potential contribution to conducting operations is the extent to which the trainees find that they have been able to apply their newly acquired skills in practice.

The evaluator has neither had access to an overview of the number of persons who have undergone this training, nor to post-training evaluations conducted by the Agency. Thus, the assessment of this indicator has to rely on evidence collected through the stakeholder survey, in which 24 respondents had undergone the training and responded to the question of whether they had been able to apply the new skills gained in joint operations.

As Figure 23 shows, the majority of MSs-respondents in the stakeholder survey replied that they had been able to apply their skills to a high or a very high degree on joint operations. Altogether, 88 % of the respondents found that they had been able to apply their "newly gained skills" to some, to a high and to a very high degree, hence exceeding the minimum of 70% set for the judgment criterion.

Figure 23: Please assess to what degree you apply new skills gained from training in joint operations
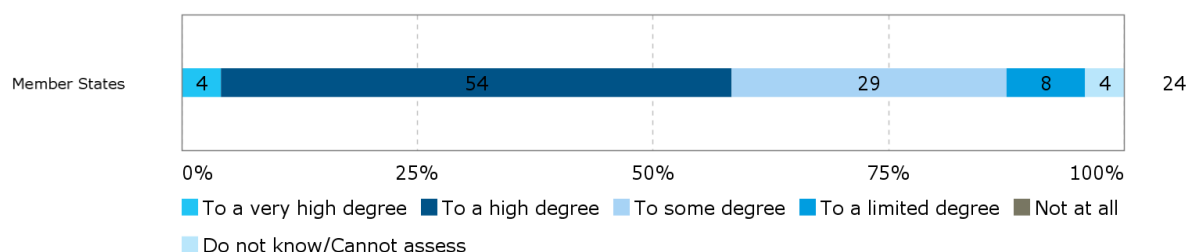
Overall, evidence collected through case studies, stakeholder interviews and survey indicate that Frontex's activities in the areas related to securing knowledge and resources for the effective management of EU borders (i.e. Research and Development, Pooled Resources and Training)

have contributed to improving the level of (human and technical) support available and (indirectly) to increased solidarity between Member States.

Deficiencies have been detected and underlined by consulted stakeholders, especially as regards the quality and availability of human and technical resources. However, it has also been highlighted that this is more often than not related to efforts made by Member States, rather than to the activities and efforts of Frontex.

Thus, while the data collected does not provide a basis for a strong conclusion on the impact derived from Frontex's activities in this area, there are clear indications and good examples of how the work of the agency within the scope of its current mandate contributes to improved technical support and expertise for managing EU borders and to increased solidarity.

Here, it should be mentioned that the potential for increased coordination of the management of the external borders of the Member States in terms of the border guard capacity can be explored with respect to feasibility of creating a European System of Border Guards (ESBG).[62] The evidence collected by the evaluation indicates the following:

- Whilst the responsibility for the control and surveillance of external borders lies with the Member States, the potential risk of the failure to implement common standards and training leaves the external borders vulnerable to security risks. A unified body of equally trained and skilled border guards would contribute towards more effective cooperation, coordination and capacity-building and thereby strengthen the security of the external border.
- Identified weaknesses in the current arrangements for training of national border guards such as that the disparity in appropriate operational expertise and language skills amongst border guards nominated by Member States for the EBGT, which limited the flexibility of their deployment (see above) could be overcome by the creation of an ESBG, which could ensure equal entry level criteria and thereby facilitate a more flexible deployment of staff

To what extent has the Agency contributed to the improvement of the professional capacity of border guards?
The collected evidence confirms that the activities of Frontex have contributed to improving the capacity of European border guards. The development of the SQF and the CCC are found to contribute to the establishment of common standards and, in turn, a more uniform level of border control at EU external borders.

3.2.5   To what extent has the Agency improved the available research relevant to the control and surveillance of the external borders?

The two following questions concern Frontex's activities in the areas related to securing knowledge and resources for the effective management of EU borders, i.e. through the efforts of the Research and Development, Pooled Resources and Training units. The questions will be reflected through the assessment of the sub-questions and indicators related to these different areas of the Agency's work.

Indicator 14.1: The Agency's research has contributed to a better understanding of external border management in the MSs and at the European Commission
As the agency's efforts in this area are mainly focused on acting as a mediator between researchers, industry and border agencies, its contribution towards improving the research available is of a more indirect nature. As the statement to be assessed indicates, the efforts of the Agency in terms of keeping MSs and the Commission informed on recent developments and

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[62] E.g. see the report on the "Study on the feasibility of the creation of a European System of Border Guards to control the external borders of the Union" (Unisys, 2014) http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/docs/20141016_home_esbg_frp_001_esbg_final_report_3_00_en.pdf

research in border management is meant to lead to a better understanding of and improved external border management.

In the stakeholder survey, respondents were asked to assess the extent to which Frontex's research has contributed to an improved understanding of external border management. As Figure 24 shows, the majority of the respondents from MSs and Commission institutions found this to be the case. Representatives of the EU institutions were more positive than the MSs in assessing this question; 75% found that Frontex's research has contributed to this goal to a "very high" or a "high" degree. Among MSs' representatives, the equivalent number was only 45 %, while 42 found that it had only contributed "to some degree". If including those who replied "to some degree", the norm set for this indicator has been met, as more than 70% of the surveyed stakeholders in MS and Commission institutions considered that the Agency's research has contributed to an improved understanding of external border management.

Figure 24: To what degree do you consider that Frontex's research has contributed to improved understanding of external border management? Respondents from MSs and Commission (N=69)
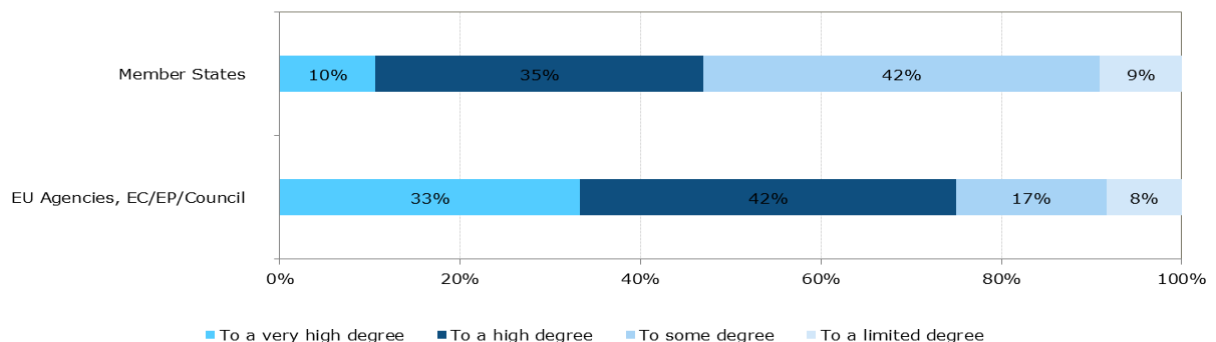
The differences in the opinions of the respondent groups can perhaps be related to the different nature of the information and expertise provided by the Agency to the stakeholder groups. The mediator role comes mostly into play in relation to the MSs. Here efforts are focused on helping them identify and bring forward their needs. Then through the organisation of events, Frontex aims to facilitate dialogue between Member States' border authorities, researchers and industry representatives who could possibly have or develop the answers to these needs. Vis-à-vis the Commission, the Agency takes on more of an expert role, informing policy making and providing advice on e.g. selection of proposals for funding of border-related projects. The slightly more critical assessment given by the MSs' representatives can perhaps be further explained by some critique raised in interviews, where a representative found that, while the R&D Unit provides MSs with sufficient and relevant information on new research and developments in the industry, more efforts should be invested in identifying the specific concerns and issues of the MSs and then looking for the answers to these.

Identifying needs and looking for answers to these are, meanwhile, a prominent objective for the working groups established by the R&D Unit. As the example outlined in the box below shows, the initiative and efforts made by Frontex in this regard were considered by the interviewed stakeholders to be highly beneficial.

> **To what extent has the Agency improved the available research relevant to the control and surveillance of the external borders?**
> **The collected evidence confirms that the work of the Agency has improved the available research relevant to the control and surveillance of the external borders to some extent. There are clear indications of the benefits of the R&D Unit's work but also room for improvement. While especially the Commission representatives were positive in their assessment of the extent to which the Agency's work has contributed to improved understanding of external border management, the Member States**

representatives were slightly more negative.

3.2.6   To what extent has the Agency improved the access to technical support for the MSs?

Indicator 15.1: The Agency has facilitated an increased access to technical resources for the MSs
The department for Pooled Resources works towards making human and technical resources available for Frontex and Member States in connection to joint operations and rapid interventions. This is done through, among others, annual bilateral negotiations with the MSs establishing their contributions to the pools, and through the management of an IT platform for the purpose of establishing a better overview of available technical and human resources for Frontex. As such, the activities of the Unit are meant to contribute to increased access to and sharing of resources in relation to EU border management.

In the survey among stakeholders, 59 % of the respondents from MSs considered that "the access to technical and operational support" has "to a high" or "to a very high" extent increased as a result of Frontex's activities; while 32 % responded that access has increased "to some degree" (see Figure 29).

Figure 25: To what extent do you consider that access to technical and operational support has increased as a result of Frontex's activities? (N=63; MSs)
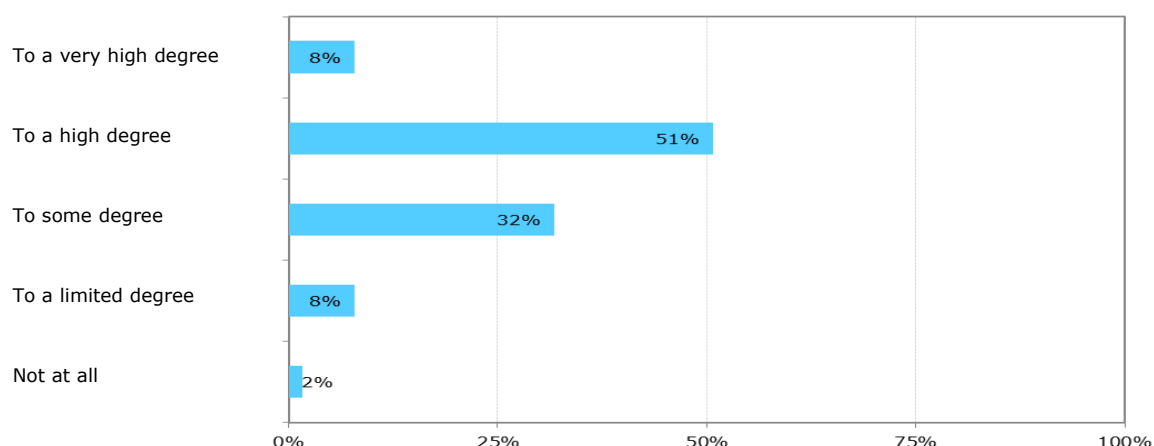
Altogether, around 90 % of the respondents found that Frontex's activities have to "some", "a high" or "a very high" degree contributed to increased access to technical and operational support, hence exceeding the norm set for this indicator of minimum 70% of stakeholders from MSs agreeing to this fact.

According to interviewees, there are examples of challenges in planning operations due to shortages of resources. Meanwhile, stakeholders mainly found the inhibiting factors to be on the MSs' side, related to lack of commitment or (financial) resources. The OPERA-database developed by Frontex to help establish an overview of available technical and human resources from MSs was mentioned as something that has helped improve the management of and access to technical support.

To what extent has the Agency improved the access to technical support for the MSs?
The collected evidence confirms that Frontex has improved the access to technical support for the MSs to a high extent. A large majority of the surveyed stakeholders agree that the work of the Agency has contributed to increased access to technical and operational support. Inhibiting factors to the achievement of this objective are mainly found on the national level and not related to Frontex's efforts. Among Frontex's activities, particularly the OPERA database is considered to contribute to the positive

result.

3.3 Working practices

The following sub-sections will assess the extent to which the organisational solutions and procedures of Frontex were adequately designed in order to implement its missions.

3.3.1 To what extent have the Agency's procedures and working practices been conducive to implementing its missions?

In order for the Agency to be effective in its wide ranging areas of activities efficient, well-disseminated working practices and standardised procedures need to be in place.

Indicator 17.1: The Agency has introduced effective procedures and working practices
The evaluation assessed the effectiveness of the procedures and working practices in supporting the Agency to carry out its tasks. According to the findings of the stakeholder's survey, 20% of the respondents consider that the administrative procedures of the Agency enable it to deliver its mandate to a 'high degree', while 44% agree with this view 'to some extent'.

The JRO case study, however, identified that highly effective standardised procedures and working practices were in place which enabled the unit to carry out its tasks successfully. The Risk Analysis case study also concluded that the Agency had successfully developed processes and practices which resulted in the effective collection of information and the production of actionable intelligence. This could indicate that the Agency has successfully managed to develop specific procedures in distinct areas such as JRO and Risk analysis but that the Agency's general procedures and practices are considered to be less effective.

This is confirmed by stakeholder interview data that pointed out issues relating to the procedures and working practices in the area of information exchange within the Agency. The different systems in each unit relating to flows of information presented problems for the MSs. The need for improved integration in this area was highlighted but it was recognised that this would require a significant allocation of resources. Some interviewees mentioned that a lack of standardised procedures in some areas means that it is difficult to incorporate new team members due to a lack of written guidance on how processes are implemented.

Indicator 17.2: The Agency's divisions and units are able to coordinate activities with each other in an efficient manner
The evaluation assessed the level of coordination across the Agency's divisions and units where only 21% of the survey respondents agreed with this indicator point. In particular the Frontex staff was very critical in this sense as only 17% agreed and 52% disagreed.

This assessment was also reflected in the stakeholder interviews. Several interviews referred to the need for a better understanding of the activities undertaken across every area of the Agency. Others referred to coordination between the units as being unstructured, but pointed out that this was a common challenge for organisations that have grown rapidly. One interviewee pointed out that the limited cooperation across the units was damaging its effectiveness in the collection of intelligence. Other comments made also suggested that problems regarding coordination across the different units could have resulted from the fact that they were previously housed in different places without immediate access to other colleagues and this issue could improve now that they are all accommodated in the same building. The need to develop an information sharing strategy was also mentioned in order to improve the level of coordination.

Indicator 17.3: The work carried out by different divisions and units feeds into the work of the other divisions and units
The evaluation assessed how effective the Agency is in feeding the work carried out by one division or unit into another where 31% of survey respondents agreed with this indicator point.

Again the Frontex staff were more critical than the MB members as 41% of those respondents disagreed on this point

Although it is apparent that the work carried out by different divisions and units feeds into other areas of the Agency's operation (risk analysis feeding into JOs, for example), it is clear from the stakeholder interviews, that the Agency staff do not have an overall perspective of its activities. Some interviewees mentioned that steps had been taken to improve this level of awareness by way of briefing working lunches but they were not always well attended.

It is therefore clear that there is a strong wish among the Agency's own staff to improve information sharing and benefit from the work of the different units.

Indicator 17.4: The Agency's activities are informed by the lessons learned in its operations
The evaluation assessed whether the Agency acts upon lessons learned during its operations and recommendations made in the evaluation of these operations, and 30% of the survey respondents agreed that this was the case, which is considerably lower than the evaluation norm.

However, evidence found in case studies does not reflect this assessment. The Poseidon Land JO case study identified that after each joint operation Frontex sends out evaluation questionnaires to the NFPoCs and the participating guest officers. Both Operational Plans and the way of conducting activities are evaluated during evaluation meetings and through the reports prepared by the guest officers and their NFPoCs. Evaluation findings, which appear to relate mainly to logistical issues, are usually reflected in subsequent Operational Plans. A dedicated Evaluation Report on Poseidon Land is also produced each year. This reviews the achievements of the Operational Plan's objectives, the links to other Frontex activities and best practices and provides recommendations for the preparation of future Operational Plans. The JRO case study also showed a standardised evaluation process for the preparation of the Final Evaluation Report for each JRO which includes recommendations made for future improvement and highlights areas of best practice which should be followed in future operations. The outcome and lessons learned during JROs are discussed in the quarterly Evaluation and Planning meetings and duly recorded in Minutes.

In this case the survey results do not reflect the findings of the case studies. One explanation could be that the case study is much more specific and provides information on one of the Agency's best practices. The survey questionnaire is more general and the respondents could reflect a more common attitude on the Agency's overall ability to make use of the knowledge from other units.

Nevertheless, this once again highlights the staffs' limited awareness of the work being carried out by different units than their own.

> **To what extent have the Agency's procedures and working practices been conducive to implementing its missions?**
> **The evidence suggests that efficient working practices and procedures are in place in some areas of the Agency's activities but more consistency and integration was required across the whole operation in order to improve its level of effectiveness. The evidence also suggests that the coordination of activities across the Agency's divisions and units needs to be more effective in order to better support the Agency in the implementation of its mission. The case studies demonstrate sound practices in the area of operational cooperation. However, the survey and interviews show that the general perception in particular among the Frontex staff is more negative. Lessons learned are being adopted from case to case in certain domains, but at the general level the evidence indicates that more could be done to make use of the lessons learned across units.**

3.3.2 To what extent is the structure and organisation of the Agency (size, organisation, staff, composition, recruitment and training issues, etc.) adequate to its actual workload)?

Indicator 18.1: The Agency has introduced an effective organisational structure in relation to its workload

The evaluation assessed whether the Agency's organisational structure is effective in supporting the implementation of its mission. The stakeholder survey findings revealed that 35% of the respondents agree or strongly agree with the notion that Frontex has sufficient human resources to carry out its actual workload, although 48% consider that Frontex's staff are appropriately qualified to carry out the Agency's tasks.

Some interview data identified that the Agency has experienced two major trends since its establishment: the first consisted of a rapid growth due to sudden increases in flows of irregular migration and accrued needs for support at the external borders. It appears that Frontex was initially allocated significant budget resources, which at times proved difficult to consume resulting in carry overs or unplanned activities. In parallel, the Agency experienced a considerable increase in its needs for additional personnel, which proved challenging in terms of recruiting skilled personnel and training them.

Frontex is now experiencing a reverse trend, with the Agency being asked to carry out more activities with fewer resources, in line with the Council decision to reduce staff by 5% up to the end of 2017 in all EU institutions and agencies. As a result, the Agency has had to reduce the number of positions, despite the fact that the entry into force of the EUROSUR Regulation foresaw the creation of eight new positions by 2020. One interviewee was particularly concerned that the staffing implications relating to the inclusion of EUROSUR in the Frontex Situation Centre have not been given sufficient attention.

Several references in the stakeholder interviews were made to the Agency not being sufficiently manned to carry out its tasks. One particular area which was highlighted as requiring more staff was the Operational Office which was set up in Piraeus, Greece in 2010 and is formally responsible for JOs in four countries and has the potential to support improved cooperation with Turkey. The staff numbers have reduced from 18 when the office was first established to just 5 as a result of limited tasks assigned but despite this being in the area most affected by migratory pressure.

With regards to the composition of the staff, stakeholder interviewees pointed out, that for historic reasons the majority of the Agency staff are from a border guard background. This is assessed to have contributed to a lack of administrative experience amongst the composition of the staff which did not support the Agency in reaching its full potential in terms of its coordinating role. Some stakeholder interviewees also considered that the number of SNEs could be reduced and replaced with contract agents with more diverse backgrounds which would be more effective in supporting the Agency in the implementation of its tasks. However, the interviews also show that there are differing views on the composition of staff and that there are also other explanations to the lack of coordination (e.g. MSs' effectiveness in providing transparent information to the Agency).

Frontex's HR unit is responsible for staff training, e.g. language, management skills, and introduction training. Training in human rights training and related areas is outsourced. According to one stakeholder interview, the training function within Frontex is not sufficiently centralised and is one of the key areas for improvement. There appears to be limited control over who participates in what type of training, and there is insufficient centralised planning on this. Authorising officers are able to grant permission for individual requests for training from staff, without much coordination overall. Furthermore, it appears that Frontex's training unit is more active on external rather than on internal training activities.

With regard to recruitment, stakeholder interviews referred to the fact that staff recruited were well-qualified to carry out their role but highlighted that the recruitment process takes far too long, in some cases it was reported to take up to six months.

> **To what extent is the structure of the Agency (size, organisation, staff composition, recruitment and training issues etc.) adequate to its actual workload?**
> **There has been a rapid growth in the Agency's staffing over the past years and it is clear that it has been difficult to absorb the staff adequately and to get the organisational structure to work. The assessment also shows that there is an over representation of staff with an operational background (e.g. border guards) compared to administrative staff. Consequently, there needs to be a more strategic approach to recruitment and to the required job profiles. Evidently the Agency needs a better mix of competences throughout the organisation to effectively carry out its mission.**

3.3.3   To what extent is the communication between the Agency and the MS effective?

The Agency has established procedures to enable the communication between itself and the MSs by way of identifying Direct Contact Points from the MSs, establishing specialist networks, organising regular meetings and facilitating IT communication platforms.

Indicator 19.1: Communication channels between the Agency's different units and the relevant MS's counterparts exist
The existence of the necessary communication channels established between the Agency's different units and the relevant counterparts to support the implementation of the Agency's mission was assessed.

The case studies, survey and stakeholder interviews confirmed the existence of the communication platforms Frontex One-Stop-Shop (FOSS), Joint Operational Reporting Application (JORA) and the EUROSUR Communication Network (ECN)).According to the survey, 84% of the respondents strongly agree (23%) or agree (61%) that FOSS is an effective communication platform, whereas the percentages are considerably lower for the other two communication systems (i.e. 69% for JORA, 51% for ECN).

The Interviews generally provide a positive assessment of the communication between the Agency and the MSs. The establishment of NFPoC's is an important aspect in the more targeted way of communicating between the MSs and the Agency. The NFPoC's, as well as the NCC's, receive information almost on a daily basis.

One of the areas highlighted was the risk analyses which have contributed positively to both MSs border control authorities and other authorities in terms of providing knowledge on irregular movements of migrants.

However, challenges remain on both sides as Frontex staff point to different systems and communication channels in different MSs with overlapping tasks making communication inefficient. At the same time Frontex is also challenged in terms of its own horizontal coordination where it is pointed out that different units carry out activities that overlap. This results in MSs getting confused when they receive similar requests from different Frontex units.

Further, in relation to EUROSUR it was mentioned that MSs do not always share all relevant information in EUROSUR in due time (and the Agency cannot legally enforce this) hindering the effectiveness of this communication channel.

Indicator 19.2: Communication channels between the Agency's different units and the relevant MS counterparts are being actively used
The evaluation assessed the extent to which the levels of utilisation of the communication channels supported the Agency in the implementation of its tasks. The survey probed how

actively the Agency's communication platforms were used and revealed that the most used communication system administered by Frontex appears to be FOSS (69% of all respondents), followed by ECN (40%) and JORA (39%).

The survey also showed that FOSS is assessed to be an effective communication platform meeting the needs of its users (83% either strongly agreed or agreed to this). In the case of JORA this was supported by 69% and for ECN 46%. The survey figures should be interpreted with caution as the end users or the target groups for each platform are not necessarily equally represented in the survey population.

Case study interviews and desk research confirmed that FOSS is an actively used communication channel. They also showed that the ECN was not as actively used due to problems experienced with core functions such as logging-on, accessing and uploading data. The case study interviews highlighted a recent steep increase in the use of JORA; in the past two years 100,000 incidents had been communicated on this system and it was considered by those interviewed to be user-friendly and flexible.

Further, the data collected confirmed that annual bilateral talks are carried out and concluded with the MSs in due time and that these are an essential part of aligning the MSs and the Agency's expectations.

Indicator 19.3: The Agency has access to the relevant information from the Member States
The evaluation assessed the effectiveness of the solutions and procedures in place to enable the Agency to access relevant information from MSs. The survey results for this indicator showed that a large part of the respondents considered that Frontex gains relevant information from the MSs to some degree (44%) or to a high degree (20%). However, some of the respondents considered that Frontex gains relevant information from MSs only to a limited degree (21%) or not at all (2%).

The case study on JROs confirmed that the Agency has access to the relevant information from MSs and this is generally communicated in a timely manner. Similarly, the case study on Poseidon Land confirmed the mechanism whereby MS make the relevant information accessible to the Agency. The ICT case study confirmed that MSs communicate their data through the Frontex IT applications and networks but some interviewees reported that MSs communicate incidents with written descriptions rather than completing standardised tables which affects the accessibility and results in a time-consuming analysis process. Interview data also revealed the three reporting tools set in place by the RA Unit which enable the Agency to access relevant information from MSs. They require MS's input and include the monthly statistical report, the bi-monthly reports and the Incident Report System (IRS). If there is a significant delay in the provision of this information (15 days), it is requested formally by a letter from the RA Unit Director. It was reported that significant progress had been made in the accessibility of information as a result of this reporting system.

Indicator 19.4: The Member States have the possibility to communicate their needs and expectations towards the Agency
The effectiveness of the procedures established to enable the MSs to communicate their needs and expectations to the Agency was assessed. The results of the survey showed that almost half of the respondents surveyed considered that they were able to communicate their needs and expectations to the Agency.

The case study carried out on JROs confirmed that effective channels of communication had been established to this end and the case study on JOs revealed that the annual bilateral talks between the JO unit and the MSs provide the MSs with the opportunity to communicate their needs and expectations.

Stakeholder interviews also confirmed that the MSs had the opportunity to communicate their needs to the Agency and that the Agency is available and forthcoming in meeting the requests.

To what extent is the communication between the Agency and the MSs effective?
Overall, the existence of relevant communication channels was confirmed, but improvements were suggested as to making these channels more effective. The communication channels are generally being used by the MSs and FOSS was highlighted as the most commonly used tool. The evaluation also showed that the MSs have improved in delivering the relevant information to the Agency even though delays still occur. Finally, it was assessed that the dialogue between the MSs and the Agency is generally sound and that expectations are well aligned, e.g. through the annual bilateral talks.

3.3.4   To what extent is the cooperation between the Agency and the MSs effective?

This sub-question was mainly assessed through the establishment and functioning of the MSs' National Frontex Point of Contacts (NFPoC) which was seen as the main channel for effective communication and cooperation between the counterparts.

Indicator 20.1: The Agency has established an effective cooperation with the MSs' National Frontex Point of Contacts (NFPoC)
The survey evaluated the cooperation between Frontex and National Frontex Contact Points (NFPoC) by asking relevant stakeholders to assess whether they consider that: (a) NFPoC have received relevant information from Frontex; and (b) NFPoC have distributed information from Frontex to their relevant authorities (border control authorities and other authorities). As is evident by the results illustrated below, 75% of respondents agreed or strongly agreed that the Agency provides the NFPoCs with relevant information. However, only 55% of respondents either agreed or strongly agreed that the NFPoC disseminated this information to their relevant authorities. This suggests that the cooperation between Frontex and the MSs' NFPoC would be more effective if the information provided by the Agency were distributed efficiently by all NFPoCs. However, it should be noted that the respondents are overrepresented by Frontex staff which could have affected the assessment of the two questions.

Figure 26: To what extent do you agree with the following statements: National Frontex Points of Contact (NFPoC) have received relevant information from Frontex (N=139)
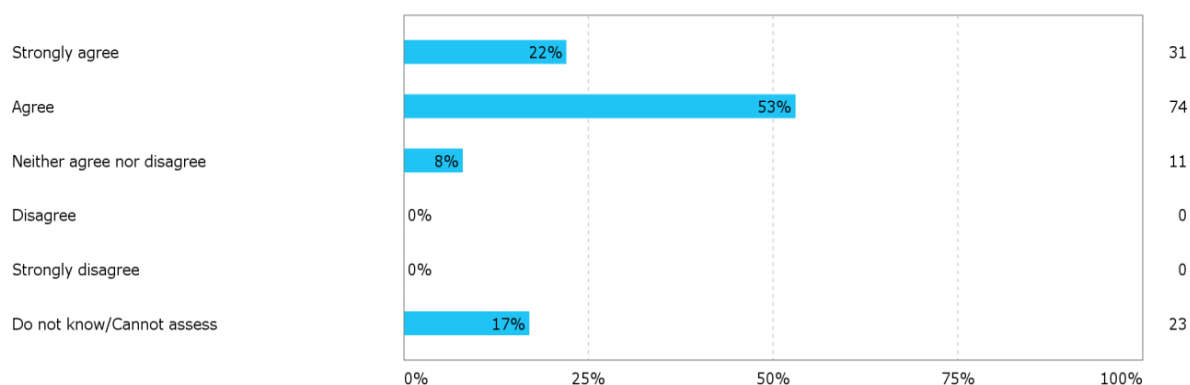
Figure 27: To what extent do you agree with the following statement: National Frontex Points of Contact (NFPoC) have distributed information from Frontex to the relevant authorities (N=139)
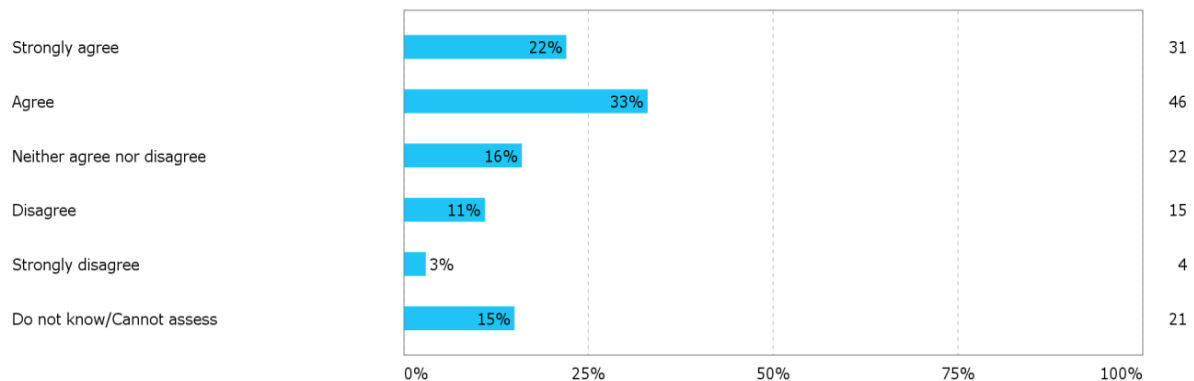
The case study carried out on JROs confirmed that the Agency had provided a platform for cooperation and collaboration between the Agency and the MSs' Direct Contact Point network (referred to in the JRO case Study as Direct Contact Points). The cooperation between the Direct Contact Points (DCPs) was considered to be crucial for the effective coordination of JROs. Furthermore, Frontex's cooperation with the DCPs in the form of providing support, briefing and coordination during the entire JRO process was considered to have contributed towards the implementation of efficient and uniform JROs. Interviews also revealed that the effective mechanism of cooperation set up by the Agency had resulted in a real improvement in the process of JROs during the evaluation period.

In an interview carried out in the case study for Poseidon Land, the positive impact of the mechanism of cooperation established between the MSs was highlighted. An example provided was the deployment of Finnish special teams to assist in land border activities and provide training on first aid, search and rescue in extreme weather conditions and the use of dog handlers in securing the borders. Furthermore, the establishment of direct contacts between border guards of different MSs was another positive example cited of cooperation. It was reported that these contacts are usually maintained after the implementation of the Poseidon operations and lead to a regular exchange of information as well as to cooperation measures within the framework of other border management duties.

A stakeholder interview highlighted the network of the Heads of ICT Units of the European Agencies (ICTAC) as another example of the Agency having established effective lines of cooperation. It was reported that every six months this network met to share experiences and information or advice on products, systems, procurement and implementation. The interviewee considered that this network provided an opportunity for cooperation and information sharing.

The case study on the RA unit also confirmed the well-established levels of cooperation in the form of the FRAN meetings, the specialist network on EU Document Fraud, the regional expert meetings and the regional technical workshops, which all fostered cooperation between MSs.

However, stakeholder interview data also pointed to the opinion that new connections between MSs were being actively sought and were leading to new systems of cooperation, although this was not being approached in a strategic way.

> **To what extent is the cooperation between the Agency and the MS effective?**
> **Overall, it was concluded that cooperation between the Agency and the MSs was generally effective and the establishment of the NFPoC's is contributing to a more streamlined cooperation. Further, a number of positive examples were given as to how this cooperation was being utilised through different measures. However, the risk of parallel systems being established between MSs was also raised as a potential challenge that needs to be addressed.**

3.3.6   To what extent do the Agency's management systems and processes contribute to the effectiveness and efficiency of its operations

The Agency has invested considerable resources in streamlining management processes and in introducing systems for more efficient procedures. This also entails the management of the Agency's budget, which however is still characterised by additional allocations late in the financial year.

Indicator 21.1: The Agency has established effective management systems and processes
Effective management systems are interpreted as the processes and activities carried out by the top management (the Executive Director, the Deputy Executive Director and the three Directors of the Operations, Capacity building and Administration Divisions) as well as the 10 units allocated to the three divisions.

The survey demonstrates a critical attitude amongst the Agency's staff in relation to its management system and processes. 44% of the respondents disagree or strongly disagree with the fact that the management systems of the Agency are adequate, whereas only 24% considered it to be adequate. Similarly, the perception of the usefulness of the management processes is split between respondents. While 28% of respondents agree or strongly agree with the fact that the management processes are useful, 37% of the staff expressed the opposite view.

Interestingly, the opinion on the Agency's management processes is more positive when it comes to the Management Board members. 7 out of 10 respondents consider that the processes are supportive either to a high degree or to some degree. It should be noted, however, that the MB response rate is relatively low.

The survey results show that the Agency is delivering all relevant evaluation reports and analyses of joint operations to the MB. Only 3% of respondents disagree with this statement.

The stakeholder interviews confirm the ambivalent attitude among staff concerning the management system and processes. The information indicates that there is an exchange of information at the directorate level but that there is little practical exchange and coherence between the divisions.

Further, respondents indicate that the distinct divisions function well on their own terms with their own processes, but that the Agency's overall planning processes are unclear. An ambitious attempt has been made to formulate detailed quality management processes for all the Agency's activities but these are yet to be equally embraced by all divisions. The process of formulating and documenting these work streams are assessed to be more important than the outcome.

Indicator 21.2: The Agency manages its budget in an efficient manner
The available data indicates that the Agency manages its budget in an efficient manner overall within the framework available. The Finance and Procurement unit is responsible for the practical administration of the budget in relation, for example, to commitment transactions and payment transactions above 1,000 EUR. Further, the Finance and Procurement unit supports the Agency with advice and provides financial documentation to the management of the Agency.

The unit works closely together with the Management Board. A MB working group on "budgets and accounts" has been created where the head of finance participates in both a secretarial function and an advisory role, principally by providing the information needed by the working group. The approach of this working group has been highlighted in interviews as an efficient way of managing the budget.

One of the challenges for the Agency is the Art 3.4, which forces Frontex to use grants (however, Frontex also has ongoing operational activities). According to one interview the use of grants is not calibrated to serve the purpose of Frontex. The idea of a grant is that the result belongs to the beneficiary, whereas Frontex is established to achieve more cooperation and coordination for the common good. Consequently, the Agency often operates more as a bank awarding grants than a coordinator achieving benefits for all MSs.

Further, the stakeholder interviews highlight the challenge of absorbing additional funds in a given financial year. It is common that Frontex receives additional funds which have not been budgeted for and due to the nature of the Agency's operations it can be a challenge to spend the money within the same financial year. It is also a challenge to strike the appropriate balance between assessing the known situation at the external borders to plan activities and the unknown, e.g. possible drastic changes in migratory flows, and be able to respond to these changes. The MSs would value more planning and identification of needs to get clear indications of where and how resources will be used beforehand and Frontex, something which Frontex would not always be able to accommodate.

For example, whilst the establishment of the minimal requirement for the technical equipment is needed in March for financial planning purposes, this can only be calculated on a very limited basis when it is not clear what will be needed for the next year, as the Annual Plan of Operational Activities is prepared and adopted at a later stage. Consequently, these estimates are based on historical data, which is a challenge when there are big shifts in immigration flows, entailing the need for different types of equipment in different places. For the MSs this can be frustrating as they rely on this minimal equipment in March while their actual needs could easily shift and resources would then either be in surplus or in deficit, without the Agency being able to respond to this on short notice.

This logistical planning challenge is confirmed by the case study on the Programme of Work. The case study documents that the planning and commitment of resources have to take place at an early stage but that the practical reality of what is needed can be very different. As explained above, it has proven to be very difficult to shift resources once they are committed to a certain purpose due to the nature of the Agency's operations.

To what extent do the Agency's management systems and processes contribute to the effectiveness and efficiency of its operations?
The assessment shows that although the Agency is able to deliver what is expected of them there is a high level of dissatisfaction among staff feeling that they could deliver their work more effectively and be better at sharing knowledge across the organisation. It has been highlighted many times that the divisions and units work in silos within their own domain and the systems for increased cross unit cooperation should facilitate for more cooperation. Overall the budget is managed efficiently, but there are suggestions as to improving the financial distribution to the MSs and there is an inherent challenge in the actual planning and in spending the budget where it is needed.

3.3.7   To what extent are the working methods and composition of the Management Board appropriate and efficient?

The management structure of the Agency with a MB as the overall authority resembles that of other EU agencies but with distinct features. This assessment has looked at Frontex's MSs and its procedures overall and is based on survey results, stakeholder interviews and observations.

Indicator 22.1: The Management Board's working methods are assessed to be efficient
The Management Board is responsible for controlling the functions of the Agency. It is composed of representatives of the heads of border authorities of the 26 EU Member that are signatories of the Schengen Acquis as well as two members of the European Commission. Ireland and the UK are also invited to participate in the meetings. Further, Iceland, Liechtenstein, Norway and Switzerland also participate as Schengen Associated Countries with limited voting rights.

Each country sends one representative but alternate representative(s) are mostly also present at the meetings as well as Frontex's top management with supporting functions. The meetings of the MB are held five times a year.

The meetings observed during this evaluation stretched over two days and with a comprehensive meeting agenda. Due to time constraints items occasionally have to be moved to the next MB meeting based on prioritization.

The survey and interview respondents assess the overall structure and approach of the Management Board to be similar to most other agencies in terms of its composition and decision making processes and this structure has not been challenged. However, the assessment shows that there is a difference in the level of active participation from the different MSs representatives and consequently some MSs seek to exert their influence more than others.

The stakeholder interviews show that apart from the joint discussions and decision making procedure, the Board has also established working groups on distinct items, e.g. on "budgets and accounts" as mentioned in the above section. For the budget and accounts working group the head of finance participates in both a secretarial function and an advisory role, principally by providing the information needed by the working group. Interview respondents have suggested that more such working groups should be established to create a forum for more detailed discussions on distinct topics, which would then be presented and reflected by the MB. It is assessed that this would increase the level of targeted and relevant information.

It is clear that every MB meeting is a costly activity. The travel arrangements, accommodation, venue and time spent in connection with the MB meetings are considerable. Additionally, translation into all the EU official languages is made available upon request and a number of countries make use of this offer. This is not unique for Frontex's MB, but the scope and size of the MB meetings are nevertheless expensive features of the system.

Indicator 22.2: Perception of the Management Board concerning working methods and composition
This indicator focuses on the same features as the above but specifically on the MB's own perception.

The surveyed MB members have a substantially more positive assessment of its own organisation than Frontex's staff do as can be seen below.

Figure 28: To what extent do you agree with the following statements:

The organisation of the MB is adequate.

The operation of the MB is effective.
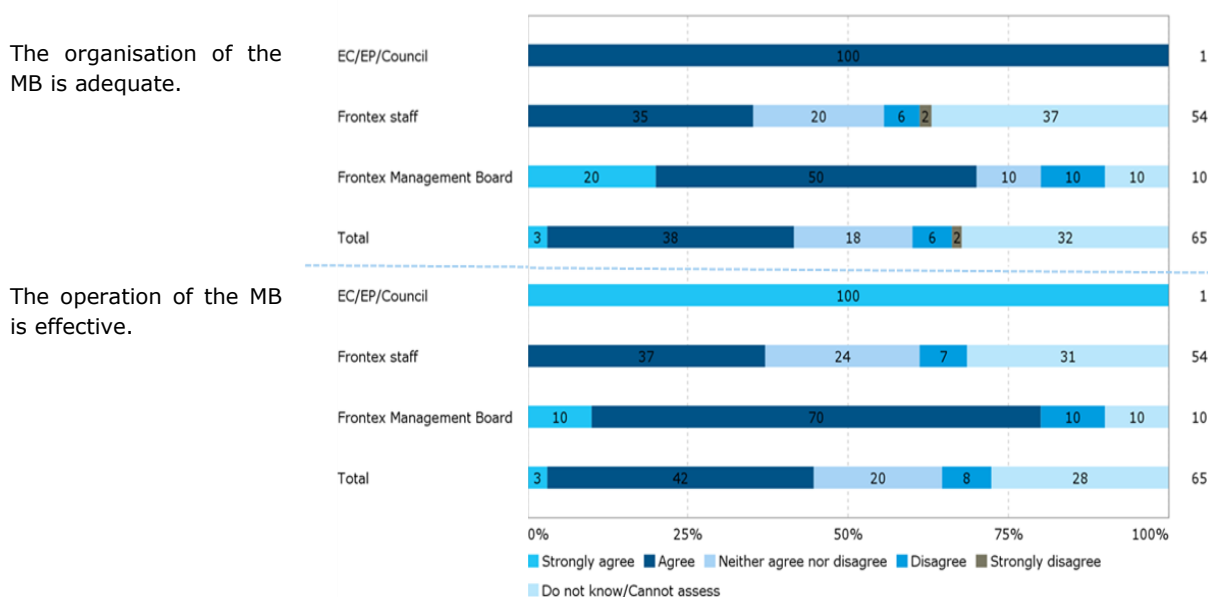
The majority of the MB respondents declare that they find the organisation of the MB adequate and that the operation of the MB is effective (noting again that the number of respondents is relatively low). Frontex's staff tend to agree with the two statements, but it should be noted that more than 50% of the staff either "do not agree nor disagree" or "do not know/cannot assess", which is not surprising considering the portion of Frontex staff who are not involved in the actual work of the MB.

There are mixed views among the interviewed MB members when it comes to their working methods. Some state that the effectiveness of the decision making process is on a very good level compared to their experience from other agencies. The majority of decisions are taken unanimously which is seen as a good sign of quality in the decision making process.

Others express that excessive discussion is taking place at the meetings and that the members receive a lot of documents with only a few days to prepare before a meeting. Some MB members find it difficult to allocate sufficient time to analyse this information and consequently they do not feel capable of deciding on all issues discussed at the meeting. It is argued that more bilateral discussions or a more intelligent division of work and tasks could be introduced at the MB meetings.

To what extent are the working methods and composition of the Management Board appropriate and efficient?
The size of the MB presents inherent challenges in facilitating an efficient and streamlined decision making process. It is acknowledged that all MSs have to be represented on the MB but it also hampers some of the discussion and the number of alternates is high. It is therefore assessed that more effective working methods could be introduced to increase the effectiveness of the MB.

3.3.8   To what extent have the administrative procedures supported the operational activities of the Agency?

The administrative procedures are seen as the daily working practices inside the Agency. How the work is organised, how is it coordinated and is it conducive to the Agency's responsibilities?

Indicator 23.1: Perception of the Agency's staff concerning the effectiveness and appropriateness of the administrative procedures
It is argued that this indicator is affected by indicator 21.1 as the management processes and the division of work will have an impact on the administrative procedures. Administrative procedures

are seen as the broad perspective across the Agency and not as limited to the Administrative Division.

While the majority of respondents were somewhat ambivalent on the issue, it is worth noting that almost a third of them consider that the procedures are of limited appropriateness and effectiveness for the Agency to deliver its mandate. Consequently, the survey, as well as the interviews, indicates that the administrative procedures could be improved.

Figure 29: Administrative procedures

To what degree are the administrative procedures of the Agency to deliver its mandate appropriate?

To what degree are the administrative procedures for the Agency to deliver its mandate effective?
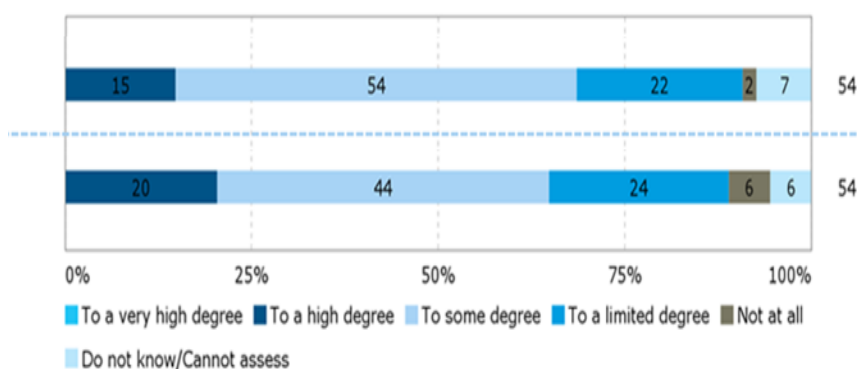
As previously mentioned, one of the major issues seems to be the cross-unit cooperation and coordination where the interview data indicates that although the internal cooperation seems to be working well within the units there is very little information and knowledge sharing across units. It is acknowledged that a number of initiatives have been taken to remedy this challenge and that there is a need to await the outcome of some of these new initiatives before "reinventing the wheel".

Some of the more informal initiatives highlighted are the "brown bag lunches" and "Townhall meetings", which have been introduced as forums for communicating specific or thematic information across units. However, these events are not mandatory and not necessarily prioritised by the employees.

The approach to sharing information was highlighted in interviews as one of the issues that should be improved but also as an area where development is underway. For example the agency is in the process of developing an information-sharing strategy and a Document Management System.

The current archiving system is not able to accommodate for the need for information requests across units and a number of documents have restricted access. There are also technical shortcomings in that one needs to know the number of a certain file rather than conducting a word search.

The evaluation team can confirm that retrieving information through the Agency is challenging due to the restrictive procedures that are currently in place.

Indicator 23.2: Review of administrative guidelines (scope, clarity, simplicity)
This indicator focuses on two key features of the Agency's administrative systems, being the Quality Management System and the Key Performance Indicators.

The data collection shows that there are a lot of different guidelines available both at the technical level, e.g. for quality assuring risk analyses products, for maritime operations, but also for the internal work processes at the Agency.

As mentioned, Frontex has invested considerable time and effort into an all-encompassing Quality Management System (QMS) that is intended to document all work processes in the Agency, from the management level, to the core business processes, and the support processes.

The managers have determined the level of detail in their processes using approved guidelines and with the support of the Quality Management team. The level of detail included in the system is assessed to be high. Staff have also been involved and have expressed that the process of developing the overview has been helpful in their own understanding of their work.

Still the system has also been referred to as a theoretical exercise which is illustrating internal processes but which is not used and understood in practical and operational terms. In order for the tool to work it has to be acknowledged and adopted by management.

A related yet different process for documenting the Agency's work and performance is through the "Key Performance Indicator" tool developed. The tool encompasses 38 indicators within the Agency's key strategic areas and is meant as a guiding tool for both the daily management of the Agency and the MB. However, the tool is currently not being actively used and appreciated by management. There are a number of inherent challenges with the system, which is illustrated in the quote from the management below:

"We should not have 40 KPI's we should have 6, 8 or 10! Also they should be measurable. They should look at the quality. They are too complex now. There was no substantial amendment to this system because of a lack of budget. The tools used are outdated. You cannot run this with excel sheets.

We need to know how intensively MSs are using our tools. The real impact cannot be measured. A better mechanism is needed. The report is not readable. We need a better technical application.

It is a problem that neither the QMS or in particular the KPI's are considered to bring real value to the administration and management of the Agency. Part of the explanation can be that the staff with a more operational background are not used to such management concepts and fail to see a value in them. Another explanation can be that, e.g. the KPI performance system has to be simplified and made more user-friendly to ensure that the system is embraced by the management and the staff.

To what extent have the administrative procedures supported the operational activities of the Agency?
The assessment showed that the administrative procedures overall can be made more effective to support the operational activities of the Agency. There is also a documented gap between the staff formulating and introducing the administrative tools and the staff they are intended for. Consequently, the value of these tools is unfortunately limited to the effective operation of the Agency.

3.4 EU Charter of Fundamental Rights

With the entry into force of the Treaty of Lisbon, the Charter of Fundamental Rights of the EU became legally binding on Frontex. Additionally, the Frontex amended Regulation stipulates that the Agency shall fulfil its mandate in full compliance with the relevant international law, including *inter alia* the Convention Relating to the Status of Refugees (the Geneva Convention) and the principle of non-refoulement (Art. 1). The sections below delineate the extent to which the Agency has created the conditions for ensuring the promotion and respect for fundamental rights in its activities.

3.4.1 To what extent has the Agency managed to implement its obligations when it comes to fundamental rights?

The Lisbon Treaty recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the EU[63] and gives the Charter the same binding legal force as the Treaties (Art 6(1) TEU). The Charter applies to the Institutions and bodies of the EU including EU Agencies and they shall respect the rights, observe the principles and promote their application in accordance with their respective powers.[64]

At the same time, Member States remain primarily responsible for the implementation of the relevant international, EU or national legislation and law enforcement actions undertaken in the context of Frontex coordinated joint operations and therefore also for the respect of fundamental rights during these activities.[65] As recognised by the Frontex Fundamental Rights Strategy, this does not relieve Frontex of its responsibilities as the coordinator and it remains fully accountable for all actions and decisions under its mandate.[66]

In Regulation (EU) No 1168/2011, the Agency was thus tasked to embed and mainstream the respect for fundamental rights and international protection in every level of its activities following the planning cycle. The following sections address how effective the Agency was in implementing its obligations under the Charter of Fundament Rights as outlined in the provisions of Regulation (EU) No 1168/2011.

Evidence collected in the framework of the present evaluation substantiates the fact that references to fundamental rights permeate all levels of activity of Frontex, and that the Agency has developed several core documents that reinforce respect for fundamental rights in line with the provisions of the Charter of Fundamental Rights.

Indicator 24.1: The Agency has drawn up, developed and implemented a Fundamental Rights Strategy
Through Regulation 1168/2011 (Art. 26a), Frontex was mandated to develop a comprehensive Fundamental Rights Strategy (FRS) and other complementary tools and to ensure their implementation at national and European levels. Pursuant to these provisions, the Frontex MB[67] endorsed the FRS in March 2011 with the stated objectives of promoting observance of fundamental rights and establishing a "fundamental rights culture within the EU border-guard community"[68]. The FRS was complemented by the Fundamental Rights Action Plan (FRS AP), endorsed in September 2011[69], which encompasses operational activities to be taken by Frontex and constitutes the main tool for the implementation of the FRS.[70] Desk research highlighted that the AP has been integrated into the Frontex PoW.[71] Both the FRS (Paragraph 37) and the AP (Action 18) make reference to the Fundamental Rights Annual Progress Report, which monitors implementation and adherence to the principles stipulated in the FRS and provides the basis for future reviews of the Strategy.

Evidence collected from desk research, interviews, the online survey and case studies, suggests that positive progress has been made concerning the implementation of all dimensions of the FRS, including operational activities, capacity building, external relations and professional conduct. Regarding JOs and JROs, while substantial progress has been made towards including provisions on fundamental rights in the OPLANs, challenges still remain concerning their implementation and the establishment of an effective fundamental rights monitoring mechanism (see Indicator 24.4). In terms of capacity building, evidence has shown that fundamental rights

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[63] As adopted on 12 December 2007 (OJ C 303/1 of 14.12.2007)
[64] Frontex (2011), Fundamental Rights Strategy, Article 5
[65] Frontex (2011), Fundamental Rights Strategy, Article 13; Article 3 of Regulation (EU) No 1168/2011
[66] Frontex (2011), Fundamental Rights Strategy, Article 13
[67] The Frontex MB established a Drafting Committee that provided technical expertise in the drafting process of the FRS. Frontex (2012), General report 201, Annex F, p. 57, Warsaw; Frontex (2011), Fundamental Rights Strategy, endorsed by the Management Board on 31 March 2011.
[68] Frontex (2011), Fundamental Rights Strategy, Article 1-3.
[69] Frontex (2011), Fundamental Rights Action Plan, November 2011.
[70] These actions are structured along the following main fields of Frontex's activities: operational activities (risk analysis, joint operations, and joint return operations), capacity building (training, research and development) and horizontal activities (such as external relations, communication and dissemination).
[71] Frontex (2011), General report 2011, p.21.

permeate all levels of training and specific fundamental rights training tools have been developed (see Indicator 29.9). Related to professional conduct, the evidence supports the fact that a general Code of Conduct and a Code of Conduct for JROs have been effectively drafted and implemented (see Indicator 24.3). All these aspects are further delineated in the following sections.

A cross-cutting challenge for the implementation of all dimensions of the FRS, highlighted by various stakeholders, is the fact that implementation on the ground is not done uniformly in all MSs and there are different degrees of compliance. As observed in the interviews, MSs' commitment to implementation is a conditio sine qua non. It is notable that this is specified also in the FRS itself, as *the strategy is inextricably linked to the commitment of national border-guard services to share their objectives and support Frontex in their implementation*.

Research also revealed diverging opinions in terms of how representatives of Frontex, the CF, respectively of the MSs perceived the delineation of responsibilities between MSs and Frontex. To put it in the words of an interviewee, *there seems to be no common understanding of where the Union's responsibility with regard to fundamental rights ends and where that of MSs begins and vice versa*. This is considered to have implications on the effectiveness of implementation of the FRS.

Indicators 24.2 and 24.3: A Code of Conduct for all Frontex activities, respectively a Code of Conduct for JROs, have been established based on the principles of rule of law and fundamental rights, and are being used at both Agency and national levels
According to the amended Frontex Regulation, the Agency was tasked with the development of two Codes of Conduct, namely: (a) a general Code of Conduct for all persons participating in Frontex activities (henceforth, the 'Code of Conduct') (Art. 2a); and (b) a Code of Conduct specifically for JROs (henceforth, the 'Code of Conduct for JROs') (Art. 9(1a)). The CF was to be consulted in the drafting process of the documents (Art. 26(2)).

Desk research and interviews confirmed that a *Code of Conduct* was adopted by the MB and entered into force in March 2011. The Code of Conduct enshrines Frontex's guardianship of best practices for the European Border Guard Culture and establishes a set of binding rules and standards of behaviour for all persons engaged in Frontex activities.[72] As required by the Frontex Regulation, the Code of Conduct includes provisions on fundamental rights in Article 4 (Fundamental Rights) and Article 5 (International Protection), and urges compliance with relevant national and European instruments regarding fundamental rights protection.[73] Prior to the adoption of the Code of Conduct, Frontex consulted with some of the organisations that are currently members of the Consultative Forum, namely with the UNHCR and FRA. However, given that the CF was established only in 2012, the CF as such did not provide input at the drafting stage of the general Code of Conduct.

In addition to this, in 2013, the Agency adopted in consultation with the CF and FRO a *Code of Conduct for JROs*, which complements and mirrors the general Code of Conduct and includes provisions related to the respect for fundamental rights[74] (see also Indicator 6.1).

In relation to the use in practice of the general *Code of Conduct*, evidence collected through desk research, interviews and the case study on JO Poseidon Land uphold the fact that the Code of Conduct is being used at both Agency and national levels. Findings from the JO Poseidon Land revealed that fundamental rights briefings took place prior to the JOs and that the officers from some MSs were thoroughly instructed on the Code of Conduct prior to deployment and were tasked to report immediately to the chain of command the observance of any non-compliance with the Code's provisions. Additionally, during interviews, multiple stakeholders confirmed the use of the Code of Conduct by giving concrete examples of dissemination and implementation

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[72] Frontex (2011), General Report 2011, p. 21.
[73] Frontex (2011), Code of Conduct for all persons participating in Frontex activities, Article 4.
[74] Frontex (2013), Code of Conduct for Joint Return Operations coordinated by Frontex, Article 4.

practices. Only one MS shed a shadow of doubt concerning the use of the Code of Conduct in practice, stating that *on paper* [the Code of Conduct] *is perfect,* and at the same time voicing concerns regarding blame-shifting from some MSs to Frontex with reference to the problem of fundamental rights.

Concerning the degree of implementation of the *Code of Conduct for JROs*, the case study on JROs, as well as the stakeholder interviews corroborated the fact that participants in the JROs, as well as Frontex staff were well acquainted with the provisions of the JRO Code of Conduct and made use of it. Additionally, Frontex staff also confirmed that *a priori* briefing activities on the Code of Conduct for JROs regularly takes place before the start of JROs. Furthermore, observance of the fundamental rights during JROs is enhanced not only by the existence and use of the Code of Conduct for JROs, but also by the presence of the Frontex Operational Manager on board of the return flights.

The provisions on fundamental rights included both in the general Code of Conduct and in the Code of Conduct for JROs, as well as their implementation, have been assessed positively by both Frontex staff and the MSs. On the other hand, the representatives of the CF were less positive about some of the provisions included in the Codes and drew attention, in particular to the lack of operational guidance regarding fundamental rights to deployed staff, the lack of clarity of some provisions (e.g. those related to the possibility to lodge a complaint[75]), or the fact that some provisions are not mandatory (e.g. health checks prior to JROs). However, it should be duly noted that the Codes of Conduct complement each other and should be read and utilised as such. Additionally, they should be interpreted in consonance with other legal documents that provide more legal clarity for some of the principles stipulated in the Codes of Conduct (e.g. the Return Directive offers legal clarity concerning monitoring of fundamental rights during JROs). Furthermore, the less positive position of the CF related to some provisions of the Codes may also be a consequence of the fact that, due to contextual reasons, its input to the drafting of the documents was limited.

Hence, evidence confirms that a Code of Conduct for all Frontex activities and a Code of Conduct for JROs, both containing provisions on fundamental rights, have been adopted by the Agency and are being used both at Agency and national levels.

Indicator 24.4: The Agency has put in place a mechanism to monitor the respect for fundamental rights

Pursuant to the Frontex Regulation (Art. 26a(1) and Art. 26a(3)), which stipulates the responsibility of Frontex to ensure the establishment of an effective **monitoring mechanism for fundamental rights**, to which the FRO should participate, Frontex took steps towards the establishment of such a mechanism. In addition to this, the FRS (Art. 17) also required Frontex to put in place a reporting system to ensure that any serious incident or violation of fundamental rights is immediately reported. The reporting system was envisaged to be the basis for effective monitoring of fundamental rights.

According to the legal basis, the role of the FRO in monitoring fundamental rights is pivotal. However, as highlighted by Frontex in its response to the Ombudsman, the monitoring of fundamental rights by the FRO was to be supported and complemented by the CF, whose role in monitoring does not directly emanate from the legal basis but who can passively observe operational activities and provide strategic support to the Agency and the MB. In addition to this, the monitoring mechanism of fundamental rights implemented by the FRO is reinforced by the mechanism for suspension or termination of operational activities by the Executive Director in cases of violations of fundamental rights.[76]

Various internal mechanisms, including the standard operating procedures to ensure respect for fundamental rights, were set up for the identification and prevention of possible fundamental

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[75] Consultative Forum (2013), Annual Report, Frontex Consultative Forum on Fundamental Rights, p. 22.
[76] Frontex (2012), Frontex Response to the Ombusman´s specific questions, Annex I.

rights infringements that can lead to the suspension or termination of operational activities.[77] However, the interviews highlighted that proper criteria for assessing when an operational activity can be terminated or suspended have not yet been established. To date, no operational activity has been suspended or terminated due to fundamental rights violations, which might also be an indicator of the fact that no major violation of fundamental rights has occurred.

In 2013, the FRO initiated the process of establishing a system for recording, updating and maintaining all information on alleged incidents with the purpose of contributing to the establishment of a fundamental rights monitoring system within Frontex. The FRO also established and implemented a system for regular reporting on a bi-monthly basis to the Management Board, Executive Director and Consultative Forum.[78] Desk research also revealed that in 2013, the FRO prepared and presented to the MB and CF a comprehensive monitoring system comprising a circular system formed of 5 phases[79]. However, evidence shows that the monitoring mechanism designed by the FRO has not yet been endorsed by the MB as some standard operating procedures still require internal revision by Frontex.

Apart from these reporting and follow-up mechanisms, representatives of the CF stated that the CF can observe the development of operational activities and conduct enquiries on incidents brought to its attention. However, the transparency of the process via which the CF can conduct observations was not always clear from the evidence collected. The CF itself also called for the enhancement of the CF's role in observing operational activities by allowing and inviting members of the CF to make more visits *in situ.* This would enable the CF to gain a more thorough understanding of the situation on the ground and consequently empower them to develop more practical recommendations and opinions to the benefit of the Agency and the MSs.

Concerning the effectiveness of the monitoring mechanism, the evidence collected revealed a divide on how different stakeholders perceived its effectiveness. Thus, the survey highlighted that while half of the respondents considered that the mechanism was effective to a high degree or to a very high degree, a third expressed only some or a limited amount of satisfaction with the effectiveness of the mechanism. Notably, the IOs and NGOs group of respondents was the least positive about the effectiveness of the mechanism, with 85% of the respondents considering that the mechanism is effective only to a limited degree or not at all.

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[77] Namely: a) the obligation stipulated in the Code of Conduct for any participant to report any incidents related to violations of fundamental rights to Frontex, (b) an incident reporting system through the Frontex Situation Centre, (c) a Standard Operating Procedure (reporting mechanism) reviewed in 2013. See: Frontex (2012), General Report 2012, p. 59.
[78] Frontex (2013), General Report 2013, p. 41.
[79] The 5 phases are: (a) Information Gathering: internal and external sources; (b) Verification of Information: by MS with FX support; (c) Analysis of information: Frontex LEG, JOU and FRO; (d) Reporting: Final Report; and (e) Follow up on measures proposed. Frontex (2014), Work Plan 2014, Fundamental Rights Officer, p. 4.

Figure 30: To what degree do you consider the mechanism for monitoring the respect for fundamental rights to be effective? (N=174)
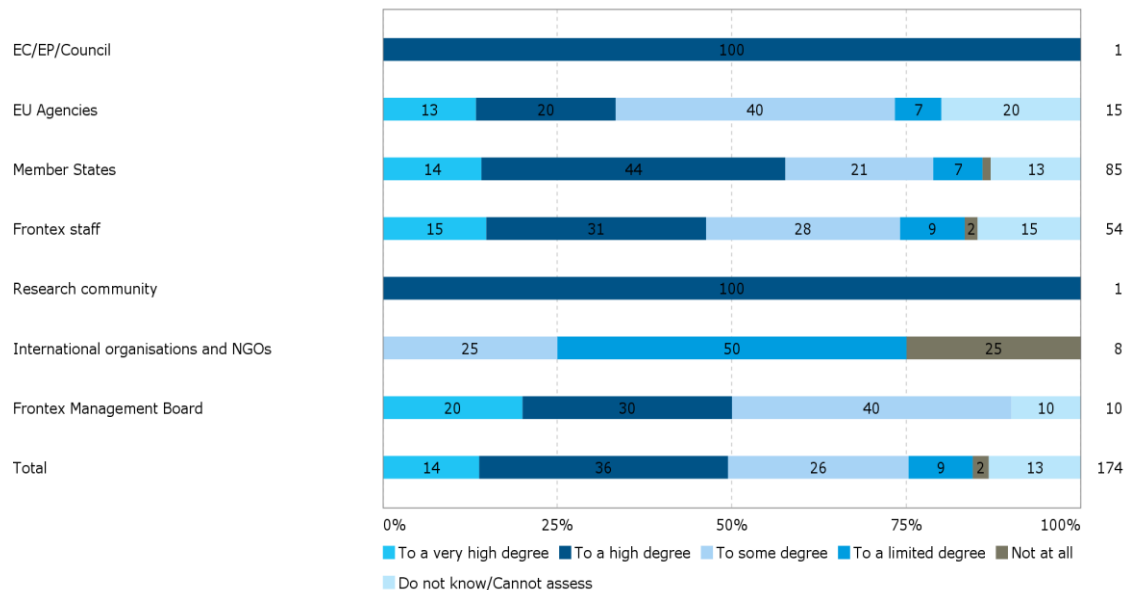
In addition to the overall monitoring mechanism presented above, according to Art. 8(6) of the Return Directive, the MSs are to establish **monitoring systems for JROs.** However, some interviewees questioned the effectiveness and transparency of the monitoring systems for JROs established at MS level. It has even been evidenced that some MSs develop JROs without the participation of independent monitors.[80] Thus, the importance of establishing a harmonised monitoring system for JROs has been highlighted in particular by representatives of the CF. However, a divide could be observed between the perceptions of, on the one hand, the MSs, and on the other hand, the CF, as regards the feasibility of the establishment of such a mechanism at EU tier.

Overall, a myriad of reporting and monitoring mechanisms have been put in place but the FRO appears to have an essential role in the monitoring process. However, her monitoring powers are limited by the resources she has available. Additionally, according to evidence collected, the functionality and role of the various mechanisms is not always clear and transparent.

Indicator 24.5: A Consultative Forum involving relevant international organisations and NGOs has been established
As per the provision of the Frontex Regulation (Art. 26(2)), in February 2012, the Frontex MB established a Drafting Advisory Committee, consisting of members of the MB and representatives of the EASO, FRA and UNHCR, to prepare the decisions and support the establishment of the CF. The Consultative Forum was officially established in October 2012 and started its activities in January 2013. The composition of the CF was decided based on two MB Decisions of 23 May and 27 September 2012, and currently includes 15 organisations, namely 6 specialised organisations (2 EU Agencies and 4 UN Agencies and Intergovernmental Organisations) and 9 civil society organisations.[81]

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[80] Consultative Forum (2013), Annual Report Frontex Consultative Forum on Fundamental Rights, p. 23. The JRO case study revealed that the EU Commission is financing a project to establish a common EU pool of monitors.
[81] Consultative Forum (2013), Annual Report, Frontex Consultative Forum on Fundamental Rights; Currently, the members of the CF are: Amnesty International European Institutions Office, Caritas Europa, Churches' Commission for Migrants in Europe, Council of Europe, European Asylum Support Office, European Council for Refugees and Exiles, European Union Agency for Fundamental Rights, International Catholic Migration Commission, International Commission of Jurists, International Organisation for Migration, Jesuit Refugee Service, OSCE Office for Democratic Institutions and Human Rights, Platform for International Cooperation on Undocumented Migrants, Red Cross EU Office, and the UNHCR. The DC also

The CF is tasked to operate in accordance with the principle of transparency and holds regular meetings (formal and informal). In 2013, three such meetings were held. The CF plans its work through the Annual Work Plans and is formed of 4 Working Groups.[82] According to the Working Methods of the CF, the chair of the CF rotates among the three "mandatory" organisations (EASO, FRA, UNHCR)[83], whereas the co-chair is elected among one of the remaining organisations. The duration of their mandate is one year and is renewable.[84]

The evaluation explored the relevance of the participating members in the CF. In this sense, the survey conducted revealed that the relevance of the participating members was assessed as being high, as most respondents agreed (64%) or strongly agreed (20%) that the composition of the CF is adequate and no respondent contested it.[85] These findings were reinforced by the stakeholder interviews, which confirmed that *the organisations that take part in the CF are relevant* and that *it is a very good mix* of organisations.

The evaluation also investigated the extent to which the CF contributed actively to the work of Frontex. Evidence from the survey highlighted that more than half (56%) of the respondents agreed or strongly agreed that the CF actively contributes to Frontex's work. On the other hand, 12% of all respondents disagreed with this view (mostly Frontex's staff and the IOs).[86]

Figure 31: To what extent do you agree with the following statement: The Consultative Forum is actively contributing to the work of the Agency (N=72)
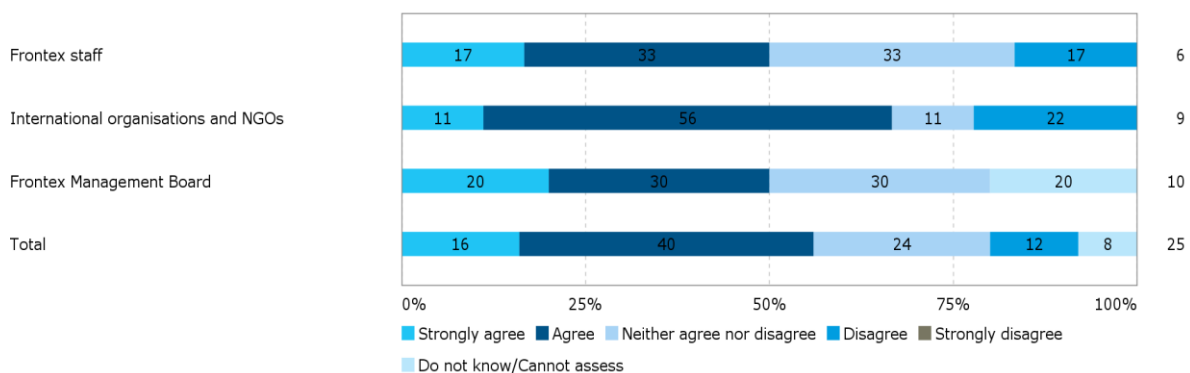
Potential rationales as to why some stakeholders had a less positive perception of the contribution of the CF to the work of Frontex have been explored during interviews and desk research. In this sense, research revealed that the CF's powers are limited to recommendations and that the CF can participate in on-site monitoring only if invited by Frontex and after receiving the approval of the MSs developing the operational activity.

An additional rationale for dissatisfaction with the extent to which the CF contributes to the work of Frontex was highlighted during interviews as some representatives of the CF voiced concerns regarding the restrictive provision that allows only 3 organisations to hold the chair. Interviewees pointed out that this might impair the effectiveness of the CF in contributing to the work of the Agency and that *the CF is struggling with resources and no one is working full time on* [this].

Nevertheless, overall, the contribution of the CF was welcomed by all stakeholders and concrete examples of the manner in which the CF has contributed over its existence to the work of the

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established a reserve list and a registry of organisations, which could be called upon as experts when discussing specific agenda items.
[82] Four Working Groups were set up: WG on Border Joint Operations (chaired by UNHCR), WG on Return Operations (chaired by CCME), WG on Risk Analysis (chaired by AI EIO), WG on Training (chaired by EASO). Each member of the CF takes part on average in two WGs.
[83] As stipulated in Article 26a of the Frontex Regulation.
[84] Consultative Forum (2013), Annual Report, Frontex Consultative Forum on Fundamental Rights, p. 6
[85] A relatively high percentage of respondents, i.e. 37%, responded Do not know/Cannot assess or Neither Agreed nor disagreed.
[86] A relatively high percentage of respondents, i.e. 47%, responded Do not know/Cannot assess or Neither Agreed nor disagreed.

Agency were uncovered. Desk research and interviews corroborated the fact that the CF has been involved in various consultations and expert reviews concerning, *inter alia:* the Frontex Programme of Work, the training curricula and training on fundamental rights questions and the VEGA Children Handbook. In addition to this the CF provided input to the drafting process of the Code of Conduct for JROs. However, given that the CF was established only in 2012, this input to the general Code of Conduct was limited to the individual contributions of UNHCR and FRA, who are currently members of the CF. Its limited input may potentially be one of the rationales for the degree of dissatisfaction of CF representatives with some provisions of the Codes.

Concerning cooperation between the CF and Frontex, evidence from the interviews shows that this is assessed as being *fluid and tak*[ing] *place constantly* (IO interview). However, while it is indeed true that advice and recommendations provided by the CF are taken into consideration in some cases by Frontex[87], in other cases these fall short of being put in practice. For instance, the CF has repeatedly advised Frontex to establish a mechanism that would allow for the reception and follow-up of individual complaints. However, the complaint mechanism constitutes a contentious issue for the different stakeholders, as there is a high degree of discrepancy in their interpretation of the legal provisions related to the complaint mechanism. Consequently, the debate on the interpretation of the regulation in relation to a complaints mechanism has not yet reached a conclusion.

Thus, evidence shows that the CF is actively contributing to the work of Frontex, however, the Agency and the MSs could enhance their efforts to include the CF more in the observation of operational activities.

Indicator 24.6: A Fundamental Rights Officer has been designated by the MB
In accordance to Article 26a(3) of the Frontex Regulation, a FRO was designated by the MB to contribute to the mechanism for monitoring fundamental rights in all Frontex activities. The FRO has an independent position but reports directly to the MB and to the CF. As pointed out during the interviews, the position has a dual role: (a) a consultative role consisting of providing advice on the work of Frontex; (b) a monitoring role related to operational activities by collecting information from Frontex and MSs and ensuring compliance with the FRS provisions, the Charter of Fundamental Rights, the Geneva Convention, international law and the principle of non-refoulement. The tasks of the FRO have both a pro-active and re-active dimension, which means that they encompass both prevention of FR breaches and adequate reaction to allegations of such breaches.[88] The FRO has also been mandated to ensure compliance with fundamental rights within EUROSUR. Although the FRO has participated in the drafting of the fundamental rights aspects of the handbook for EUROSUR users in cooperation with FRA, her capacity both in terms of financial and human resources to support processes related to EUROSUR is limited.[89]

Research substantiates that the role and work of the FRO is perceived very positively by all categories of stakeholders, and that an increasing focus on FR can be correlated with the work of the FRO. However, various interviewees voiced concerns over the fact that FR should not only be the responsibility of the FRO but a collective responsibility shared by all stakeholders alike.

Indicator 24.7: The FRO has the resources required to carry out the duties
Budget allocations under the Frontex Work Programme 2013 and 2014 indicate that no financial resources were allocated for the Fundamental Rights Officer in 2012 and 2013[90], whereas in 2014, a total of40,000 EUR was allocated specifically to the missons of the FRO. In 2013 the FRO had access to the budget for external support and faced no restrictions.

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[87] One eloquent example of this is the fact that as a result of the CF recommendation to incorporate the dialogue with the CF as an integral part in the annual planning cycle, the Frontex PoW inserted clear references to cooperation with the CF, including the exchange of relevant information and the need to consult it on strategic matters. Consultative Forum (2013), Annual Report Frontex Consultative Forum on Fundamental Rights, p. 20.
[88] Frontex (2014), Fundamental Rights Officer, Work Plan 2014, p. 3.
[89] Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (EUROSUR), Recital 12.
[90] Frontex (2012), Frontex Programme of Work 2013, p. 103.

Evidence collected during interviews also shows that the effectiveness and reach of the activities of monitoring compliance of the FRO are hampered, in particular, by the lack of human resources put at the disposal of the FRO. All interviewees had a negative view in this regard. They highlighted that the FRO is considerably understaffed, with only one assistant (who also acts partly as secretary for the CF) and one intern.

Indicator 24.8: The FRO is invited to provide observations to evaluation of JO and pilot projects

The FRO Action Plan for 2014 outlined a set of priority areas for the work of the FRO, including *inter alia*: (a) support for the set-up of an effective fundamental rights monitoring system; (b) enhanced monitoring and involvement in the evaluation reports of JOs; (c) support for capacity building. Thus, among others, in 2014, the FRO was supposed to strengthen efforts to review and provide comments on evaluation reports of JOs. This review has a dual purpose, namely: raising awareness of possible FR violations in upcoming evaluation reports; and feeding into and optimising the process of preparation of upcoming JOs and project proposals.[91]

Data collected from the interviews substantiates the fact that the FRO has indeed been involved in the process of monitoring and evaluation of operational activities. According to several interviewees, the FRO participated *in situ* in JOs, monitored them and contributed with observations to the evaluations. One representative of a MS even stated that *this is well organised and monitored, with the FRO visiting operation sites.*

In addition to the interviews, the Poseidon Land case study reinforced these findings and confirmed that during the operation, the FRO contributed to sections of the latest yearly Evaluation Reports of the Joint Operation regarding fundamental rights, and provided advice in subsequent OPLANs on procedures to prevent violations.

Hence, the role of the FRO has been assessed positively. However, challenges persist in regard to the resources available to the FRO which impair the accomplishment of its full mandate.

Indicator 24.9: Fundamental rights have been included in the training curricula of Frontex personnel and border guards participating in Frontex operations

As further delineated in Indicator 3.4, evidence collected shows that the Agency has included training for fundamental rights in the CCC.[92] Additionally, in 2013, a tool for advanced training on fundamental rights including 5 modules was developed, namely the Fundamental Rights Manual for Trainers of Border Guards. In order to ensure the highest degree of dissemination of best practices and awareness to fundamental rights, basic training on fundamental rights was made mandatory for both Frontex personnel and for border guards participating in operational activities.

Moreover, data from the survey confirms that fundamental rights have been sufficiently addressed in the curricula, as more than 62% of respondents agreed or strongly agreed that this has been the case. This is also supported by evidence collected from the interviews.

Frontex has indeed made remarkable progress in embedding fundamental rights in the curricula. Nevertheless, as highlighted in Indicator 3.4 a challenge that remains is the implementation of fundamental rights in practice by MS.

Indicator 24.10: Cooperation with third countries is carried out, taking into account respect for fundamental rights and human dignity

Pursuant to the amended Frontex Regulation (Art. 14), cooperation with third countries shall serve to promote fundamental rights and human dignity.

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[91] Frontex (2014), Fundamental Rights Officer, Work Plan 2014, p. 6.
[92] i.e. treatment of persons seeking asylum, protection of children and identification and referral of victims of trafficking; Frontex (2013), General Report 2013, p. 72.

According to the Frontex General Report, in 2012, a specific clause on the principles of respect for fundamental rights was inserted in all Working Arrangements and Memoranda of Understanding formally concluded or initiated by Frontex with third countries, and the importance of fundamental rights has been highlighted in meetings with representatives from third countries. In 2013, Frontex took steps towards providing regular briefings on the FRS and fundamental rights tools to all delegations from third countries visiting the Agency.[93] Additionally, desk research revealed that technical assistance projects are also envisaged to take into account fundamental rights[94].

In this regard, the survey assessed the extent to which respect for fundamental rights has been sufficiently addressed in the Agency's cooperation with third countries. The majority of respondents had a positive view and indicated that this had been done to a high degree or a very high degree (40%)[95]. However, the analysis of the results per category of stakeholder revealed that a large share of the IOs and NGOs respondents considered that fundamental rights have been addressed only to a limited degree or not at all in the cooperation of the Agency with third countries.

The interviews provided a more nuanced understanding of the perception regarding this issue. Representatives of both MSs and civil society and relevant agencies agreed that the emphasis on fundamental rights in cooperation with third countries is *underexplored* (IO) or *not sufficient* (MS)*,* noting that the standard clause inserted in the working arrangements with third countries is non-binding*.*

To what extent has the Agency managed to implement its obligations when it comes to fundamental rights?
The evidence collected substantiates that the Agency has made remarkable progress in establishing the principles of fundamental rights as guiding principles for all its activities. In this regard, conclusions related to the Agency can be viewed twofold.

On the one hand, the Agency has drafted a framework Fundamental Rights Strategy and embedded the principles of fundamental rights in the Codes of Conduct and all core training documents. However, evidence shows that more could be done to clarify and give guidance as to how the principles are to be translated into practice. Additionally, more efforts could be made in including the principles of fundamental rights in the cooperation with third countries.

The Agency has also established two entities tasked with monitoring and advisory roles, and evidence shows that they have actively contributed to the work of the Agency and the implementation of fundamental rights in the activities of Frontex. Additionally, a monitoring mechanism of fundamental rights is in the process of being established. Nevertheless, until currently, the FRO has been actively monitoring respect for fundamental rights within the limits of the resources available and her mandate. In a complementary manner, where possible, the CF can passively observe the respect for fundamental rights in operational activities. In addition to the general monitoring mechanism, monitoring systems for JROs have been set at national levels. However, the main prerogative for monitoring fundamental rights during both JOs and JROs remains with the MSs, and evidence shows that the effectiveness and transparency of the national monitoring systems is questioned and could be enhanced.

On the other hand, although great progress has been made in translating into practice the legal provisions related to fundamental rights in the activities of Frontex, evidence collected shows that the process of implementation is, at times, more problematic. This has been correlated in particular with the fact that implementation is done at

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[93] Frontex (2013), General Report 2013, Annex G: Fundamental Rights Progress Report 2013, p. 72
[94] Frontex (2012), General Report 2012, Annex F: Fundamental Rights Report 2012, p. 61
[95] A high share of respondents (33%) responded Cannot assess/Do not know.

national level and compliance varies cross-countries. Desk research, the interviews and the cases signalled a set of challenges concerning the implementation of the concepts and tools for ensuring respect for fundamental rights, in particular: (a) a relatively negative perception of the effectiveness of the mechanism for monitoring fundamental rights correlated with the lack of available resources for monitoring, (b) a less positive perception of the practical tools and guidance provided for the implementation of the Codes of Conduct, (c) a recurrent critique of the amount of resources allocated to the FRO and the roleof the CF.

Additionally, a set of challenges at MSs level can be observed. The findings have substantiated that the monitoring systems for JROs vary widely from country to country, and a more harmonised approach to the monitoring of JROs could bring more effectiveness and greater respect for fundamental rights in this regard. In a similar manner, MSs could enhance their efforts in monitoring JOs, which would complement the efforts made by Frontex in this regard. Additionally, evidence shows that more measures could be taken to fine-tune the complaint systems for operational activities.

4. CONCLUSIONS

The conclusions in this chapter are derived from the findings from the previous chapter. This chapter will structure the main conclusions within the three domains stipulated in the terms of reference: operational activities, capacity building activities, and horizontal activities.

4.1   Operational activities

4.1.1   Effectiveness

The evaluation confirms that Frontex's coordination of **joint operations** is effective. The Agency was assessed to have successfully carried out the tasks within its current mandate in terms of coordination and the operational plans developed by it were deemed to be well-functioning guides for the implementation of joint operations. Frontex has mostly managed to ensure that sufficient resources are available for the successful implementation of joint operations, although room for improvement was noted in this regard. Given the divergence of stakeholder's views on the role of joint operations, including with respect to the use of joint operations for search and rescue activities, there appears to be a need for the objective and scope of joint operations to be clarified.

Similarly, the evaluation assessed that Frontex's activities have been very effective in supporting the coordination and organisation of **joint return operations**. The procedures set in place and the training provided by the Agency have enabled an efficient and uniform process which complies with EU and relevant international law. The conducted data collection revealed that many stakeholders call on Frontex to continue and even increase its effective contribution to the coordination and organisation of joint return operations.

The evaluation also confirms that high quality and accurate **risk analyses** have been carried out on time by Frontex. The risks analyses products issued by RAU are assessed as accurate and relevant and are used by a broad range of stakeholders. Room for improvement was identified with regard to the noted differences in the risk analysis capacities at Member State level. The noted gaps in the risk analysis tasks and activities of the Agency are with respect to the processing of personal data, performance of vulnerability assessment of Member States' capacities and the performance of risk analysis addressing cross-border crime.

4.1.2   Impact

Frontex's operational activities were assessed to have positively contributed to the **improvement of integrated management** of the external borders of the MSs, by having a positive impact in reinforcing and streamlining **cooperation between MS's border authorities** and thereby improving the **coordination and effectiveness of MSs border management activities**. The Agency was assessed to have contributed to the improvement of Joint Operations at the external borders as well as to the improvement of Joint Return Operations and contributed to ensuring that these are carried out in compliance with EU and international law.

By providing high-quality and up-to-date information on the risks and situation at the external border, the risk analysis activities implemented or coordinated by Frontex were assessed to have facilitated the application of **more effective measures of external border management** by enabling the more effective use of the available resources.

Through the performed operational and risk analyses activities, Frontex is thus assessed to have contributed to achieving an **efficient, high and uniform level of border control** at the EU external borders and facilitating the movement of travellers while ensuring border security, and to have provided a clear **added value** to the border management activities of Member States.

4.1.3   Working practices

The evidence suggests that **efficient working practices and procedures** are in place in the area of operational cooperation. The coordination and implementation of JROs and risk analysis

activities were highlighted as particularly good examples, while the existing practices and procedures with regards to Joint Operations were assessed as continuously improving, but somewhat negatively affected by the rigidity and timing of certain planning procedures. Specifically, the financial planning process requires the establishment of the minimal requirement for the technical equipment in March for financial planning purposes. However, the Operational Plans are prepared and adopted just before the end of the year. Consequently, the financial plans and technical equipment commitments are based on an assessment of historical data, which is a challenge when there are big shifts in immigration flows, entailing the need for different types of equipment in different places.

The evaluation concluded that the **cooperation between the Agency and the Member States** in regard to operational activities was generally effective and the establishment of the NFPoC's is contributing to a more streamlined cooperation. A number of positive examples were given as to how this cooperation was being utilised in the area of JOs and JROs.

4.2   Capacity building activities

4.2.1   Effectiveness
The evaluation concludes that Frontex has lived up to its mandate in carrying out capacity building activities in relation to training, pooled resources and research and development. The extent to which the Agency has been effective in the implementation of these activities differs between the three areas of responsibility. Factors inhibiting the effectiveness of Frontex's efforts can be found at both Member State level and within the practices of the Agency.

In what regards the provision of assistance to Member States' **training** of national border guards, this is the area within capacity building, in which the Agency has been most effective. The support provided by the Agency was generally very positively assessed by stakeholders, both in what regards development of curricula, training methods and tools and with regards to the provision of specialised training to for instance EBGT members. More can be done to establish a clearer link between the outcomes of the Agency's risk analysis activities and its development of training curricula and programmes. Similarly, the Agency should further develop its activities in relation to offering mobility and exchange programmes, in line with its mandate. However, these are considered minor things in the areas for improvement.

In what regards the Agency's activities in the area of **research and development**, the evaluation concludes that the Agency fulfils its mandate, as all stakeholders are very positive regarding Frontex's ability to disseminate information on development in relevant research to the Commission and Member States. In terms of the Agency's ability to *contribute* to the developments in research for the control and surveillance of external borders, the views were more mixed. The evaluation lacks evidence to provide a firm conclusion on the indicators related to this area, but based on the data available, the assessment is that Frontex has been somewhat effective in this area, especially considering the limited resources available.

In terms of **pooled resources**, The OPERA tool was assessed to have contributed positively to the effectiveness of its management and in general respondents assessed that the procedures in place for the rapid deployment of human and technical resources were working rather well. This, and the fact that the case study on Poseidon Land provided good examples of how the Agency has contributed to making the necessary technical and human resources available for operations, leads the evaluation to conclude that Frontex's activities in this area have been somewhat effective. The main challenges lie within the area of the deployment of technical resources, where planning and more specificity in Frontex's requests and transparency from the Member States' side are important areas for improvement. In terms of Human resources, Frontex's efforts were positively assessed and the challenges here are mainly to be found on Member State level and the fact that the English skills of border guards to be deployed in international operations were not always adequate for partaking in the activities.

4.2.2   Impact

The evaluation concluded that the activities of Frontex have contributed to **improving the capacity of European border guards**, to improving the **access to relevant technical and human resources** for operations at external borders, and to improving the **knowledge and development of technical equipment** for border surveillance and control.

There are **good examples and indications** within all three areas of capacity building as to how the activities of Frontex contribute to achieving the desired impact. For instance, the development of the SQF and the CCC are found to contribute to the **establishment of common standards.** This is an important achievement and step towards improving the interoperability of European border guards and, in turn, achieving a **more uniform level of border control** at EU external borders. Similarly, different Frontex activities related to the development and implementation of ABC gates, and in particular the dialogue with Third countries in connection with this, are believed to contribute to **facilitating the movement of travellers while promoting security at borders**; and the establishment and management of the OPERA platform and other activities related to the pooling of human and technical resources has contributed to **improved access of Member States to technical support and expertise** in border management.

Tracing backwards in the intervention logic, it is, however, clear that there are some **weak links in the causality chains**, especially at the outcome level. Some of the inhibiting factors are to be found at Member State level, for instance in what concerns national specificities posing challenges to the implementation of the CCC, and the low level of English among border guards in some countries, both at entry level in the academy and later in their careers, negatively influencing their deployment in operations.

In relation to research and development, it was found that more can be done to more clearly link the outputs produced to the overall objectives of Frontex and, at the same time, collect more data on the larger effects of the good work provided by the R&D unit on the management of the EU external borders.

4.2.3   Working practices

Overall, there is a centralised and structured approach and system in place guiding the internal working procedures in the capacity building division. All requests and communication comes through the Director and are tracked and coded. Further, briefing and debriefing notes are required for all activities as a tool for coordination and communication. Weekly operational briefings and management meetings with the head of units are also held.

However, there is also **room for improvement**. For instance, in relation to the establishment of the human and technical resources pools it was suggested that Frontex more clearly specifies and communicates to the Member States what is needed for carrying out operations, rather than mainly collecting lists of available resources from Member States and establishing an overview of this to then identify gaps.

4.3   Horizontal activities

4.3.1   Effectiveness

The evaluation documents that, in accordance with its mandate, Frontex has started the implementation of the horizontal activities required by its Regulation.

One of the key horizontal tasks required of the Agency is the development and operation of **EUROSUR** and the evaluation shows that this process has been initiated and that the system is operational.

However, the evaluation also shows that the EUROSUR Communication Network faces challenges in achieving its intended outcomes due to systematic issues in terms of data availability. The

current system is based on a prototype and users report problems with a number of core functions which discourages usage and thus prevents the system from achieving its full potential. In particular, the Frontex staff raised concerns regarding the current effectiveness of the ECN.

It is important to mention that the system is still under development and that it will have its own evaluation in 2016.

In that sense this evaluation is premature and provides inconclusive evidence as to the extent to which Frontex has adequately assisted the development and operation of EUROSUR. However, it is clear that further efforts are needed to reach its objective.

A different horizontal ambition of the Agency is the **external cooperation** with other EU Agencies, international organisations and third countries. In view of Frontex's priority given to candidate and potential candidate countries as well as other factors, the level of cooperation activities with third countries varies. Thus, although there is significant evidence to show the Agency's effectiveness in its cooperation activities with third countries, the collected evidence indicates that this is an area for further development of the agency.

The collected evidence confirms that Frontex has enhanced the inter-agency cooperation in accordance with its mandate. The collaboration with EASO, Europol, EU-LISA and FRA was highlighted as an important milestone in the work of the Agency. However, this is an area that needs to be further strengthened in the future.

The evaluation further delineates that Frontex is also working closely together with UNHCR and IOM, who are also represented as part of the Consultative Forum.

Improving **fundamental rights** is another important aspect of the Frontex Regulation which will be addressed separately at the end of this section.

4.3.2 Impact
The evaluation showed that Frontex has contributed to an **improved integration of the external border management** with their horizontal activities.

The established ICT platforms (including the ECN) facilitate information exchange between the MSs and the Agency contributing to more informed border management activities.

However, there are still outstanding issues in terms of inconsistencies in the national level reporting and the interoperability between available ICT systems. EUROSUR and the ECN is still not fully operational and utilised by the MSs and consequently **it does not provide all the relevant information** enabling stakeholders to make use of the available evidence to ensure more effective border management.

It was, however, concluded that the Agency's coordination of activities have contributed to a **positive impact in reinforcing and streamlining cooperation** between MSs border authorities and external counterparts. Thus the Agency has supported the improved coordination and effectiveness of MSs border management activities.

4.3.3 Working practices
The evaluation showed that Frontex has introduced a number of initiatives to ensure that efficient working practices and procedures contribute to an effective operation. As indicated above, it was assessed that the distinct divisions and units are working well and deliver what is expected of them.

However, **the distinct units and divisions in the Agency are not well integrated** and more internal cooperation is required across the whole operation in order to improve its level of effectiveness. The assessment also showed that there is a high representation of staff with an

operational background (e.g. border guards) compared to administrative staff. It is recognised that there is clear need for operational competences in the agency. However, the internal coordination and cooperation skills need to be strengthened through more administrative job profiles in the Agency.

The evaluation documented that **the Agency's administrative procedures can be made more effective** or more successfully integrated to support the operational activities of the Agency. This concerns in particular the performance management system, which is not being utilised by the management of the Agency.

4.3.4 Fundamental Rights

The evaluation showed that the appointment of the Fundamental Rights Officer and the establishment of the Consultative Forum have **contributed to ensuring and promoting the respect of fundamental rights** in the Agency's activities. However, the human resources allocated to these functions are considered to be limited in order to fully mainstream fundamental rights in all the Agency's activities.

The evaluation concluded that the Agency has made significant progress in establishing the principles of fundamental rights as guiding principles for the implementation of Joint Operations and Joint Return Operations. The developed Codes of Conduct and Best Practice Guidelines are used by relevant stakeholders in the context of operations. Room for improvement could be found with regard to the translation of the general Code of Conduct and the Code of Conduct for JROs into all official EU languages and relevant third country languages.

The evaluation confirmed that Frontex has taken steps towards the establishment of a monitoring mechanism for fundamental rights, however, there was insufficient evidence to confirm the full effectiveness of this mechanism and the available evidence indicates that its functionality is not always clear and transparent. Similarly, the monitoring of fundamental rights is also done by and is the responsibility of Member States. The effectiveness and transparency of this approach has been questioned by stakeholders, who highlighted the importance of a harmonious monitoring system, as well as the need for establishing an individual complaint mechanism. However, the consequences and basis of establishing a complaint mechanism should be thoroughly examined first of all.

The evaluation also confirmed that positive efforts have been made by the Frontex training unit, both in terms of developing the updated version of the CCC and the specialised training on Fundamental Rights provided to participants in operational activities and to trainers.

Finally, it was concluded that more efforts could be made by the Agency to include the principles of fundamental rights in the cooperation with third countries.

4.4   Is there a need for further increased coordination of the management of the external borders of the Member States

As evidenced from the preceding conclusions, much has been achieved to date by Frontex in terms of coordination of the management of the external borders of the MS. This has included, amongst other measures, the coordination of Joint Operations and their support though the pooling of resources, the support to coordination provided through the risk analysis work of the Agency and the establishment of EUROSUR, the coordination of capacity building activities through training and research and development outputs, as well as the increased coordination of cooperation in terms of the implementation of the Charter of Fundamental Rights in the context of management of the external borders of the Member States.

The evaluation was also tasked to assess the **need for further increased coordination** of the management of the external borders of the Member States.

From an external perspective, in the years covered by this evaluation (2010-2014) the outbreak of military conflicts in a number of states (e.g. the civil unrest and conflicts in Libya, Syria, Iraq, Ukraine) put an increased migratory pressure on the external EU borders, especially through the Mediterranean border and the external borders with Turkey.

At EU policy level, the coming to an end of the Stockholm Programme, which outlined Home Affairs policies from 2010 to 2014, was followed by the strategic guidelines for legislative and operational planning for the area of freedom, security and justice for the years adopted by the European Council in June 2014.[96] These strategic guidelines highlight the Union's need for an efficient and well-managed migration, asylum and borders policy and its implementation. At the same time, the strategic guidelines call for "strong protection" of EU borders and call specifically on Frontex to "increase its reactivity towards rapid evolutions in migration flows."

Without prejudice to more recent political developments such as the European Agenda on Migration[97], which fall outside of the temporal scope of this evaluation, the summarised developments and the conclusions on effectiveness and impacts outlined above confirm that there is a need for increased coordination of the management of the external border by Frontex, in particular in the areas of joint return operations, cooperation with third countries in the context of the IBM, as well as in the area of risk analysis.

In the area of **Joint Return Operations**, the consulted stakeholders recognised the added value of the activities of Frontex and assessed that there is a need for increased coordination by the Agency in this area, also in response to the stronger migratory pressures at the external borders experienced in recent year.

Cooperation with third countries in the context of external border management is also an area where stakeholders saw the need for increased coordination through Frontex. Such coordination can only be implemented through a comprehensive strategy that outlines how different activities of the agency can contribute to the establishment of strong partnerships with third countries that would enable the implementation of the four-tier access control model of the IBM concept.

The need for further increased coordination was also recognised for the **risk analysis** element of the management of the external borders. With risk analysis, increased coordination can be achieved by ensuring that each Member State has sufficient qualified capacities for the collection and analysis of data, so that border guarding activities can executed in an informed, effective and efficient way.

Any strengthening of the coordination role of Frontex should include further consideration to the feasibility of a **European System of Border Guards**, which could overcome deficiencies in the current EBGT approach and provide enhanced coherence and effectiveness of the activities undertaken for the management of the external border of the Member States.

Strategic and specific recommendations addressing these identified needs for increased coordination of the external border are presented in the following section.

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[96] European Council, European Council Conclusions of 26/27 June 2014, EUCO 79/14, Brussels, 27. 06.2014.

[97] E.g. European Agenda on Migraton COM(2015) 240 final; European Council Conclusions of 25/26 June 2015, EUCO 22/15, Brussels, 26. 06.2015

5. RECOMMENDATIONS

This chapter presents the suggested recommendations as a result of the evaluation. The recommendations are derived from the conclusions and follow the same structure with the three different domains (operational, capacity building, and horizontal). However, the chapter starts with more overall and strategic recommendations.

5.1 Strategic Recommendations

The context in which Frontex now operates is changing. The scale and complexity of the emerging challenges of rapidly increasing irregular migration and the social and security impact of this, particularly most recently through Italy and Greece, will require a comprehensive and co-ordinated response from EU MS, supported by the active involvement of Frontex. Recent political discussions and the emergence of the 2015 European Agenda on Migration[98] in response to these challenges foresee a strengthening of the Frontex role and an increase in the Agency's capacity and assets.

Without prejudice to these on-going political discussions in the context of the European Commission and the European Council, this evaluation has collected evidence pointing to the need for a stronger role for Frontex in what is now a fast-evolving economic, political and security environment in which there will continue to be an exponential increase in the movement of people alongside an intensifying threat around organised crime including terrorism. The following "strategic" recommendations are thus addressed to Frontex, the Commission and the Council and aim to highlight the broader areas where policy needs to be revised or developed with respect to Frontex and its mandate and activates:

a) The assessment of the Agency' performance made by its staff and stakeholders revealed that there is a persisting need to establish a common and perhaps updated understanding of the concept of Integrated Border Management and clarify Frontex's role in implementing this concept, both with respect to its sharing of competences with Member States and other EU agencies and institutions. It is recommended that this issue is addressed in the first place through a Working Group between the Agency, Member States, the European Commission and other stakeholders. In connection to this, the cross-border crime element in the IBM concept should be clarified as it is currently insufficiently detailed in the legislative base for the needs of the Agency. Another element of the IBM which requires further attention as far as the Agency is concerned is the 4-tier access control model and in particular the scope of the Agency's tasks in relation to measures in third countries and cooperation with neighbouring countries, where a large number of stakeholders saw additional room for involvement of the Agency, such as in prevention measures for irregular migration.

b) Since the adoption of Regulation 1168/2011, the Agency has been addressed through a number of additional legal acts (including the EUROSUR Regulation, the Regulation on evaluation and monitoring of implementation of the Schengen acquis, the Regulation establishing rules on the surveillance of external sea borders) which give the Agency new statutory tasks. In line with the preceding recommendation on IBM and with a view to clarifying the role and tasks of the Agency and enabling the Agency to carry out its tasks more effectively, it is recommended that the legislation giving tasks to Frontex is reviewed and consolidated where possible.

c) In addition to the new statutory tasks given to the Agency after the adoption of its amending Regulation, the 2011-2014 period covered by the evaluation saw major changes in the situational environment at the external border which led to repeated calls for more involvement of Frontex in the coordination of border management and related activities. The increased reliance on the Agency's capacities is not seen to have always come hand in hand with corresponding increased allocation of financial resources. It is

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[98] COM(2015) 240 final

recommended that for any further evolvement of the Agency's tasks there are sufficient financial resources allocated so that on-going and planned activities under its current mandate are not de-prioritised due to lack of resources. This not only goes for the allocation of additional resources to the coordination of joint operations but also for longer term efforts such as capacity building activities strengthening the competences of border guards across the MS.

d) Similarly, evidence collected from the evaluation showed that the evolvement of the Agency's tasks did not correspond to an increased allocation of human resources. In the recommended review of the current structure of Frontex (see Recommendation 21 below), particular attention should be given to ensuring that the Agency is sufficiently resourced with staff to carry out its tasks.

e) Any strengthening of the role of Frontex should include further consideration to the feasibility of a European System of Border Guards, which could overcome deficiencies in the current EBGT approach and provide enhanced coordination, coherence and effectiveness. As part of this further consideration, the concept should be piloted in a live operational environment, perhaps as part of a coordinated cross-EU strategy to tackle the pressures in the Mediterranean and involving working with third countries to prevent irregular migration and on-shore processing of arrivals at the southern external borders.

5.2   Recommendations for operational activities

5.2.1   Recommendation 1: JOs - definition of objectives and scope

Conclusion: Stakeholders in the area of border management have widely diverging views as to what the role of joint operations is, including with respect to the use of joint operations for search and rescue activities. This indicates a need for the objective and scope of joint operations to be clarified.
Recommendation: The role and scope of Joint Operations should be clarified over the course of upcoming legislative revisions and policy reforms.
Type of recommendation: Legislative change
Benefit: A clarified role and scope of Joint Operations will ensure that all participating parties have aligned understanding and expectations where joint operations are concerned and are able to implement these more effectively.
Risks: Given the different level of migratory pressure that Member State face, arriving at a common understanding of the role and scope of joint operations could be politically difficult.
Next steps: left for the legislator to react/enact
Timeframe: Short to medium term
Responsible: European Commission, European Parliament, European Council, Frontex Management Board

5.2.2   Recommendation 2: JOs – mechanisms for suspension and termination

Conclusion: The provisions of Art. 3 (1a) of the Frontex Regulation outlining the mechanisms for suspension or termination of a joint operation or pilot project in case of evidence of human rights violations have not been used yet and some stakeholders expressed concern as to whether Frontex has developed sufficient mechanisms to make use of the provision.
Recommendation: In order to ensure that effective mechanisms are available for the suspension/termination of Joint Operations, it is recommended that clear and transparent procedures and criteria for such situations are developed in cooperation between the Agency (the Executive Director, Joint Operations, the FRO) and Member States.

Type of recommendation: Structural change, Working practices
Benefit: The development of clear criteria and procedures for suspension/termination will ensure that the procedures can be enacted swiftly and effectively and increase the trust among different stakeholders.
Risks: Even with improved procedure/criteria, there is a potential risk that some incidents might get un-reported or their seriousness understated.
Next steps: - Establishing a working group on this subject for the main parties involved - Communication of the established procedure/criteria to stakeholders
Timeframe: Short to medium term
Responsible: Joint Operations division, Executive Director, Management Board, Fundamental Rights Officer, Consultative Forum

5.2.3   Recommendation 3: JRO

Conclusion: The evaluation assessed that Frontex's activities have been very effective in supporting the coordination and organisation of JROs. The conducted data collection revealed that many stakeholders call on Frontex to continue and even increase its effective contribution to the coordination and organisation of joint return operations.
Recommendation: Within the scope of its current mandate, Frontex should take a larger role in the implementation of JROs by e.g. chartering flights and monitoring the missions It is also recommended that the European Commission, Member States and Frontex explore how to increase the mandate of the Agency in this area in a way that can bring further added value to the European Union.
Type of recommendation: Structural change, Working practice change, Legislative change
Benefit: Member States will benefit from the increased coordination and support offered by Frontex.
Risks: An increased role for Frontex in JROs would require the allocation of additional human resources to the JRO Unit, which could be difficult to achieve. An increased role could also increase the reputational risks for the Agency if human rights violations were to take place.
Next steps: The Return Operations Unit is to make the arrangements necessary for the Agency to charter flights and the necessary human and financial resources for these activities are to be reflected in the budget allocation in the annual Programme of Work.
Timeframe: Short to medium term
Responsible: Return Operations Unit

5.2.4   Recommendation 4: Risk Analysis – capacity building

Conclusion: At Member State level there are persisting differences in the available capacities for risk analysis, both in terms of availability of resources and availability and effectiveness of procedures and practices for risk analysis
Recommendation: In order to improve the overall level of risk analysis capacities across all Member States, Frontex can take a more proactive role in capacity building at Member State level based on CIRAM. This can be done through the development and implementation of basic training in risk analysis and the provision of already developed advanced training modules.

Type of recommendation: Structural change
Benefit: Improved risk analysis at Member State level will improve the quality of data provided to Frontex and the resulting risk analysis products. This will benefit all activities of the Agency, Member States and other stakeholders which are based on risk analysis outputs.
Risks: The development and implementation of capacity building measures will require additional human resources, which could be difficult to achieve.
Next steps: The Risk Analysis Unit and Training Unit are to coordinate their activities with Member States and other interested parties in starting proceedings for the development of basic training. For the implementation of existing training modules, allocations in terms of human and financial resources are to be made in the next budget and programme of work.
Timeframe: Short to medium term.
Responsible: Risk Analysis Unit, Training Unit

5.2.5   Recommendation 5: Risk Analysis – assessing the capacities and vulnerabilities of Member States

Conclusion: In the context of its risk analysis activities, the Agency has a mandate to assess the capacity (equipment, resources) of Member States to respond to challenges, threats and pressure at their external borders. Although in 2014-2015 the Agency has taken steps towards the implementation of this provision by developing a methodology for the assessment, the framework for data collection and analysis is not functional yet.
Recommendation: The Agency should enforce this provision of the Regulation and prioritise the development of its capacities in the area of vulnerability assessment for the purpose of risk analysis.
Type of recommendation: Structural change
Benefit: Vulnerability assessment is one of the three cornerstones of CIRAM and the implementation of data collection activities and analysis will improve the risk analysis products of the Agency. This will benefit all activities of the Agency, Member States and other stakeholders which are based on risk analysis results.
Risks: The assessment of vulnerability remains a politically sensitive issue and could be met with resistance by some Member States. The implementation of vulnerability assessment related activities will also require the allocation of additional human resources to the Risk Analysis Unit.
Next steps: The Risk Analysis Unit is to prioritise the development of its capacities in this area and allocations in terms of human and financial resources are to be made in the next budget and programme of work.
Timeframe: Medium term
Responsible: Risk Analysis Unit

5.2.6   Recommendation 6: Risk Analysis in the area of cross-border crime

Conclusion: The Agency is not implementing risk analysis activities in the area of cross-border crime in a consistent manner. According to stakeholders, this is both due to the lack of clarity with regard to Agency's mandate in relation to cross-border crime and due to the prioritisation of other risk analysis activities for the human resources currently available.
Recommendation: Frontex should develop its capacity in the area of risk analysis related to cross-border crime in order to support other competent authorities in their tasks related to cross-

border crime and its own activities in this area. The human resources needed for the task should be made available.

Type of recommendation: Structural change

Benefit: The risks analysis performed by the Agency will enable the Agency and other competent authorities to carry out their tasks related to cross-border crime.

Risks: The development and implementation of risk analysis activities in the area of cross-border crime will require the allocation of additional human resources to the Risk Analysis Unit.

Next steps: The Risk Analysis Unit should start the coordination of activities for the development of a methodology for data collection and analysis in cooperation with Member States and other stakeholders. Allocations in terms of human and financial resources are to be made in the next budget and programme of work.

Timeframe: Medium term

Responsible: Risk Analysis Unit

5.3   Capacity building recommendations

5.3.1   Recommendation 7: Pooled resources - technical resources

Conclusion: In relation to Frontex's activities in the area of Pooled resources in general, it is concluded that the agency has been effective to some extent. The main challenges lie mainly within the area of the deployment of technical resources, where planning and more specificity in Frontex's requests. In relation to this the information sharing between the Agency and the MS could be improved..

Recommendation: It is recommended that these challenges are addressed in two ways:

1. To improve and further facilitate the established procedure around the call for participation for technical equipment, Frontex should work to become more specific and provide more detailed information on the operational needs that the equipment should be able to respond to. A way towards this could be to engage in closer dialogue with the Member States for Frontex to get a better overview of the types of equipment that the Member States possess and for the Agency to better understand what kind of information the Member States need to be able to respond (better) to their calls.
2. To accommodate for the fact that needs for additional or special equipment can arise unexpectedly and cannot be planned for (in the regular cycle), Frontex should make further progress in the implementation of the mandate they have to own, co-own or lease technical equipment.

Type of recommendation: Structural change, working practices

Benefit: More effective use of the available technical resources at national level. More flexibility in terms of responding to operational needs. More effective coordination and implementation of Joint Operations.

Risks: Some Member States may be reluctant to share more information with Frontex regarding the technical equipment they have at their disposal. Even if improvements are made from Frontex's side in terms of specifying the operational needs, (some) Member States may not be willing or able to provide the needed equipment.

Next steps:

- To start a dialogue with (selected) Member States on improving the calls for participation.
- To build on experience from the pilot project on procurement of services for border

control in relation to technical equipment, implemented in 2014 and which is currently being evaluated.
Timeframe: Medium-term
Responsible: Pooled Resources unit

5.3.2 Recommendation 8: Training

Conclusion: Frontex is found to carry out all training-related tasks set out in the Regulation apart from the one concerning the establishment of an exchange programme enabling border guards participating in the European Border Guard Teams to acquire knowledge or specific know-how from experiences and good practices abroad.[99]
Recommendation: Frontex should implement the provision of the Regulation by developing and implementing an exchange programme for EBGT members. This should be done in cooperation with other relevant stakeholders (e.g. CEPOL).
Type of recommendation: Structural change
Benefit: The programme would bring increased understanding of how people work in other MSs for the purpose of interoperability. Evidence collected in the evaluation concerning existing mobility programmes for border guard academy teachers and students indicates that the establishment of such an exchange programme would otherwise not be feasible without the Agency's support.
Risks: The recommendation requires additional resources - both financial and human. It could prove challenging for EBGT members to commit the time needed for this, as their resources are already "stretched".
Next steps: - Seek inspiration from existing mobility and exchange programmes (what works well; what might be improved/changed in developing a new programme for EBGTs?) - Consult EBGT members (and other important stakeholders such as CEPOL) on the objectives and desired outcomes for the exchange programme and, in particular, address the risk of them not being able to commit the time needed and how this risk may be mitigated in the programme design. - Draft budget and programme design (being very clear on the set outcomes and objectives and how this ties into the overall Frontex strategy and mission). - Get commitments for funding and human resources needed to implement the programme.
Timeframe: Medium term
Responsible: Training unit

5.3.3 Recommendation 9: Training

Conclusion: A major achievement of the Frontex Training Unit is the development and establishment of common standards and a quality framework for border guard training in the EU. In the area of third country cooperation, the conclusions showed room for improvement and further development (see recommendation no. 14). One path towards this is through increased inclusion of third countries in activities of the Frontex training unit.
Recommendation: It is recommended to build on the success of the agency in establishing

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[99] Art 5(b)

common standards within the EU in cooperation with other stakeholders (e.g. CEPOL) by working to disseminate the standards and framework to important third countries (i.e. neighbouring countries especially). Third countries should also to a larger extent be invited to take part in Frontex-organised trainings.

Type of recommendation: Structural change, potentially legislative amendment (if this task is to be added to the area of responsibility of the Training Unit).

Benefit: The purpose of developing common standards, curricula and training programmes etc. within the EU is to improve the interoperability of European border guards and, in that way, improve the operation of the external borders. The evaluation shows that this has been achieved. However, at the EU external borders, EU border guards are required to cooperate with third country border guards, and this adds another dimension to the aspect of interoperability. Supporting the capacity building of third countries and the harmonisation with European standards could increase the positives impacts of the outcomes achieved at EU-level.

Risks: Requires a significant amount of additional resources - both financial and human.

Next steps:

- Pilot test with one or two third countries
- Evaluate to see if there are indications that it contributes positively to the interoperability of border guards at EU external borders.

Timeframe: Medium to long term

Responsible: European Commission (legislative changes), Management Board, Training unit

5.4   Horizontal recommendations

5.4.1   Recommendation 10: EUROSUR Communication Network

Conclusion: EUROSUR Communication Network (ECN) faces challenges in achieving its intended outcomes due to systematic issues in terms of data availability. The evaluation finds that the technical shortcomings of the ECN application are the primary cause of these difficulties. However, the Member States´ practices can also impact the data availability.

Recommendation: Core functions should be reviewed and updated in order to increase data sharing, establish a common data model and increase the reliability of the ECN. In addition, the extent to which the ECN and JORA can be aligned and integrated should be examined.

Type of recommendation: Structural change.

Benefit: ECN will become more reliable and work as the main source for sharing information and JORA and ECN will become increasingly compatible and avoid duplication of efforts.

Risks: MSs and Frontex staff will not fully support EUROSUR by failing to provide the required information and use it as reference.

Next steps:

-
- Identify technical solutions which address the challenges identified by the existing user group, possibly including challenges with core functions such as sharing options, logging-on, accessing web-map data and uploading data.
- Update the system with the required features and integrate with other applications, in particular JORA.
- Communicate the improvements of the system to the relevant counterparts by providing guidelines for Member States on how to share and input data.

Timeframe: Medium to long-term.

Responsible: Frontex's Information and Communication Technology Unit. Member States. Operations Division (Frontex Situation Centre).

5.4.2   Recommendation 11: Organisational assessment

Conclusion: The units and divisions in the Agency are not well integrated and tend to work in a "silo approach". The evaluation also points to an overrepresentation of staff with an operational background.

Recommendation: Conducting a systematic organisational assessment of the Agency to establish whether the current structure and profiles are fit for purpose.

Type of recommendation: Structural change.

Benefit: The Agency would be able to benefit from more effective working procedures and ensure that it has the appropriate staff to carry out its tasks.

Risks: There could be different internal perceptions on what an adequate organisation is and what the job profile (operational vs. administrative staff) ratio should look like.

Next steps:

- Review and complete the documentation of the Agency's core processes.
- Conduct organisational assessment.
- Update the Agency's organisational structure and job profiles.
- Formulate common cross-cutting objectives for the Agency.

Timeframe: Medium-term.

Responsible: Executive support (quality management).

5.4.3   Recommendation 12: Working practices – internal cooperation

Conclusion: The distinct units and divisions in the Agency are not well integrated and more internal cooperation is required across the whole operation in order to improve its level of effectiveness.

Recommendation: In connection with the above recommendation (11) it is suggested that more practical working arrangement are also being introduced:

- It is suggested that a central document management system is launched to make all relevant documentation internally available.
- The possibility of rotating staff should be utilised.
- Cross-unit coordination staff could be re-introduced with the role of facilitating information between units.
- Review and improve internal management procedures.

Type of recommendation: Structural change and changes to working practices.

Benefit: The introduction of such a system and new procedures will facilitate more internal cooperation across the Agency which will improve its effectiveness.

Risks: The staff will be reluctant to use the new system for storing and sharing information and parallel system will exist. Rotation and shared positions may not be seen as attractive.

Next steps:

- Follow-up on the implementation of the document management system.
- Conduct internal research on how to strengthen internal cooperation.
- Define the needed competences of coordination staff.
- Arrange internal training and workshops to define processes and approach.

Timeframe: Medium-term
Responsible: Technical aspects: Frontex's Information and Communication Technology Unit. Functionality aspects: Relevant Frontex Business Units.

5.4.4 Recommendation 13: Working practices – Performance management

Conclusion: The Agency's approach to performance management is not being utilised by the executive management of the Agency and the Management Board.
Recommendation: The Agency's performance management system should be redesigned to reflect the priorities of the distinct divisions and the Management Board.
Type of recommendation: Changes to working practices.
Benefit: The Agency would be capable of steering and measuring their performance more closely to increase effectiveness.
Risks: There could be resistance in the adoption of a new system of performance management if the departmental priorities are not adequately reflected.
Next steps: - Arrange internal workshop(s) to formulate an updated system of key performance indicators. - Review the current internal control standards and assess their practical value in managing the Agency's performance. - Present recommendations to the Management Board. - Adopt and introduce updated performance management system and internal control standards to all Agency staff. - Implement new system and introduce a simplified reporting tool.
Timeframe: Short to medium-term.
Responsible: Frontex's Planning and Controlling Unit in cooperation with management.

5.4.5 Recommendation 14: Third country cooperation

Conclusion: The degree of cooperation with third countries varies and a more systematic approach could be taken to ensure their involvement.
Recommendation: A strategy for cooperation with third countries should be formulated and adopted by the MB to ensure more targeted partnerships with third countries.
Type of recommendation: Changes to working practices.
Benefit: The Agency will be able to create stronger relationships with important counterparts in third countries enabling them to involve allies in border management and return activities.
Risks: The MSs could be reluctant to prioritise the financing of activities targeting third country cooperation.
Next steps: - Nominate team to formulate third country strategy based on input from relevant units. - Introduce annual targets and priorities for third country cooperation. - Nominate a third country liaison officer responsible for coordinating and implementing the strategy. - MB to approve and adopt third country strategy.
Timeframe: Medium to long-term.
Responsible: Executive Support: External Relations/Third Countries team in cooperation with

third country authorities. MB.

5.4.6 Recommendation 15: JRO/Third country cooperation

Conclusion: Frontex is coordinating Joint Return Operations effectively but there is room for increasing operational efficiency through an increased cooperation and exchange of best practices with third country counterparts.
Recommendation: Frontex should take a larger role in the coordination of JROs by leveraging cooperation with third countries to facilitate the acquisition of emergency travel documents. Current third country initiatives (such as the EURINT network) in this area could be utilised in the approach.
Type of recommendation: Changes to working practices.
Benefit: Exchange of information and best practices will contribute to making JROs more flexible and effective.
Risks: - Third countries not willing to cooperate. - Different third countries have different approaches and strategies towards JRO.
Next steps: - JRO to be included in the third country strategy (see recommendation 14). - Coordination meetings with other relevant EU initiatives. - Institute enhanced cooperation with third countries in relation to acquisition of emergency travel documents and exchange of best practices.
Timeframe: Long-term.
Responsible: Frontex's JRO Unit.

5.4.7 Recommendation 16: Fundamental Rights – Consultative Forum

Conclusion: The potential of the Consultative Forum as an advisory body is not fully exploited by the Agency as envisaged by the regulation and its knowledge of the Agency's activities on the ground is limited..
Recommendation: The role of the Consultative Forum as an advisory body could be utilised further.
Type of recommendation: Structural change and changes to working practices.
Benefit: A better equipped advisory body providing an added value to the Agency in fundamental rights matters.
Risks: MSs and Frontex staff not willing to involve members of the Consultative Forum further.
Next steps: - The purpose of having a CF as an advisory body to the Agency should be clarified and updated. - The mandate of the CF should be renewed. - - More effective procedures for sharing documents and information with the CF should be introduced.
Timeframe: Short-term.
Responsible: ED and CF.

5.4.8 Recommendation 17: Fundamental Rights - Code of Conduct

Conclusion: The Agency has coordinated the development of a general Code of Conduct and a Code of Conduct for Joint Return Operations which is being used by relevant stakeholders. However, the Codes are available only in English, which was assessed to impede its effective take up across users of the Codes who are not native speakers of English.
Recommendation: The Codes of Conduct should be translated to relevant languages.
Type of recommendation: Structural change
Benefit: Full regard of fundamental rights during Frontex's activities will be ensured.
Risks: The translation would require the allocation of financial and human resources for the task.
Next steps: The FRO should request for a budget to be committed as part of the annual Programme of Work to ensure that translations can be conducted in all relevant languages and that the translated codes can be disseminated to all relevant counterparts.
Timeframe: Short to medium-term
Responsible: Return Operations Unit, Fundamental Rights Officer + Consultative Forum

5.4.9 Recommendation 18: Fundamental Rights – Roles and responsibilities

Conclusion: The roles and responsibilities in relation to fundamental rights should be clear. However, there needs to be more clarity with regards to communicating the areas of responsibilities between MSs and Frontex with regards to fundamental rights.
Recommendation: A guideline concerning the roles and responsibilities with regards to fundamental rights should be developed.
Type of recommendation: Changes to working practices.
Benefit: The roles and responsibilities will be clear to all stakeholders and the risk of overlap will be reduced. The guideline could also be utilised as a communication tool to avoid misunderstandings as to Frontex's role in fundamental rights issues.
Risks: There could potentially be disagreements as to how to delineate the roles and responsibilities.
Next steps: -   Guideline to be formulated and disseminated to both internal and external stakeholders.
Timeframe: Short-term
Responsible: FRO

5.4.10 Recommendation 19: Fundamental Rights - Resources

Conclusion: There was strong evidence from surveys and interviews indicating that the fundamental rights area is not receiving sufficient human resources to fulfil its mandate, e.g. in terms of the monitoring role.
Recommendation: Increase human resources for fundamental rights in Frontex.
Type of recommendation: Legislative amendment and structural change.
Benefit: Compliance with regulation and a stronger approach towards addressing human rights.
Risks: Perhaps not seen as a core deliverable by the Agency and consequently not prioritised.

Next steps:
- Legislative amendment to allow for further human resources to be allocated to the Fundamental Rights Officer. - Allocate further human resources to the fundamental rights function.
Timeframe: Medium-term.
Responsible: Management Board and Frontex's management in consultation with FRO.

5.4.11 Recommendation 20: Inter-agency cooperation

Conclusion: The evaluation documents that Frontex is working closely with a number of relevant agencies and international organisations. However, it is assessed that the strong cooperation could be further enhanced to address cross-cutting challenges in border management.
Recommendation: Formulating a systematic approach to the inter-agency cooperation with relevant EU agencies and international organisations.
Type of recommendation: Changes to working practices.
Benefit: The Agency will be able to build upon and strengthen the existing inter-agency cooperation and thus the effective management of external borders.
Risks: Duplication of efforts.
Next steps: - Document existing cooperation. - Establish objectives for future cooperation with relevant EU Agencies and international organisations.
Timeframe: Short to medium-term.
Responsible: External Relations/International Organizations and EU Bodies.

5.4.12 Recommendation 21: Update the working procedures of the Management Board

Conclusion: The role and functions of the Management Board are carried out in line with the Regulation. However, the effectiveness of the procedures and working methods of the MB could be improved. The meetings are dominated by plenary and lengthy discussions and the meeting agenda often exceeds the time available resulting in delays in the decision making process.
Recommendation: To review the existing working practices of the MB and consider introducing more decentralised consultations through working groups.
Type of recommendation: Structural change and changes to working practices.
Benefit: The operation of the MB will become more efficient.
Risks: Resistance towards establishing working groups and delegate responsibilities.
Next steps: - Review existing MB working practices. - Review frequency and timing of current meetings to assess whether fewer MB meetings would be a feasible approach. - Update procedures for sharing information with MB members. - Establish relevant working groups.
Timeframe: Short to medium-term.
Responsible: Management Board.

5.4.13 Recommendation 22: Management tools

Conclusion: The management of the Agency does not have the available tools to ensure sufficient cross-unit cooperation.
Recommendation: Relevant management tools and training in these tools should be introduced. Some tools are already being developed (e.g. the quality management system) but others should be introduced based on the needs. Potential tools could include: a unified approach to project management, including stakeholder and risk management tools, process management, and internal control measures. The selected tools should be accompanied by relevant training.
Type of recommendation: Structural change and changes to working practices.
Benefit: The Agency will be able to utilise and integrate the available competences of the Agency more effectively.
Risks: There could be resistance towards implementing new tools and approaches which could be seen as time consuming.
Next steps: - Mapping of the existing and planned management tools across divisions and units. - Needs assessment of the required management tools across the Agency. - Agreement and development of existing and new management tools. - Training in new management tools.
Timeframe: Medium to long-term.
Responsible: Executive management and executive support.

5.4.14 Recommendation 23: Staff appraisal system

Conclusion: There is a lack of coherence in the performance management of the Agency's staff across the Agency.
Recommendation: A common staff appraisal system based on cross-cutting objectives and targets should be developed and implemented.
Type of recommendation: Structural change and changes to working practices.
Benefit: Performance management will become more transparent and there will be clearer incentives for cross-cutting collaboration.
Risks: Challenges in formulating cross-cutting objectives and lack of appreciation of a unified approach to undertaking staff appraisals more systematically.
Next steps: - Agree on joint and specific criteria to be included as part of the staff appraisal system. - Agree on process for conducting staff appraisals. - Implement new approach to staff appraisals.
Timeframe: Medium-term.
Responsible: Management and Executive support (quality management).

APPENDIX

EVALUATION MATRIX

Sub-questions	Indicator/descriptor	Norm/judgement criteria	Data collection	Main target group(s)
Effectiveness: **To what extent have the activities of FRONTEX implemented the tasks set out in its Mission?**				
1. **To what extent has Frontex's coordination of joint operations been effective?**	1.1. The Agency has implemented activities which have contributed to the effective coordination of joint operations.	At least 70% of the Member States consider that the Agency's activities have effectively contributed to the coordination of joint operations.	Secondary data	EU Institutions
			Survey	Member States
			Stakeholder interviews	Frontex staff
		The share of requests for joint operations made by MS which have been approved by the Agency.	Case studies	
	1.2. The Agency has developed a well-functioning operational plan to guide joint operations.	At least 70% of the Member States' representatives consider the operational plan to be adequate.		
		Member States provide all the necessary information needed to develop the operational plan in due time and in adequate quality.		
		The operational plan stipulates the obligations agreed between Frontex and the host MS.		
	1.3. The Agency has developed a code of conduct and best practice guidelines and disseminated it to all the relevant stakeholders.	Code of conduct and best practice guidelines are known to the relevant stakeholders.		
		Evidence of use of code of conduct and best practice guidelines.		
		At least 70% of the Member States consider that the Agency has ensured sufficient		

	1.4. The Agency has ensured that every joint operation has sufficient resources. 1.5. The joint operations are assessed to be effective.	resources for joint operations. The Agency's evaluations confirm the effectiveness of joint operations.		
2. To what extent have high quality and accurate risk analyses been carried out by Frontex in due time?	2.1 The Agency has carried out risk analyses, which are found to be relevant by the stakeholders. 2.2 MS and other stakeholders provide all the necessary information for risk analyses in due time. 2.3 The quality of the data provided by the MS and other stakeholders is adequate. 2.4 Risk analyses are provided by the Agency to the MS in due time. 2.5 Risk analyses and related intelligence are accurate. 2.6 The risk analyses are based on the integrated risk analysis model 2.7 The risk analyses prepared by the Agency are being used by the MS.	At least 70% of the relevant EU institutions and the Member States consider that the risk analyses provided by Frontex are relevant. Input from MS and other stakeholders assessed to be provided in due time. The quality of data provided assessed to be adequate. Proportion of risk analyses delivered on time. Evidence of accuracy of risk analyses and related intelligence. Evidence of existence of an integrated risk analysis model Evidence of use of an integrated risk analysis model At least 90% of the relevant EU institutions and the Member States declare that they make use of the risk analyses they receive. Evidence of risk analyses being reflected in core curricula and training standards.	Secondary data Survey Stakeholder interviews Case studies	EU Institutions Member States Frontex staff

		2.8 Risk analyses are taken into account in the development of the core curricula and training standards.	Evidence of risks analyses being reflected in the operational plans.		
		2.9 Risk analyses form adequate basis for development of operational plans.			
3.	**To what extent has Frontex delivered relevant assistance to Member States on training of national border guards, including the establishment of common training standards?**	3.1 The Agency has delivered relevant input to the training tools for national border guards.	At least 70% of the national border guard services consider that the training tools have been relevant.	Secondary data Survey Stakeholder interviews Case studies	National border guards Frontex staff
		3.2 The training is developed and delivered on the basis of risk analyses and other well established needs.	Evidence of risk analyses and a capacity needs assessments formulated as basis for the training material.		
		3.3 The Agency has developed common training standards.	Existence of common training standards.		
		3.4 The Agency has delivered relevant training in relevant EU and international law and human rights for participants prior to their engagement in operational activities.	90% of the participants declare that they have received the relevant training before participating in operational activities. Existence of exchange program.		
		3.5 The Agency has established an exchange program for national border guards enabling them to work with colleagues in other MS.	The share of the Agency's allocated to training activities vs. share of the national border guard services who consider that the training tools have been useful.		
		3.6 The perceived cost-benefit of the Agency's training activities			
4.	**To what extent has Frontex participated in the development and**	4.1 The Agency has made relevant research available to the Commission and the Member States in due time.	At least 70% of the Member States and the relevant stakeholders from the Commission consider that relevant research has been made	Secondary data Survey	Member States EU Commission

dissemination of research relevant for the control and surveillance of external borders?			available to them in due time. The research community is satisfied with the research and information provided by Frontex.	Stakeholder interviews Case studies	Research community Frontex staff
	4.2　　　　The information is adequate to support EU's policies in Integrated Border Management.		Evidence of the Agency contributing to the development of new technologies. Evidence of the Agency working actively in promoting available information to the MS.		
5. To what extent has Frontex facilitated the deployment of relevant technical equipment and human resources in the Member States?	5.1　　　　The deployment of technical equipment is being conducted in line with the operational plan.		Evidence of technical equipment being deployed in accordance with operational plan.	Secondary data Survey Stakeholder interviews	Frontex Staff Member States
	5.2　　　　Sufficient and operationally adequate technical equipment is available for joint operations, pilot projects and rapid interventions.		Number of cases where the minimum number of operationally adequate equipment is not available. Number of cases where MS are faced with an exceptional situation and unable to deliver the requested equipment. Number of cases where there is an overlap of deployed resources (from other funding sources) for an operation.		
	5.3　　　　Equipment acquired by the Agency is used during joint operations.		At least 70% of the Member States consider the technical equipment made available to them adequate for their tasks. Evidence of equipment acquired by Frontex being used during joint operations. Evidence of human resources being deployed		

		in accordance with operational plan.		
	5.4 The deployment of human resources is being conducted in line with the operational plan.	Number of cases where required human resources have not been available.		
	5.5 Adequately trained human resources are available for joint operations.	Number of cases, where the MS have been faced with an exceptional situation and unable to deploy their border guards upon request by Frontex.		
		At least 70% of the MS consider that the human resources made available to them are adequate for their tasks.		
		Frontex has constituted a pool for European Border Guard Team (EBGT).		
		Frontex has implemented new rules for the technical equipment pool (TEP).		
	5.6 The Agency has established a new mechanism for secondment of pooled resources.			
6. To what extent has Frontex effectively supported the coordination and organisation of joint return operations of Member States?	6.1 The Agency has formulated a code of conduct on joint return operations and distributed it to the Member States.	Evidence of existence of code of conduct for JROs.	Secondary data	Frontex staff
		Member States' awareness and use of conduct of conduct.	Survey	Member States
			Stakeholder interviews	
	6.2 Member States inform the Agency about joint return operations in due time.	At least 70% of the relevant Agency staff consider that the Member States have informed the Agency about joint return operations in due time.	Case studies	
	6.3 The Member States are			

		informed by the Agency about joint return operations offers in due time.	At least 70% of the Member States consider that the Agency has informed them about joint return operations in due time.		
		6.4 Quality of an implementation plan for joint return operations.	Evidence of implementation plan containing all the relevant information for joint return operations.		
		6.5 The Agency provides adequate support, briefing, coordination and monitoring during the entire operation	At least 70% of the Member States consider that the Agency has provided adequate support in terms of briefing, coordination and monitoring during the operation.		
		6.6 Joint return operations are carried out according to implementation plans.	Evidence that at least 80% of the joint return operations are carried out according to the implementation plans.		
7.	**To what extent has Frontex facilitated the exchange of relevant information with the Commission and the Member States?**	7.1 The Agency has provided ICT infrastructure supporting information exchange for operational activities *(indicator added in the final report)* 7.2 The Agency has established effective mechanisms for operational information exchange with the Member States.	At least 70% of the beneficiaries consider that the exchange of operational information is effective. Evidence of meetings and relevant publications.	Secondary data Survey Stakeholder interviews	EU Commission Member States Frontex staff
8.	**To what extent has Frontex facilitated operational cooperation with authorities in third countries?**	8.1 The Agency has facilitated operational cooperation with relevant authorities in third countries.	Evidence that the Agency has facilitated operational cooperation with authorities in third countries (number of memoranda of understanding, cooperation agreements, joint publications, Frontex Liaison officers deployed, capacity building projects).	Secondary data Survey Stakeholder interviews Case studies	Member States EU Commission Third country authorities

9. **To what extent has the development and operation of EUROSUR received adequate assistance from the Agency?**	9.1 The Agency has established an effective cooperation with the national coordination centres on access to the European situational picture.	At least 70% of the national coordination centres consider that the Agency has established effective cooperation on the European situational picture.	Survey Stakeholder interviews	National coordination centres Members States EU Commission Frontex staff
	9.2 The Agency has established an effective communication network.	At least 70% of the respondents representing the Member States and the Commission consider that the Agency has established an effective communication network through EUROSUR.		
	9.3 The Agency provides the national coordination centres with regular and reliable surveillance information on external borders.	At least 70% of the national coordination centres consider that the Agency has provided them with regular and reliable surveillance information on external borders.		

Impact (a):
To what extent have the activities of FRONTEX improved the integrated management of the external borders of the MS?

10. **To what extent has the Agency improved the coordination of actions between MS?**	10.1 The Agency has contributed to the improvement of joint operations at the external borders.	At least 70% of the respondents representing the Member States and the Commission consider that the Agency has contributed to the improvement of joint operations at the external borders.	Survey Stakeholder interviews Case studies	Member States' representatives EU institutions
	10.2 The Agency has contributed to the improvement of joint return operations.	At least 70% of the respondents representing the Member States and the Commission consider that the Agency has contributed to the improvement of joint return operations at the external borders.		
	10.3 The Agency's activities provide a clear added value to the border management activities of the Member States.	Qualitative assessment through stakeholder interviews of the value added of Frontex.		

| 11. To what extent has Frontex enhanced operational cooperation with authorities in third countries? | 11.1 The Agency has increasingly facilitated operational cooperation with relevant authorities in third countries. | At least 70% of the respondents representing the Member States and the Commission consider that the Agency has increasingly facilitated operational cooperation with the relevant authorities in third countries. | | |

Impact (b):
To what extent have the activities of FRONTEX facilitated a more effective application of the relevant EU measures relating to the management of the external borders in particular the Schengen Borders Code?

12. To what extent has the Agency managed to support the MS in introducing more effective measures of external border management?	12.1 The Agency has provided relevant risk analyses tools to facilitate a more effective application of the available resources for external borders management.	At least 70% of the respondents representing the Member States and the EU Commission consider that the Agency's risk analyses have improved the application of the available resources at the external borders.	Survey Stakeholder interviews Case studies	Member States' representatives EU institutions
	12.2 The Agency has provided relevant systems for information exchange that facilitate the application of the available resources for external border management *(indicator added in the final report)*	At least 70% of the relevant stakeholders consider that the Risk Analyses carried out by Frontex effectively inform future operations. Evidence of added value of the integrated risk analysis model.		
13. To what extent has Frontex enhanced the cooperation with relevant EU agencies and international organisations?	13.1 The Agency has increasingly engaged in relevant cooperation with other agencies and international organisations.	Evidence of enhanced cooperation between Frontex and other EU agencies and international organisations. At least 70% of the agencies and international organisations consider that Frontex has enhanced the cooperation with relevant EU agencies and international organisations.	Secondary data Survey Stakeholder interviews	Frontex staff EU agencies International organisations

Impact (c):
To what extent have the activities of FRONTEX provided the Member States and the European Commission with the necessary technical support and expertise as well as promoted solidarity between Member States?

14. To what extent has the Agency improved the available research relevant to the control and surveillance of the external borders?	14.1 The Agency's research has contributed to a better understanding of external border management in the MS and at the European Commission.	At least 70% of the stakeholders in the MS and at the Commission consider that the Agency's research has contributed to an improved understanding of external border management.	Survey Stakeholder interviews Case studies Secondary data	Member States' representatives EU institutions
15. To what extent has the Agency improved the access to technical support for the MS?	15.1 The Agency has facilitated an increased access to technical resources for the MS.	At least 70% of the stakeholders consider that the research provided by Frontex is helpful in identifying vulnerabilities at their borders. At least 70% of the stakeholders in the MS consider that the access to technical resources has increased.		
16. To what extent has the Agency contributed to the improvement of the professional capacity of border guards?	16.1 The Agency has contributed to the development of relevant training for European Border Guards. 16.2 Common training standards are being used. 16.3 The training participants apply their new skills on joint operations.	Evidence of an increased access to technical resources in the MS. At least 70% of the stakeholders in the MS consider that the available training for European Border Guards has improved. Evidence of usage of common training standards. At least 70% of the training participants assess that their newly gained training skills are applied on joint operations. Share of training participants that are deployed in operations. Share of deployed EBGT who have participated in training.		

Working Practices:
To what extent are the organisational solutions and procedures of FRONTEX adequate in order to implement its missions?

17. To what extent have the Agency's procedures and working practices been conducive to implementing its missions?	17.1 The Agency has introduced effective procedures and working practices.	At least 70% of the staff consider that the Agency's working practices are adequate. Ability to provide concrete and verifiable examples.	Survey Stakeholder interviews	Frontex staff Management Board EU institutions
	17.2 The Agency's divisions and units are able to coordinate activities with each other in an efficient manner.	Ability to provide concrete and verifiable examples. At least 70% of the participants consider the training standards to be relevant.		
	17.3 The work carried out by different divisions and units feeds into the work of the other divisions and units.	Ability to provide concrete and verifiable examples.		
	17.4 The Agency's activities are informed by the lessons learned in its operations.	Evidence of the evaluations of joint operations feeding into the planning processes.		
18. To what extent is the structure and organisation of the Agency (size, organisation, staff composition, recruitment and training issues, etc.) adequate to its actual workload?	18.1 The Agency has introduced an effective organisational structure in relation to its workload.	At least 70% of the staff consider that the Agency has the sufficient human resources to carry out its actual workload. At least 70% of the staff consider that the Agency staff as a whole have adequate qualifications to carry out the Agency's tasks. At least 70% of the staff consider that the composition of the staff (i.e. share of management vs. non-management; different types employees) is adequate to its actual workload.	Survey Stakeholder interviews	Frontex staff Management Board EU institutions

		Ability to provide concrete and verifiable examples. At least 70% of the employees in each division consider that the lines of communication are clear and relevant.		
19. To what extent is the communication between the Agency and the MS effective?	19.1 Communication channels between the Agency's different units and the relevant MS counterparts exist. 19.2 Communication channels between the Agency's different units and the relevant MS counterparts are being actively used. 19.3 The Agency has access to the relevant information from the Member States. 19.4 The Member States have the possibility to communicate their needs and expectations towards the Agency.	Evidence of existence of communication channels. The Agency has conducted and concluded annual bilateral negotiations and agreements with all MS. At least 70% of the Agency staff consider that the Agency gains the relevant information from the Member States. The majority of the Member States consider that they have the possibility to communicate their needs and expectations towards the Agency.	Survey Stakeholder interviews	Frontex staff Management Board EU institutions Member States
20. To what extent is the cooperation between the the Agency and the MS effective?	20.1 The Agency has established an effective cooperation with the MS' National Frontex Point of Contacts (NFPoC).	NFPoC meetings have been conducted. NFPoC's have received and distributed relevant information from Frontex to their relevant authorities.	Survey Stakeholder interviews	Frontex staff Member States
21. To what extent do the Agency's management systems and processes	21.1 The Agency has established an effective management system and processes.	At least 70% of the staff consider that the Agency's has an adequate management system and processes.	Desk research Survey	Frontex staff Management Board

			Stakeholder interviews	EU institutions
contribute to the effectiveness and efficiency of its operations?		At least 70% of the staff consider that the processes are useful. Evidence that the processes are being used. The Agency has transmitted all relevant evaluation reports and analysis of joined operations to the Management Board. At least 70% of the management board find that the processes are supportive. The management assess that the processes are supportive. The share of commitments.		
	21.2 The Agency manages its budget in an efficient manner.	The share of payments. Additional funds allocated to the Agency during the financial year.		
22. To what extent are the working methods and composition of the Management Board appropriate and efficient?	22.1 The MB working methods are assessed to be efficient.	Evidence of efficient working methods (consultations, decision making, recording of minutes, follow-up on decisions).	Survey Stakeholder interviews	Frontex staff Management Board EU institutions
	22.2 Perception of the Management Board concerning working methods and composition.	The majority of the Management Board members consider that the working methods and composition are adequate.		
23. To what extent have the administrative procedures supported the operational activities of the Agency?	23.1 Perception of the Agency's staff concerning the effectiveness and appropriateness of the administrative procedures.	At least 70% of the staff consider that the administrative procedures are effective and appropriate for the Agency to deliver its mandate.	Survey Stakeholder interviews	Frontex staff Management Board EU institutions
	23.2 Review of administrative	Existence and assessment of guidelines.		

	guidelines (scope, clarity, simplicity).			
EU Charter of Fundamental Rights: **To what extent has FRONTEX created the conditions for ensuring and promoting the respect of Fundamental Rights in its activities?**				
24. To what extent has the Agency managed to implement its obligations when it comes to fundamental rights?	24.1 The Agency has drawn up, developed and implemented a Fundamental Rights Strategy.	Existence of a Fundamental Rights strategy. Evidence of implementation of the strategy.	Desk research, including Annual Report of the Frontex Consultative Forum on Fundamental Rights Stakeholder interviews	Frontex staff
	24.2 A Code of Conduct for Frontex activities has been established based on the principles of rule of law and fundamental rights. 24.3 A Code of Conduct for JRO defines procedures for full respect of fundamental rights.	Existence of a Code of Conduct. Evidence that the Code of Conduct is being used. Existence of provisions on fundamental rights in the Code of Conduct Evidence that the Code of Conduct for JRO is being used.	Desk research Stakeholder interviews	Frontex staff Consultative forum
	24.4 The Agency has put in place a mechanism to monitor the respect for fundamental rights.	Existence of a monitoring mechanism. The majority of the relevant stakeholders consider that the mechanism is effective.	Desk research Stakeholder interviews Survey	Frontex staff Consultative forum
	24.5 A consultative forum involving relevant international organisations and NGOs has been established.	Existence of a consultative forum. Relevant international organisations and NGOs participate in the consultative forum	Desk research, including Annual Report of the Frontex Consultative Forum on Fundamental Rights	Frontex staff Consultative forum

		Evidence of the consultative forum contributing actively to Frontex's work	Stakeholder interviews Survey	Management Board
	24.6 A Fundamental Rights Officer has been designated by the MB 24.7 The FRO has the resources required for him/her to carry out his/her duties	Existence of a Fundamental Rights Officer. Budget allocation for the FRO's activities Share of FRO HR and financial resources available to each of his/her.	Desk research Stakeholder interviews	Frontex staff, in particular the FRO Consultative forum
	24.8 The Fundamental Rights Officer is invited to provide observations to evaluations of JO and pilot projects	Evidence of FRO's observations in evaluations	Desk research Stakeholder interviews	Frontex staff
	24.9 Fundamental rights have been included in the training curricula of Frontex personnel and border guards participating in Frontex operations.	Existence of fundamental rights in the training curricula.	Desk research Stakeholder interviews	Frontex staff MS training organisations
	24.10 Cooperation with third countries is carried out, taking into account respect for fundamental rights and human dignity.	Evidence of fundamental rights being included in cooperation with third countries.	Desk research Stakeholder interviews	Frontex staff Consultative forum Third country representatives

AMENDMENTS TO THE FRONTEX REGULATION

The following table presents an overview of the amendments of the Frontex Regulation, including the reference articles where they may be found. Additionally, the table represents a matrix that aims at highlighting the amendments that have been implemented by the Agency until presently. The matrix utilises the following system: Green – if there is evidence that the provision has been implemented; Yellow - provisions which are implemented but there is evidence the implementation is not fully effective; Red – the provision has not been implemented or is still in development phase.

European Border Surveillance System		
The Agency shall provide assistance for the development and operation of a European border surveillance system	Art. 2 (i)	🟩
Code of Conduct		
The Agency shall draw up in cooperation with the Consultative Forum a Code of Conduct applicable to all operations coordinated by the Agency and shall further its application	Art. 2a	🟩
Joint Operations and Pilot projects		
The Agency must approve, evaluate and coordinate proposals for joint operations and pilot projects made by Member States	Art. 3 (1)	🟩
The Agency can initiate and carry out joint operations and pilot projects in cooperation with the Member States concerned and in agreement with the host Member States	Art. 3 (1)	🟩
The Agency must conduct risk analysis prior to every joint operation or pilot project	Art. 3 (1)	🟩
The Agency may terminate joint operations, after informing the MS concerned, if the conditions are no longer fulfilled	Art. 3 (1a)	🟨
The Member States participating in a joint operation or pilot project may request the Agency to terminate that joint operation	Art. 3 (1a)	🟨
The home MSs has the task of providing for appropriate disciplinary measures in accordance with the national law in case of violations of fundamental rights or international protection obligations during a joint operation or pilot project.	Art. 3 (1a)	🟨
The Executive Director may suspend or terminate joint operations and pilot projects if he/she considers that such violations are of a serious nature or are likely to persist.	Art. 3 (1a)	🟨
The Agency shall evaluate the results of the joint operations and pilot projects and transmit the detailed evaluation reports within 60 days following the end of those operations and projects to the Management Board, together with the observations of the Fundamental Rights Officer (Art. 3.3)	Art. 3 (3)	🟩

The Agency shall make a comprehensive comparative analysis of those results with a view to enhancing the quality, coherence and effectiveness of future joint operations and pilot projects and include it in its general report (Art. 3.3)	Art. 3 (3)	
The Agency shall finance or co-finance the joint operations and pilot projects with grants from its budget (Art. 3.4)	Art. 3 (4)	
An operational plan shall be drawn up by the Executive Director in consultation with the host MS and the MSs participating in the joint operation or pilot project (Art. 3a)	Art. 3a (1)	
The operational plan must contain a set of elements, including: a description of the situation and modus operandi, duration, geographical area, description of tasks and instructions for guest officers, composition of teams of guest officers, command and control provisions, the technical equipment to be deployed, detailed provisions on immediate incident reporting by the Agency to the MB, reporting and evaluation scheme, modalities of cooperation with third countries	Art. 3a (1)	
The Agency shall ensure the implementation of all organizational aspects during joint operations and pilot projects	Art. 3a (3)	
EBGTs		
The Agency shall set up a pool of European Border Guard Teams for deployment during joint operations and pilot projects	Art. 3b (1)	
The profiles and overall number of border guards to be made available for the EBGTs shall be proposed by the Executive Director and decided by the MB	Art. 3b (1)	
MSs shall nominate border guards corresponding to the required profiles from their national pools to participate in the EBGTs	Art. 3b (2)	
The contribution of MSs to EBGTs shall be planned on a yearly basis through annual bilateral negotiations and agreements between the Agency and MSs	Art. 3b (2)	
The Agency shall also contribute to the European Border Guard Teams with competent border guards seconded by the Member States as national experts	Art. 3b (3)	
Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity.	Art. 3b (4)	
The Agency shall nominate a coordinating officer for each joint operation or pilot project where members of the European Border Guard Teams will be deployed, whose role will be to foster cooperation and coordination	Art. 3b (5)	
The Agency shall inform the European Parliament on an annual basis of the number of border guards that each Member State has committed to the European Border Guard Teams (Art. 3b)	Art. 3b (7)	
The host MS shall issue instructions for EBGTs during their deployment in conformity with the operational plan (Art. 3c)	Art. 3c	

Risk Analysis		
The Agency shall develop and apply a common integrated risk analysis model	Art. 4	🟩
It shall prepare both general and tailored risk analyses to be submitted to the Council and the Commission	Art. 4	🟩
The Agency may develop assessments of the capacity of MSs that are anticipated to face upcoming challenges. The assessment shall be made in terms of equipment and human resources of the MSs. The results shall be presented to the MB	Art. 4	🟥
The results of the risk analyses shall be incorporated in the common integrate risk analysis and in the development of the common core curricula for the training of border guards	Art. 4	🟩
Training		
The Agency shall provide EGBTs with advanced training relevant to their tasks and powers and shall conduct regular exercises with those border guards in accordance with the advanced training and exercise schedule referred to in the annual work programme of the Agency	Art. 5 (a)	🟩
The Agency shall ensure that all border guards and other personnel of the MSs participating in the EGBTs, as well as the staff of the Agency, have received, relevant training	Art. 5 (a)	🟩
The Agency shall establish and further develop common core curricula in consultation with the Consultative Forum for the training of border guards and provide training at European level for instructors of the national border guards of Member States	Art. 5 (a)	🟩
MSs shall integrate the common core curricula in the training of their national border guards	Art. 5 (a)	🟩
The Agency shall establish an exchange programme enabling border guards participating in the European Border Guard Teams to acquire knowledge or specific know-how from experiences and good practices abroad	Art. 5 (b)	🟥
Monitoring and contributing to research		
The Agency shall monitor and contribute to the developments in research relevant for the control and surveillance of the external borders and disseminate that information to the Commission and the Member States	Art. 6	🟩
The Agency shall disseminate the information to the Commission and the Member States	Art. 6	🟩
Technical equipment		
Agency may acquire or lease technical equipment for external border control to be deployed during operational activities	Art. 7 (1)	🟨

Any acquisition or leasing shall be preceded by a cost-benefit analysis	Art. 7 (1)	
The acquisition of major technical equipment that requires the registration of the equipment shall be done in agreement with one MS and shall abide by the national rules of that MS.	Art. 7 (1)	
The Agency shall keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States or by the Agency and equipment co-owned by the Member States and the Agency for external border control purposes	Art. 7 (2)	
MSs shall contribute to the technical equipment pool. Contribution shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States	Art. 7 (3)	
The Agency shall manage the records of the technical equipment pool by classifying them on: type of equipment and by type of operation; by owner (Member State, Agency, other);overall numbers of required equipment; crew requirements if applicable; other information.	Art. 7 (4)	
The Agency shall finance the deployment of the technical equipment which forms part of the minimum number of technical equipment provided by a given Member State for a given year	Art. 7 (5)	
The Management Board in cooperation with the Executive Director shall decide on the rules relating to technical equipment, including the required overall minimum numbers per type of technical equipment, the conditions for deployment and reimbursement of costs	Art. 7 (5)	
The Agency shall propose the minimum number of technical equipment in accordance with its needs, notably in order to be able to carry out joint operations, pilot projects, rapid interventions and joint return operations, in accordance with the its work programme for the year in question.	Art. 7 (5)	
The Agency shall report on the composition and the deployment of equipment which is part of the technical equipment pool to the Management Board on a monthly basis	Art. 7 (6)	
The Agency shall inform the European Parliament on an annual basis of the number of technical equipment that each Member State has committed to the technical equipment pool	Art. 7 (7)	
Rapid interventions		
The Agency may deploy the EBGTs in situations in which a MSs is faced with specific and disproportionate pressures and confronted with circumstances requiring increased technical and operational assistance	Art. 8a	
The Agency shall draw up an operational plan no later than five working days from the date of the decision to assist the MS faced with specific and disproportionate pressures and confronted with circumstances requiring increased technical and operational assistance	Art. 8a	

Return cooperation		
The Agency shall provide the necessary assistance, and at the request of the participating Member States ensure the coordination or the organisation of joint return operations of Member States, including through the chartering of aircraft for the purpose of such operations. The Agency shall finance or co-finance the operations and projects referred to in this paragraph with grants from its budget in accordance with the financial rules applicable to the Agency.	Art. 9 (1)	🟨
The Agency may also use financial means of the Union available in the field of return. The Agency shall ensure that in its grant agreements with Member States any financial support is conditional upon the full respect for the Charter of Fundamental Rights.	Art. 9 (1)	🟩
The Agency shall develop a Code of Conduct for the return of illegally present third-country nationals which shall apply during all joint return operations coordinated by the Agency.	Art. 9 (1a)	🟩
The Code of Conduct shall in particular pay attention to the obligation to establish an effective forced-return monitoring system and to the Fundamental Rights Strategy.	Art. 9 (1b)	🟨
The monitoring of joint return operations should be carried out on the basis of objective and transparent criteria and cover the whole joint return operation from the pre-departure phase until the hand-over of the returnees in the country of return.	Art. 9 (1b)	🟨
The Agency shall draw up a rolling operational plan to provide the requesting Member States with the necessary operational support in accordance with the needs of the MSs.	Art. 9 (1c)	🟩
The Agency shall cooperate with the competent authorities of the third countries to identify best practices on the acquisition of travel documents and the return of illegally present third- country nationals.	Art. 9 (2)	🟨
Information exchange systems		
The Agency shall develop and operate an information system capable of exchanging classified information with the Commission and the Member States.	Art. 11	🟩
Data protection		
In organising and coordinating the joint return operations of Member States, the Agency may process personal data of persons who are subject to such joint return operations in accordance to the principles of necessity and proportionality	Art. 11b (1) (2)	🟥
The data collected shall be deleted no later than 10 days after the end of the joint return operation	Art. 11b (3)	🟥
The Agency may further process personal data collected by the Member States during such operational activities and transmitted to the	Art. 11c	🟥

Agency in order to contribute to the security of the external borders of the Member States.		
The further processing of personal data shall be done only for the purpose of transmission, on a case-by-case basis, to Europol or other Union law enforcement agencies, or the use for the preparation of risk analyses	Art. 11c (3)	
The personal data shall be deleted as soon as they have been transmitted to Europol or other Union agencies or used for the preparation of risk analyses.	Art. 11c (4)	
Cooperation with Union agencies and bodies and international organisations		
The Agency may cooperate with EASO, FRA and other EU agencies and bodies and the international organisations. In every case the Agency shall inform the European Parliament of any such arrangements.	Art. 13	
The Agency may invite observers of Union agencies and bodies or international organisations to participate in operational activities. The participation of observes is to be agreed upon with the MSs involved.	Art. 13	
Facilitation of operational cooperation with third countries and cooperation with competent authorities of third countries		
The Agency shall facilitate operational cooperation between Member States and third countries, within the framework of the external relations policy of the Union, including with regard to human rights.	Art. 14 (1)	
The establishment of cooperation with third countries shall serve to promote European border management standards, also covering respect for fundamental rights and human dignity	Art. 14 (1)	
The Agency may cooperate with the authorities of third countries related to the management of operational cooperation.	Art. 14 (2)	
The Agency may deploy liaison officers in third countries. Their deployment shall be approved by the Management Board.	Art. 14 (3)	
The Agency may also, with the agreement of the Member State(s) concerned, invite observers from third countries to participate in its operational activities.	Art. 14 (6)	
Headquarters Agreement		
A headquarter agreement was to be agreed upon with the Management Board	Art. 15a	
The Management Board may adopt provisions to allow national experts from Member States to be seconded to the Agency	Art. 17	
The Agency shall establish the organisational structure of the Agency and adopt the Agency's staff policy, in particular the multiannual staff policy plan	Art. 20	

The MB shall adopt the Agency's multiannual plan outlining the future long term strategy regarding the activities of the Agency	Art. 20	
The Management Board may advise the Executive Director on any matter strictly related to the development of operational management of the external borders	Art. 20	
The European Parliament or the Council may invite the Executive Director to report on the carrying out of his/her tasks, in particular on the implementation and monitoring of the Fundamental Rights Strategy, the general report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual plan	Art. 25	
Fundamental Rights Strategy		
The Agency shall draw up and further develop and implement its Fundamental Rights Strategy.	Art. 26a (1)	
The Agency shall put in place an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency.	Art. 26a (1)	
A Consultative Forum shall be established by the Agency to assist the Executive Director and the Management Board in fundamental rights matters.	Art. 26a (2)	
The Agency shall invite the European Asylum Support Office, the Fundamental Rights Agency, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum.	Art. 26a (2)	
On a proposal by the Executive Director, the Management Board shall decide on the composition and the working methods of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum.	Art. 26a (2)	
The Consultative Forum shall be consulted on the further development and implementation of the Fundamental Rights Strategy, Code of Conduct and common core curricula.	Art. 26a (2)	
The Consultative Forum shall prepare an annual report of its activities. That report shall be made publicly available.	Art. 26a (2)	
A Fundamental Rights Officer shall be designated by the Management Board and shall have the necessary qualifications and experience in the field of fundamental rights.	Art. 26a (3)	
The Fundamental Rights Officer and the Consultative Forum shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency	Art. 26a (3)	
The Fundamental Rights Officer shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.	Art. 26a (3)	

SURVEY REPORT

I hereby agree to participate in the survey implemented by Ramboll Management Consulting A/S for the purpose of carrying out an external evaluation the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

I understand that the information provided in this survey will be treated as anonymous and will not be used, referencing my name, my position and my country of origin.

I understand that the information I provide will be used for the above purpose only by Ramboll Management Consulting A/S, and is being collected today by Ramboll Management Consulting A/S as the contractor of Frontex.
I understand that the information, as below, will be kept by Ramboll Management Consulting for a maximum of 18 months from this date. The information will be kept in a secure environment by Ramboll Management Consulting according to data protection guidelines. After 18 months from the date on this sheet, the information will be destroyed.

I agree	99%	196
I do not agree (this response will take you to the end of the survey)	1%	2
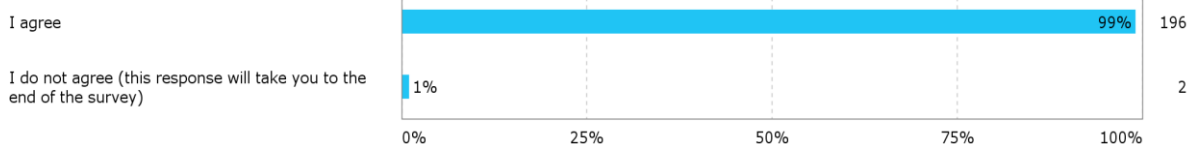
How often have you been in contact with Frontex?

I am regularly in contact with Frontex	73%	90
I have been in contact with Frontex several times	21%	26
I have been in contact with Frontex once	4%	5
Never	0%	0
Do not know/Not sure	1%	1
Not in contact with Frontex	1%	1
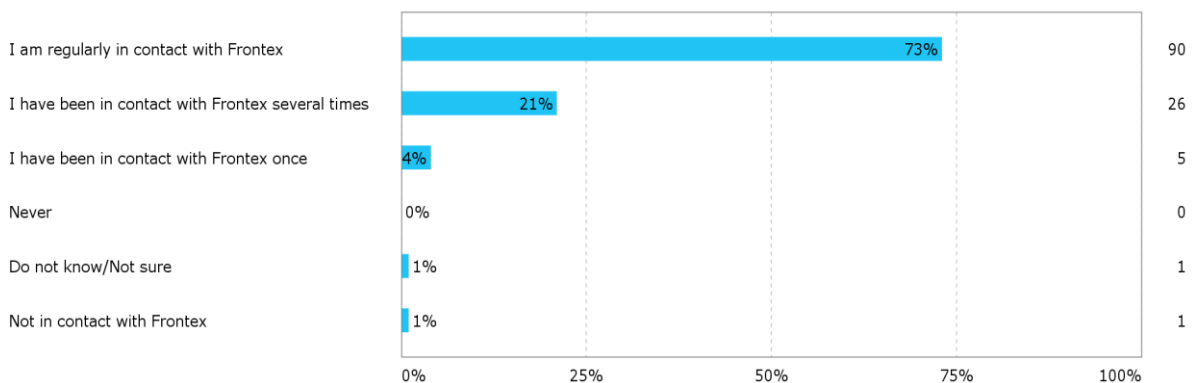
Do you make use of the Risk Analyses products issued by Frontex in your activities?

Yes	73%	95
No	27%	36
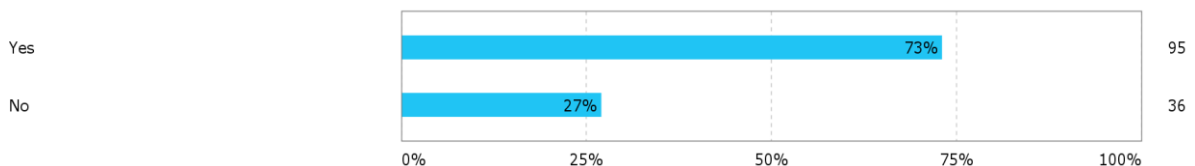
Are you involved in the risk analysis activities of Frontex?

Yes	24%	14
No	76%	45
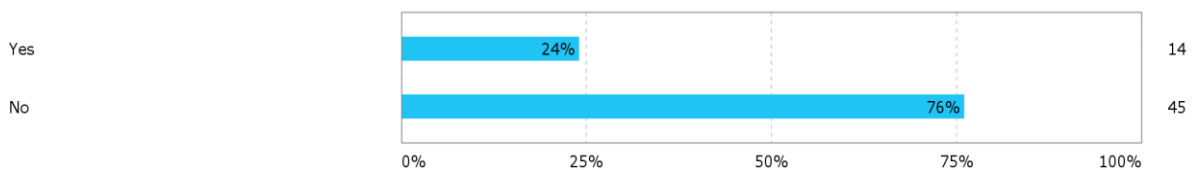
How relevant do you consider the risk analysis procedure – CIRAM – to be?
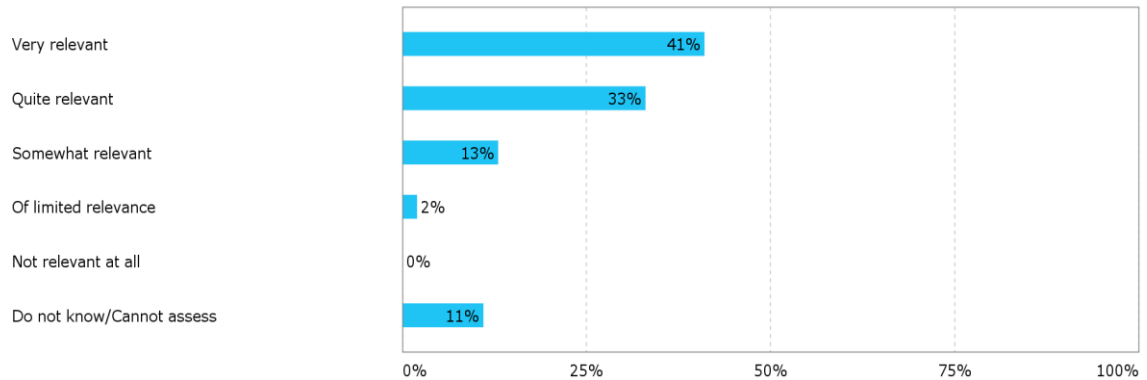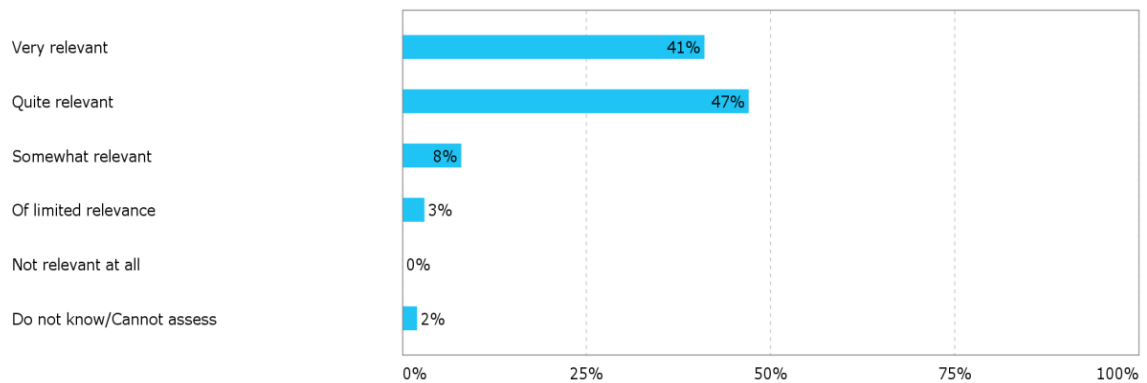
Very relevant	41%	43
Quite relevant	33%	34
Somewhat relevant	13%	14
Of limited relevance	2%	2
Not relevant at all	0%	0
Do not know/Cannot assess	11%	11

0%   25%   50%   75%   100%

How do you assess the relevance of the risk analyses provided by Frontex?

Very relevant	41%	42
Quite relevant	47%	48
Somewhat relevant	8%	8
Of limited relevance	3%	3
Not relevant at all	0%	0
Do not know/Cannot assess	2%	2

0%   25%   50%   75%   100%

To what extent do you agree with the following statement? - a. Member States provide their input for risk analyses in due time.

Strongly agree	9%	6
Agree	52%	35
Neither agree nor disagree	24%	16
Disagree	0%	0
Strongly disagree	0%	0
Do not know/Cannot assess	15%	10

0%   25%   50%   75%   100%

To what extent do you agree with the following statement? - b. The quality of data provided by the MSs with regards to risk analyses is adequate.

Strongly agree	10%	7
Agree	45%	30
Neither agree nor disagree	31%	21
Disagree	1%	1
Strongly disagree	0%	0
Do not know/Cannot assess	12%	8

0%   25%   50%   75%   100%

To what extent do you agree with the following statement? - a. Member States provide their input for risk analyses in due time.

Response	%	Count
Strongly agree	8%	1
Agree	38%	5
Neither agree nor disagree	15%	2
Disagree	23%	3
Strongly disagree	0%	0
Do not know/Cannot assess	15%	2

To what extent do you agree with the following statement? - b. The quality of data provided by the MSs with regards to risk analyses is adequate.

Response	%	Count
Strongly agree	0%	0
Agree	15%	2
Neither agree nor disagree	46%	6
Disagree	15%	2
Strongly disagree	8%	1
Do not know/Cannot assess	15%	2
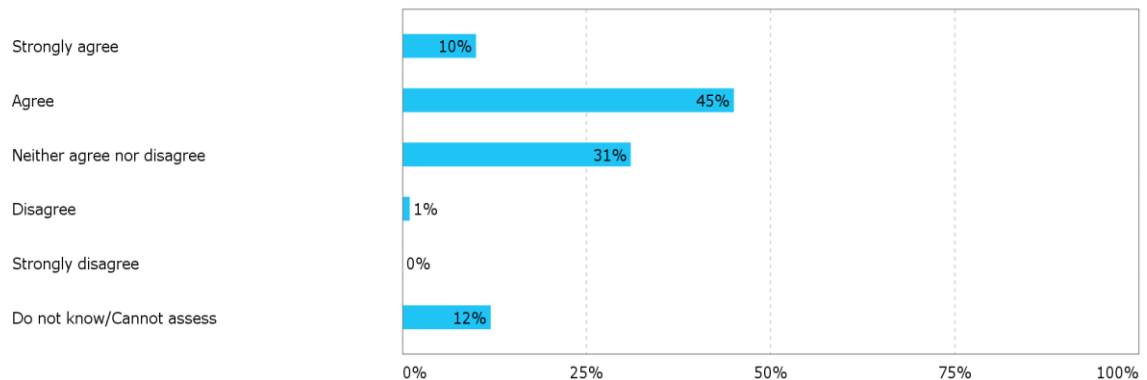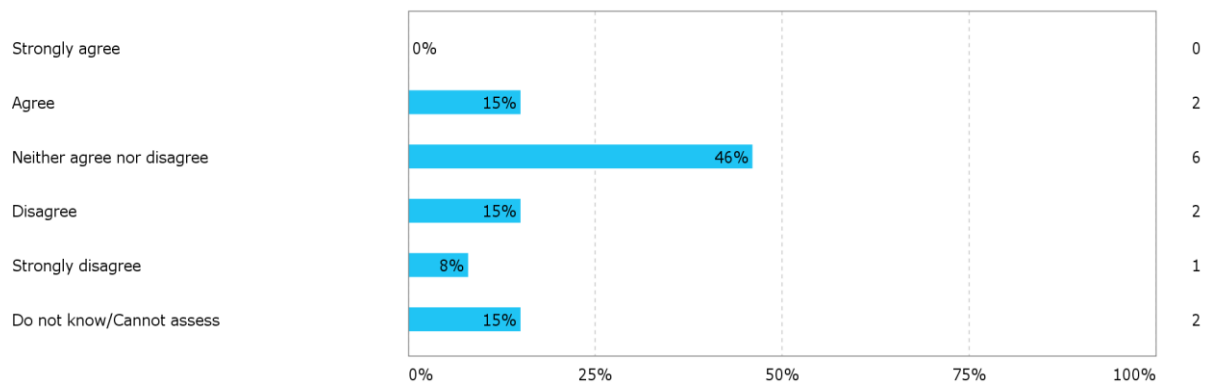
To what extent do you agree that the quality of data provided by other stakeholders with regards to risk analyses is adequate?

Response	%	Count
To a very high degree	3%	3
To a high degree	36%	37
To some degree	33%	34
To a limited degree	4%	4
Not at all	0%	0
Do not know/Cannot assess	24%	25
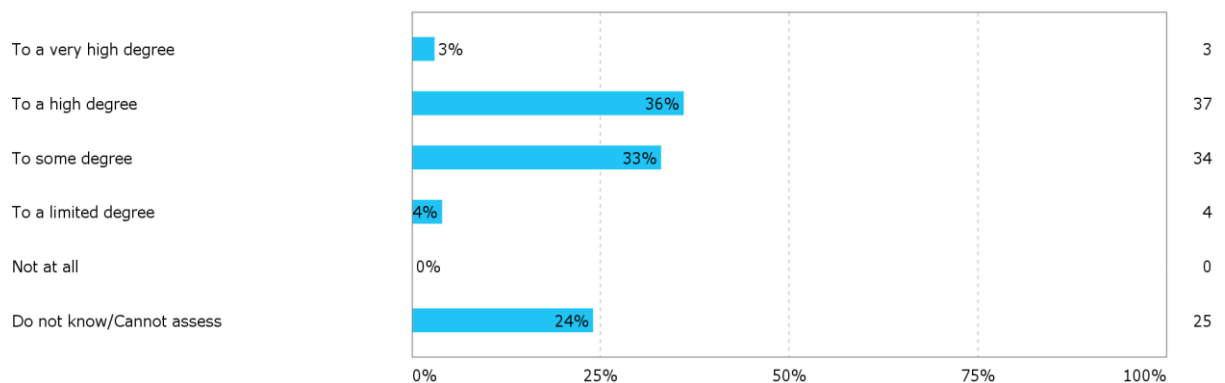
To what degree are the risk analyses prepared by the Agency used in the organisation you   represent?

Response	%	Count
To a very high degree	14%	13
To a high degree	53%	48
To some degree	27%	24
To a limited degree	3%	3
Not at all	1%	1
Do not know/Cannot assess	1%	1
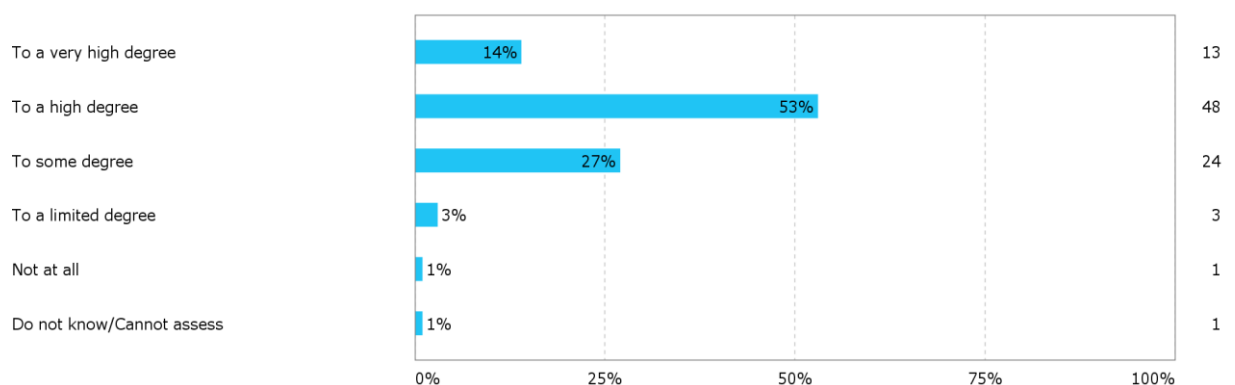
To what extent do you agree with the following statements? - a. Frontex's risk analyses constitute an adequate basis for effective information on Frontex's future operations?

Strongly agree	19%	20
Agree	57%	59
Neither agree nor disagree	12%	12
Disagree	6%	6
Strongly disagree	1%	1
Do not know/Cannot assess	5%	5

0%   25%   50%   75%   100%
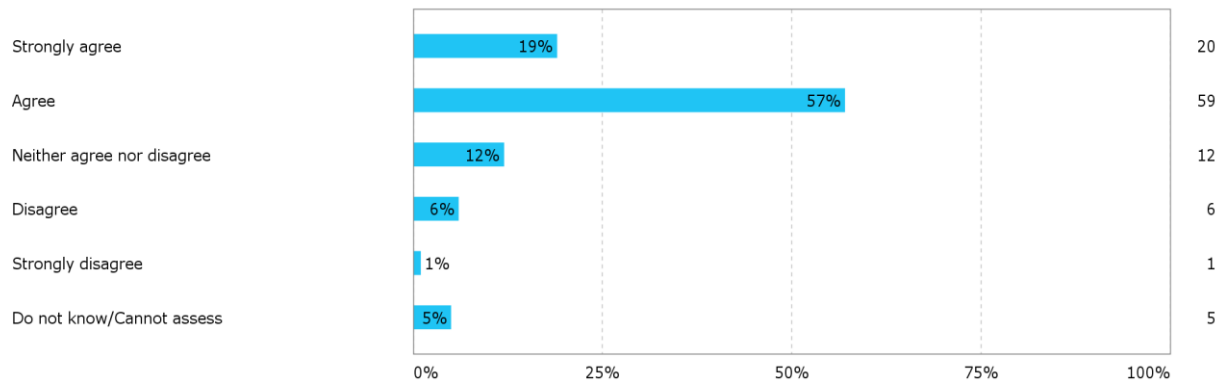
To what extent do you agree with the following statements? - b. Frontex's risk analyses have improved the planning and allocation of the available resources (technical, human resources and financial) at the external borders.

Strongly agree	12%	12
Agree	50%	52
Neither agree nor disagree	18%	19
Disagree	10%	10
Strongly disagree	1%	1
Do not know/Cannot assess	9%	9

0%   25%   50%   75%   100%
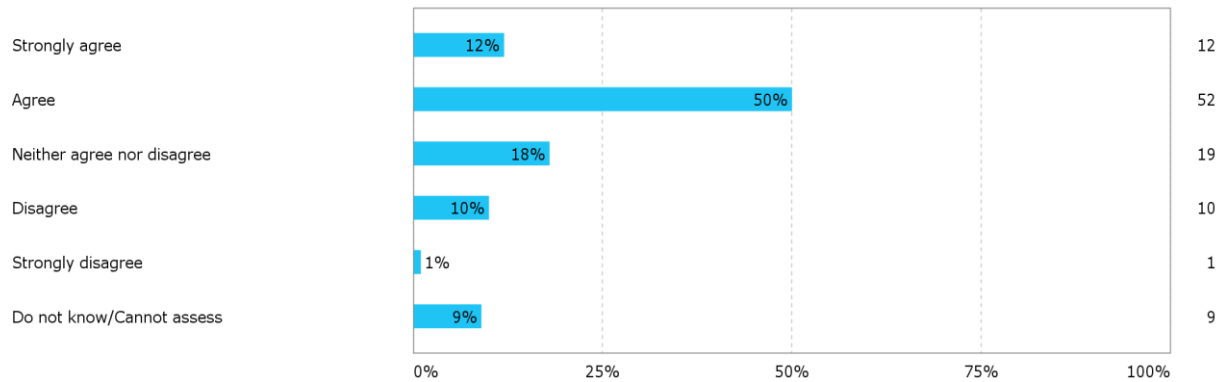
To what extent do you agree with the following statements? - c. Risk analyses carried out by Frontex effectively inform future operations.

Strongly agree	10%	10
Agree	57%	59
Neither agree nor disagree	20%	21
Disagree	3%	3
Strongly disagree	2%	2
Do not know/Cannot assess	8%	8

0%   25%   50%   75%   100%
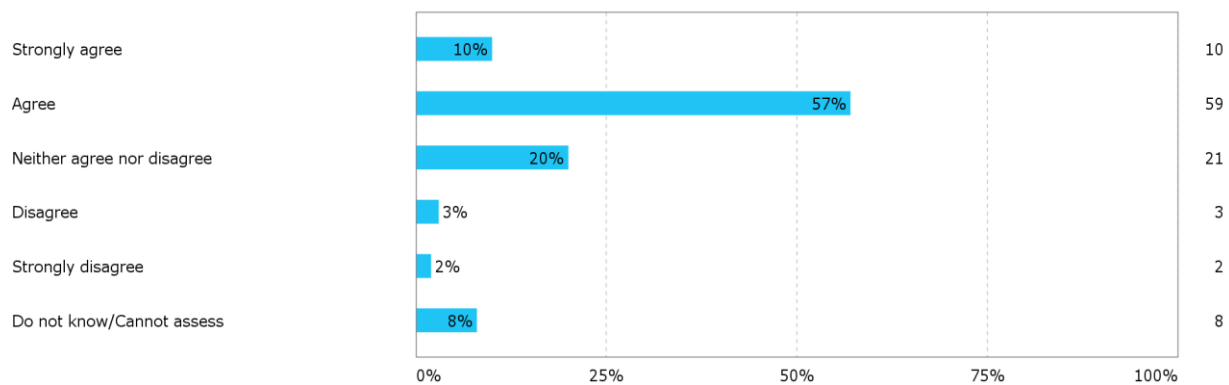
To what extent do you agree with the following statements? - d. Frontex's risk analysis has been helpful in identifying vulnerabilities at the borders.

Strongly agree	12%	12
Agree	55%	57
Neither agree nor disagree	22%	23
Disagree	1%	1
Strongly disagree	4%	4
Do not know/Cannot assess	6%	6

0%   25%   50%   75%   100%
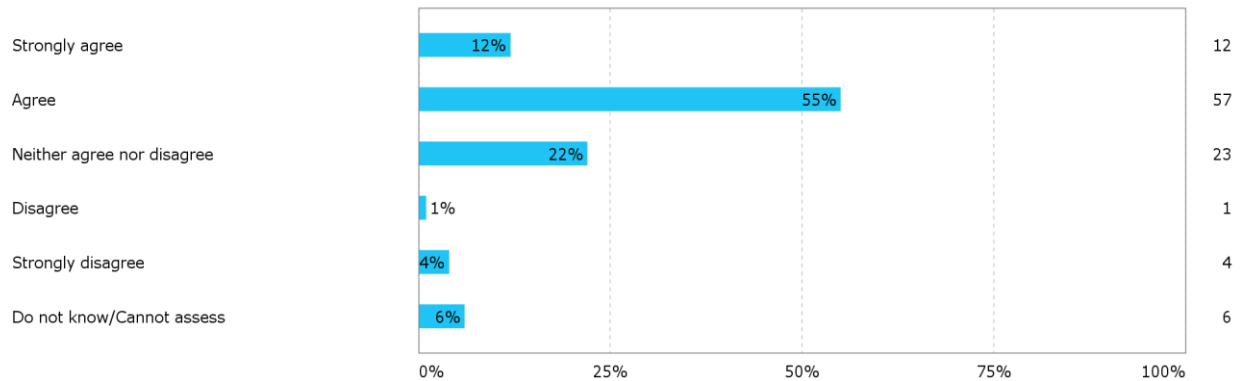
To what extent are you familiar with the operational concepts used by the Agency?
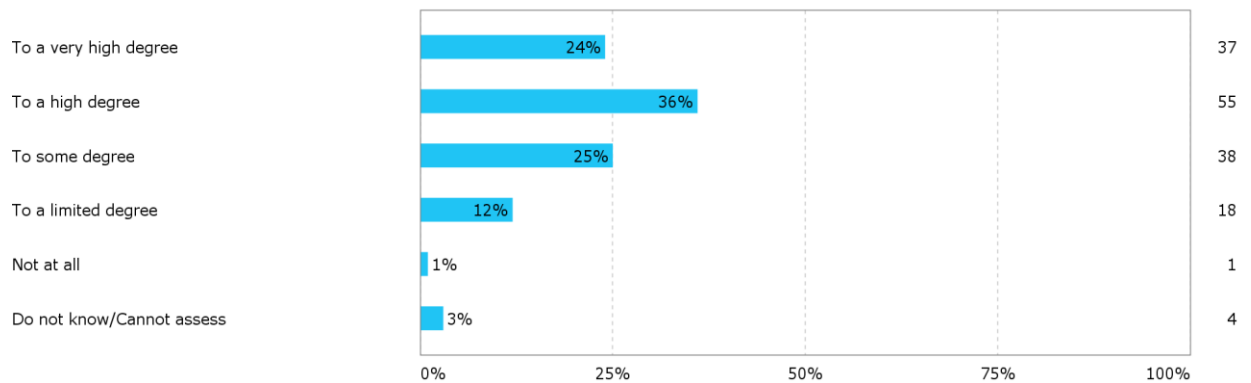
To a very high degree	24%	37
To a high degree	36%	55
To some degree	25%	38
To a limited degree	12%	18
Not at all	1%	1
Do not know/Cannot assess	3%	4

0%   25%   50%   75%   100%

To what extent do you agree with the following statements? - a. The Agency's activities have effectively contributed to the coordination of joint operations.

Strongly agree	24%	36
Agree	61%	93
Neither agree nor disagree	7%	10
Disagree	1%	1
Strongly disagree	0%	0
Do not know/Cannot assess	8%	12

0%   25%   50%   75%   100%
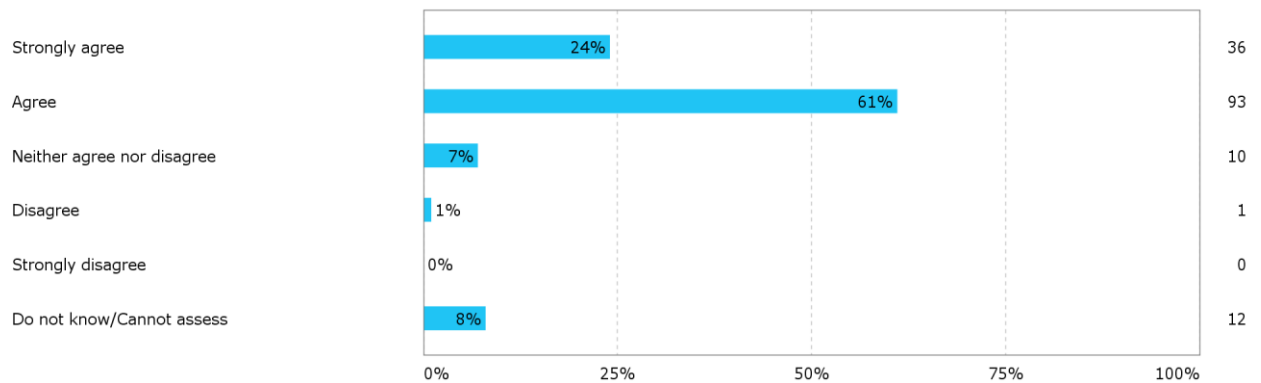
To what extent do you agree with the following statements? - b. The Agency's screening activities are efficient.

Strongly agree	8%	12
Agree	54%	82
Neither agree nor disagree	20%	31
Disagree	2%	3
Strongly disagree	1%	2
Do not know/Cannot assess	14%	22

0%   25%   50%   75%   100%
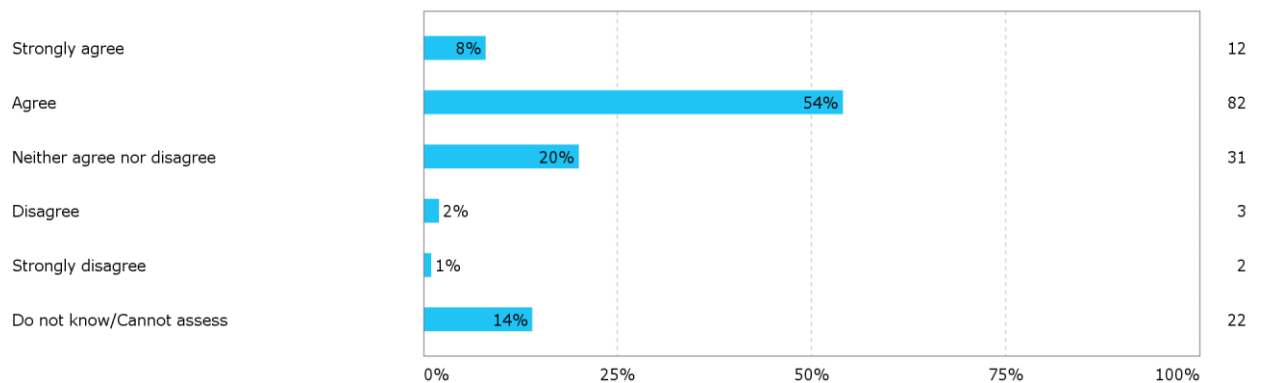
To what extent do you agree with the following statements? - c. The Agency's debriefing activities are efficient

Strongly agree	10%	15
Agree	53%	80
Neither agree nor disagree	18%	27
Disagree	5%	8
Strongly disagree	0%	0
Do not know/Cannot assess	14%	22

0%   25%   50%   75%   100%
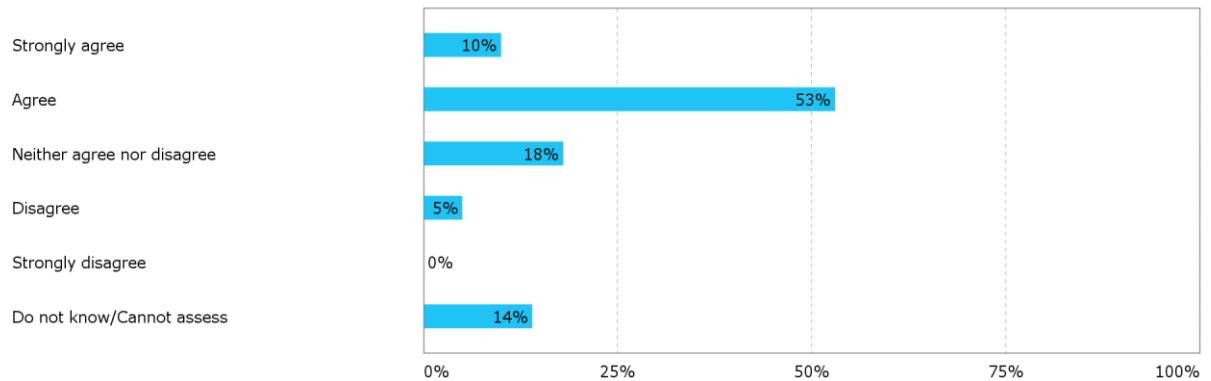
To what extent do you agree with the following statement? - a. Member States provide all information needed for the operational plan in due time.

Strongly agree	3%	5
Agree	36%	54
Neither agree nor disagree	26%	39
Disagree	9%	14
Strongly disagree	1%	1
Do not know/Cannot assess	26%	39

0%   25%   50%   75%   100%
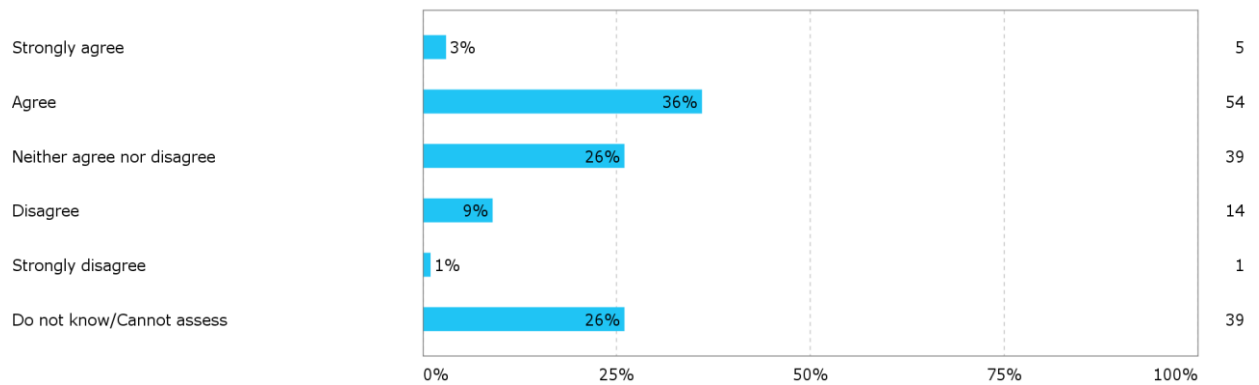
To what extent do you agree with the following statement? - b. The operational plans guiding joint operations are adequate.

Strongly agree	8%	12
Agree	46%	70
Neither agree nor disagree	22%	33
Disagree	5%	8
Strongly disagree	0%	0
Do not know/Cannot assess	19%	29

0%   25%   50%   75%   100%
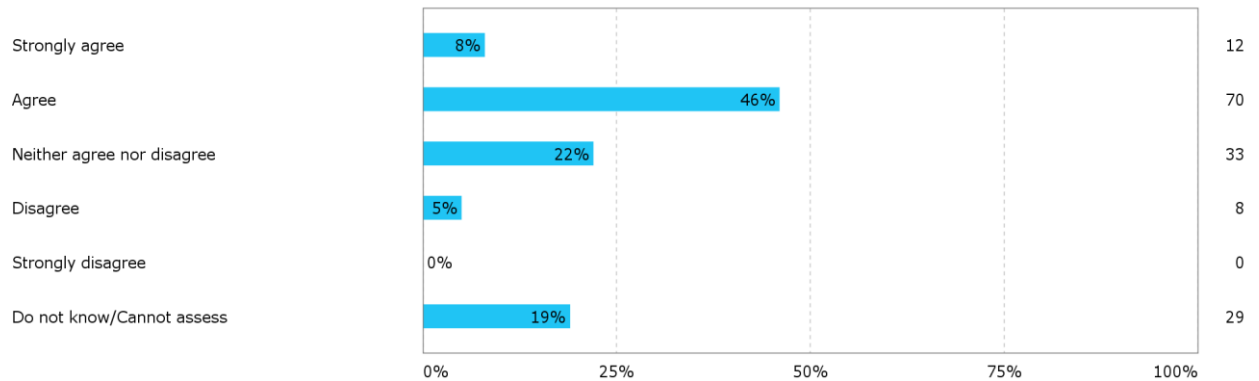
To what extent do you agree with the following statement? - c The Agency has ensured sufficient resources for the development of joint operations.

Strongly agree	7%	11
Agree	39%	60
Neither agree nor disagree	24%	36
Disagree	9%	14
Strongly disagree	1%	1
Do not know/Cannot assess	20%	30

0%   25%   50%   75%   100%
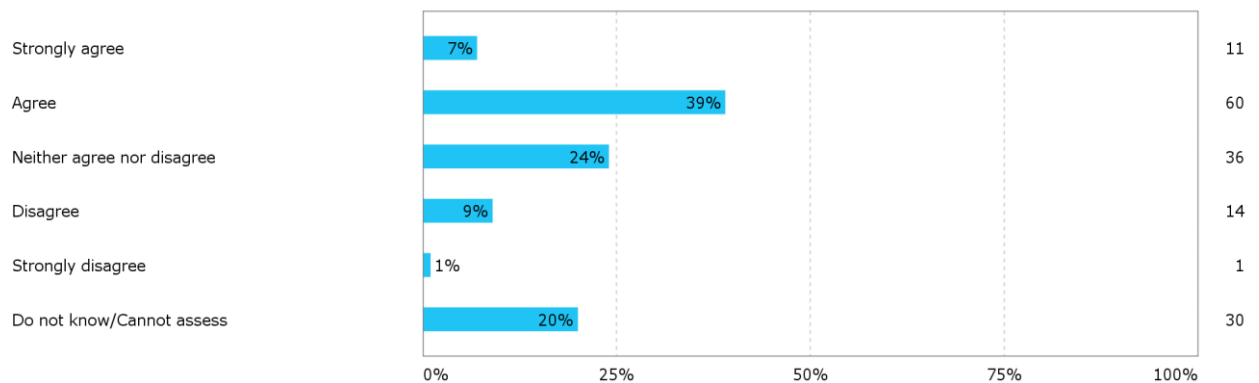
To what extent do you agree with the following statement? - d. Hosting MSs provide the available technical and human resources prior to the organisation of a joint operation.

Strongly agree	7%	11
Agree	44%	67
Neither agree nor disagree	25%	38
Disagree	4%	6
Strongly disagree	0%	0
Do not know/Cannot assess	20%	30

0%   25%   50%   75%   100%

To a very high degree	3%	5
To a high degree	18%	28
To some degree	36%	55
To a limited degree	18%	28
Not at all	3%	4
Do not know/Cannot assess	22%	33

0%   25%   50%   75%   100%
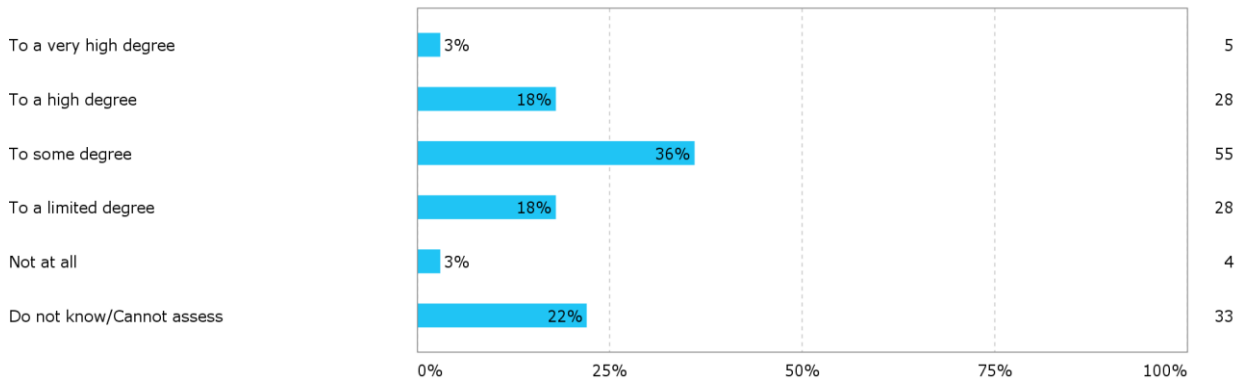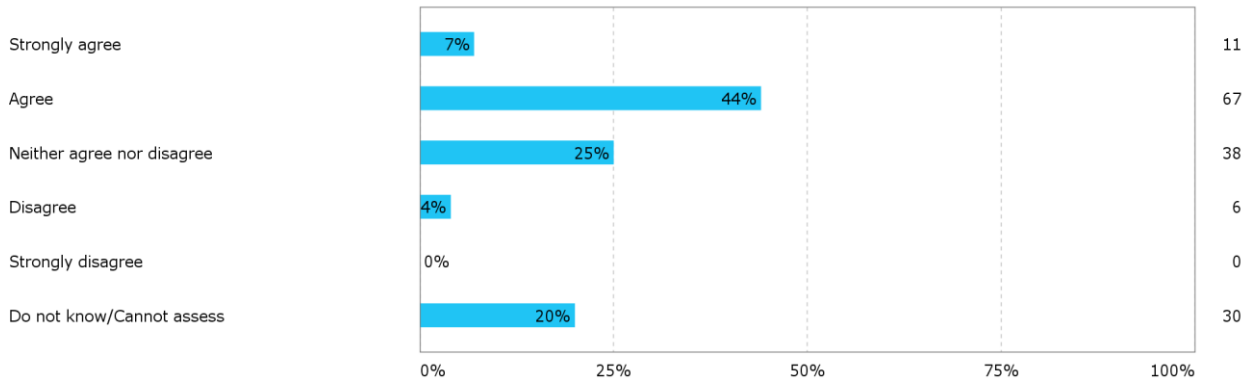
To what degree do you consider that the agency has sufficient capacity to support the rapid intervention response at EU level?
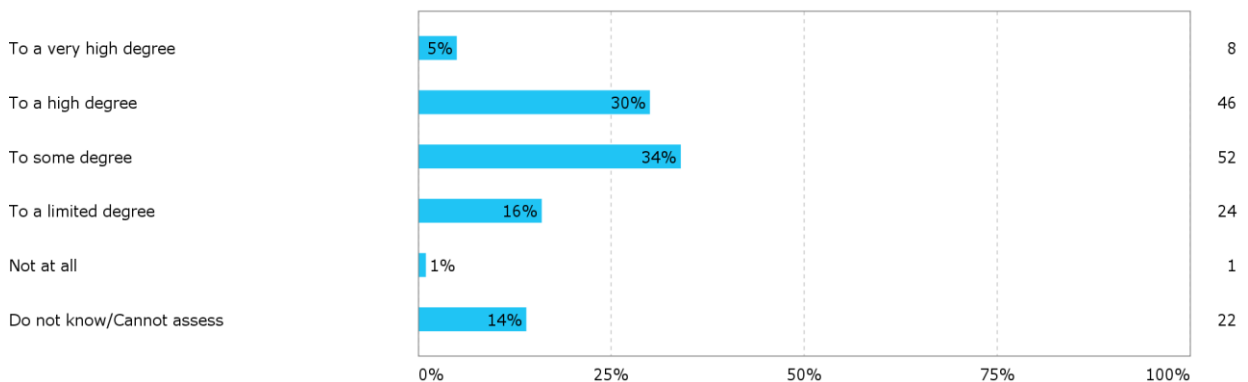
To a very high degree	5%	8
To a high degree	30%	46
To some degree	34%	52
To a limited degree	16%	24
Not at all	1%	1
Do not know/Cannot assess	14%	22

0%   25%   50%   75%   100%

Do you consider that Frontex has contributed to the improvement of joint operations at the external borders?

Response	%	Count
Strongly agree	25%	22
Agree	59%	51
Neither agree nor disagree	8%	7
Disagree	1%	1
Strongly disagree	0%	0
Do not know/Cannot assess	7%	6
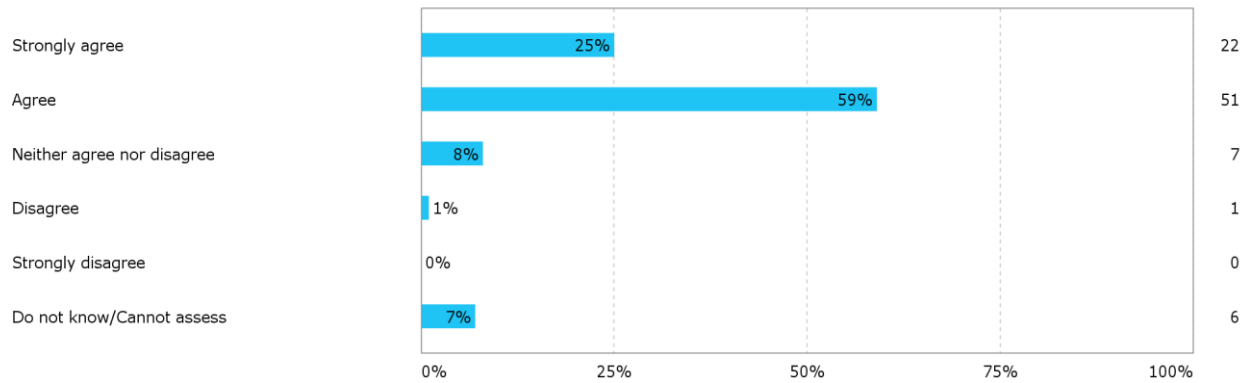
To what extent do you agree with the following statements? - a. The Member States have informed the Agency about joint return operations in due time.

Response	%	Count
Strongly agree	8%	12
Agree	34%	52
Neither agree nor disagree	14%	22
Disagree	1%	2
Strongly disagree	0%	0
Do not know/Cannot assess	42%	64
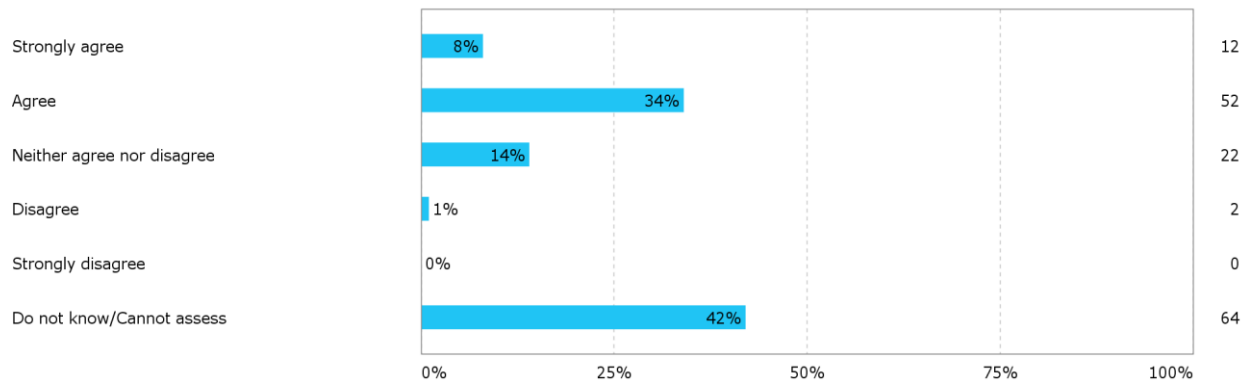
To what extent do you agree with the following statements? - b. The Agency has informed Member States about joint return operations in due time.
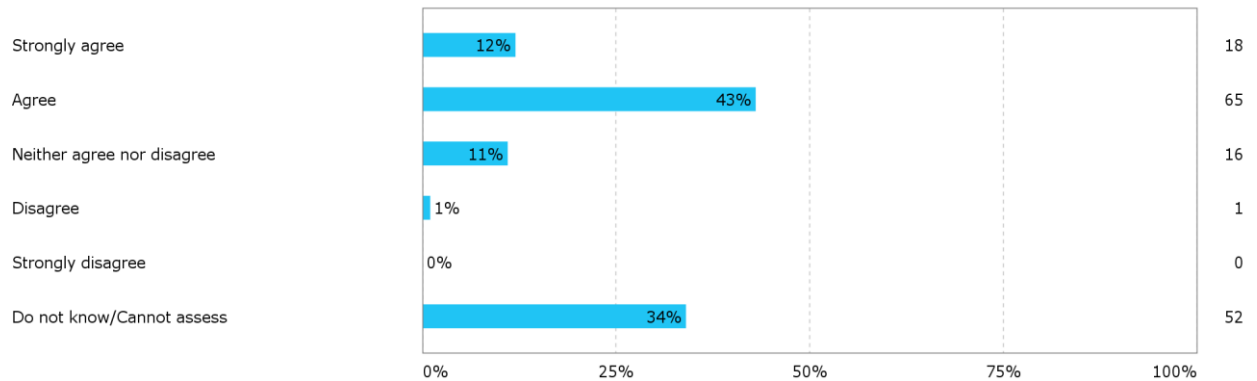
Response	%	Count
Strongly agree	12%	18
Agree	43%	65
Neither agree nor disagree	11%	16
Disagree	1%	1
Strongly disagree	0%	0
Do not know/Cannot assess	34%	52

To what extent do you agree with the following statements? - c. The Agency has provided adequate support in terms of briefing during the operation.

Response	%	Count
Strongly agree	10%	15
Agree	44%	67
Neither agree nor disagree	8%	12
Disagree	0%	0
Strongly disagree	0%	0
Do not know/Cannot assess	38%	58
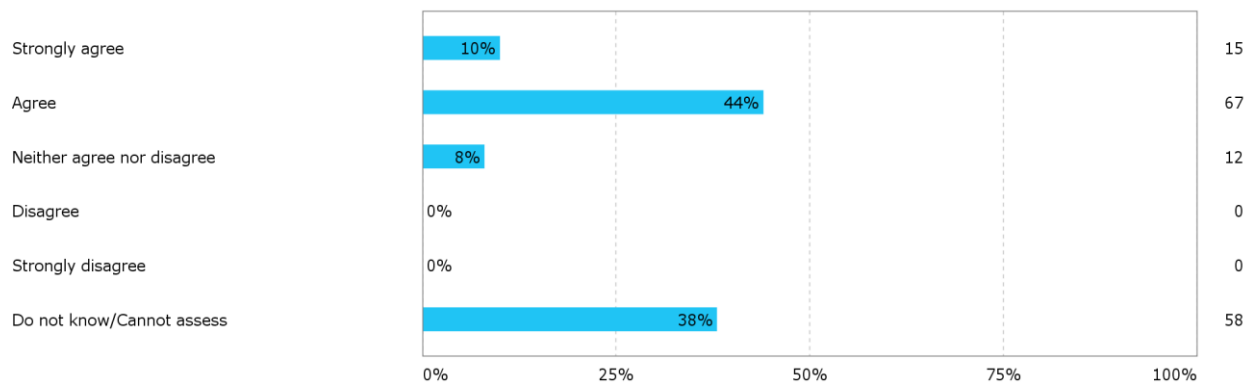
To what extent do you agree with the following statements? – d. The Agency has provided adequate support in terms of coordination during the joint return operation.

Strongly agree	12%	18
Agree	47%	71
Neither agree nor disagree	7%	10
Disagree	0%	0
Strongly disagree	0%	0
Do not know/Cannot assess	35%	53

0%   25%   50%   75%   100%
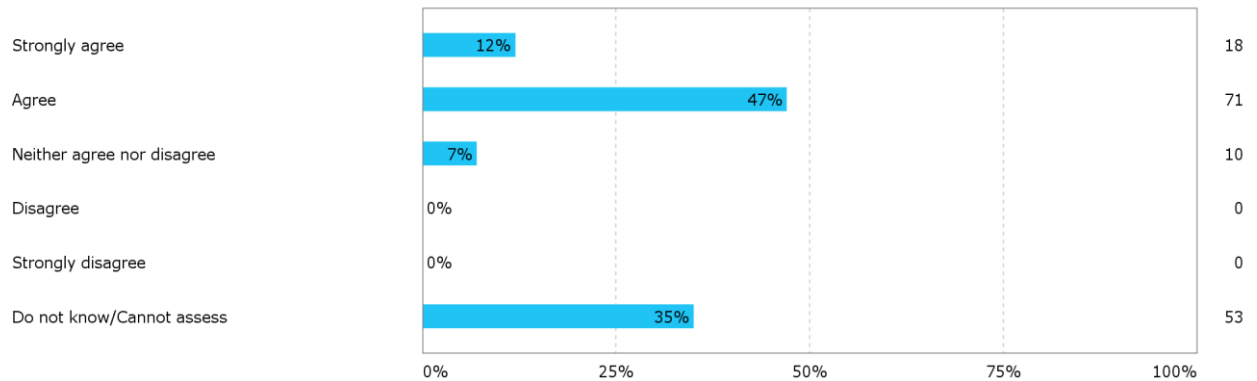
To what extent do you agree with the following statements? – e. The Agency has provided adequate support in terms of monitoring during the joint return operation.

Strongly agree	7%	11
Agree	41%	62
Neither agree nor disagree	14%	21
Disagree	3%	4
Strongly disagree	0%	0
Do not know/Cannot assess	36%	54

0%   25%   50%   75%   100%
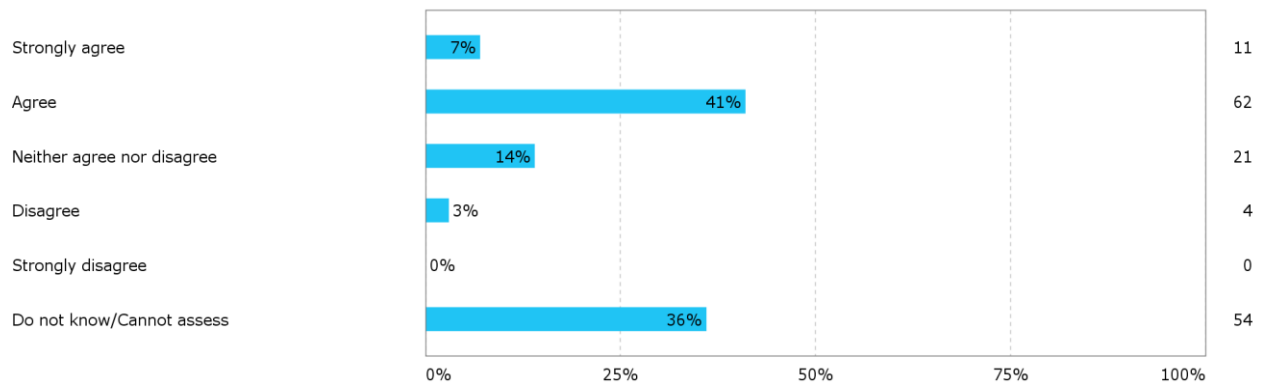
To what extent do you agree with the following statements? - f. Joint return operations are carried out according to implementation plans.

Strongly agree	13%	19
Agree	43%	65
Neither agree nor disagree	9%	13
Disagree	0%	0
Strongly disagree	0%	0
Do not know/Cannot assess	36%	55

0%   25%   50%   75%   100%
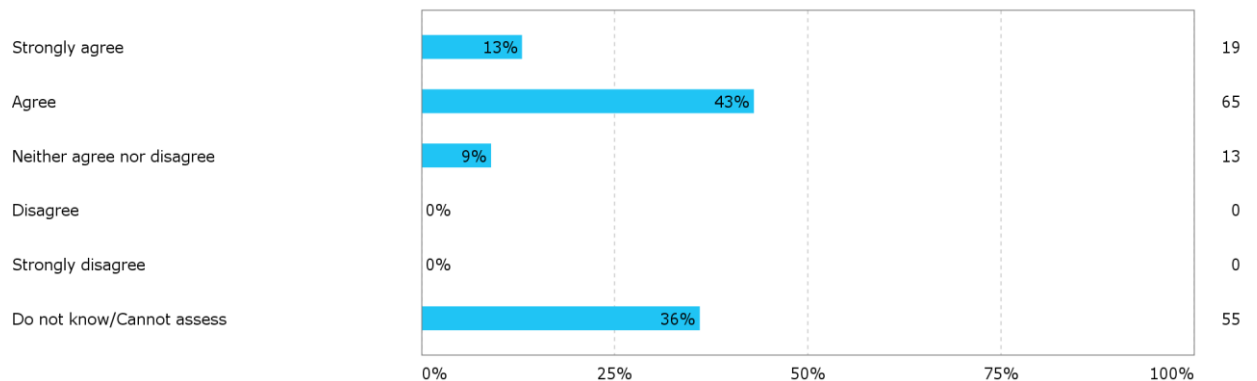
In your opinion, to what degree do you consider that Frontex has contributed to the improvement of joint return operations at the external borders?

To a very high degree	13%	11
To a high degree	39%	34
To some degree	18%	16
To a limited degree	1%	1
Not at all	1%	1
Do not know/Cannot assess	28%	24

0%   25%   50%   75%   100%
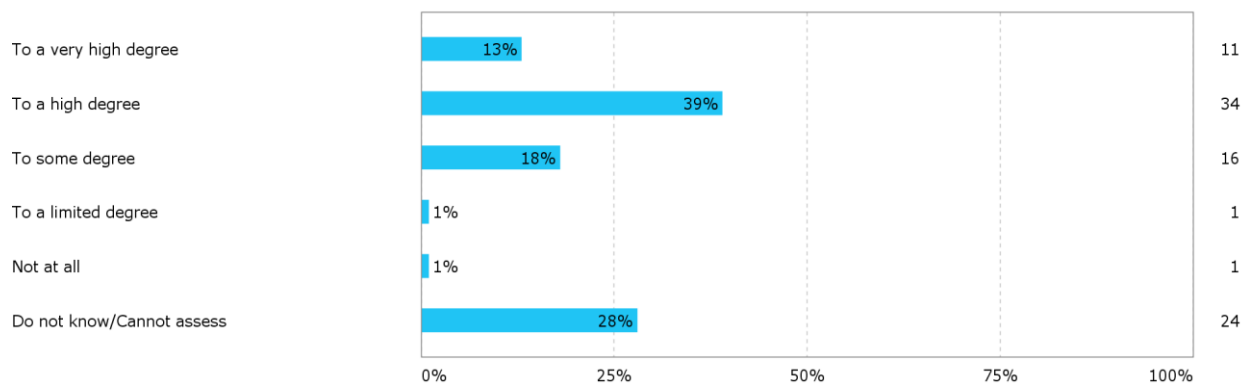
Please assess to what extent you agree with the following statement? - a. The technical equipment deployed by the MSs in Frontex joint operations meet the operational needs in terms of the quantity.

Strongly agree	3%	4
Agree	30%	45
Neither agree nor disagree	31%	46
Disagree	7%	11
Strongly disagree	1%	1
Do not know/Cannot assess	29%	43
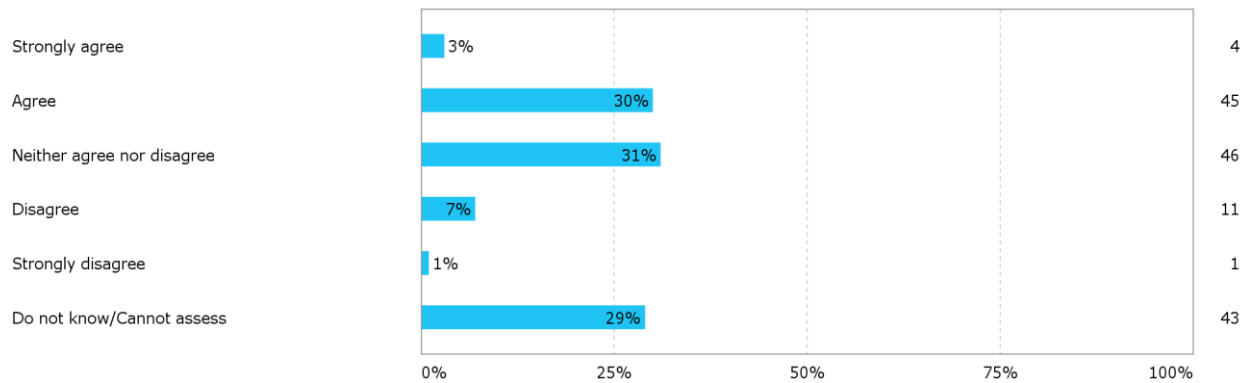
Please assess to what extent you agree with the following statement? - b. The technical equipment deployed by the MSs in Frontex joint operations meet the requirements expressed by the agency in the call for participation.

Strongly agree	4%	6
Agree	31%	47
Neither agree nor disagree	29%	43
Disagree	7%	10
Strongly disagree	0%	0
Do not know/Cannot assess	29%	44
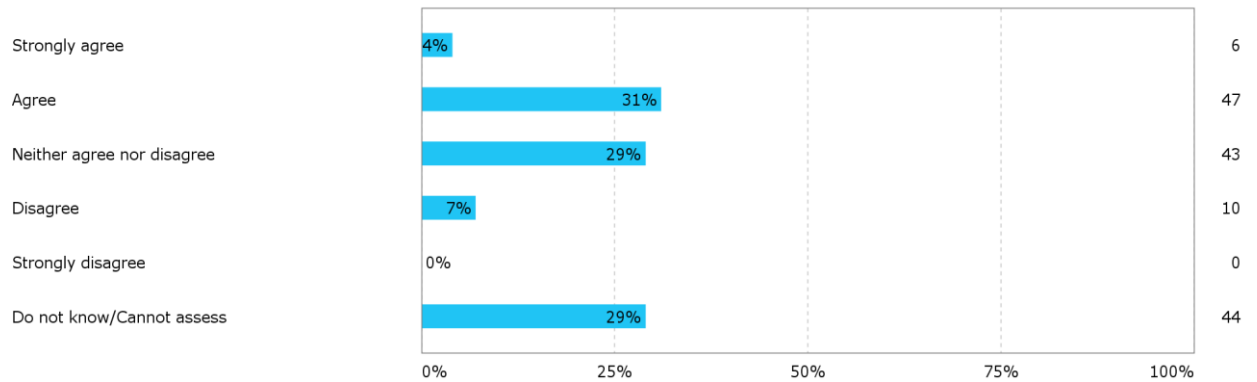
Please assess to what extent you agree with the following statement? - c. Human resources made available for joint operations are adequately trained.

Strongly agree	5%	7
Agree	45%	67
Neither agree nor disagree	18%	27
Disagree	11%	17
Strongly disagree	1%	1
Do not know/Cannot assess	21%	31
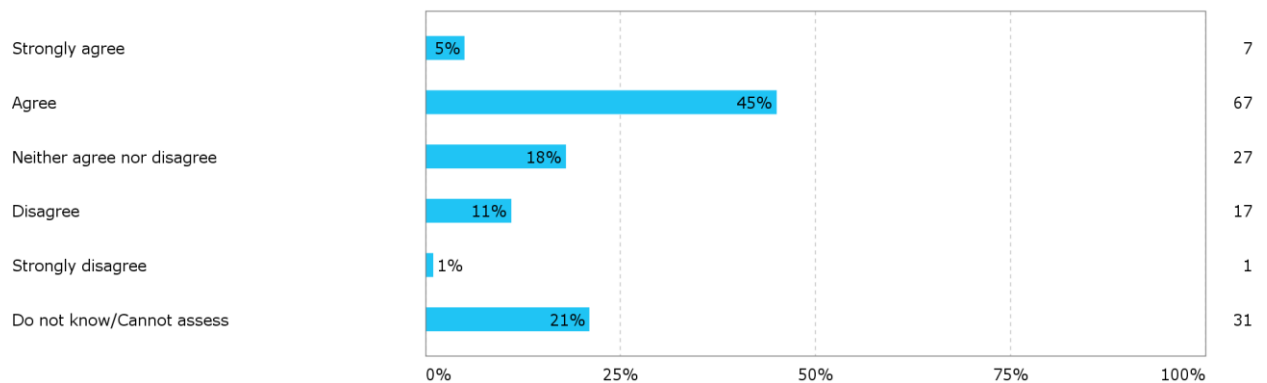
To what extent do you consider that the OPERA e-platform is as an efficient operational tool?
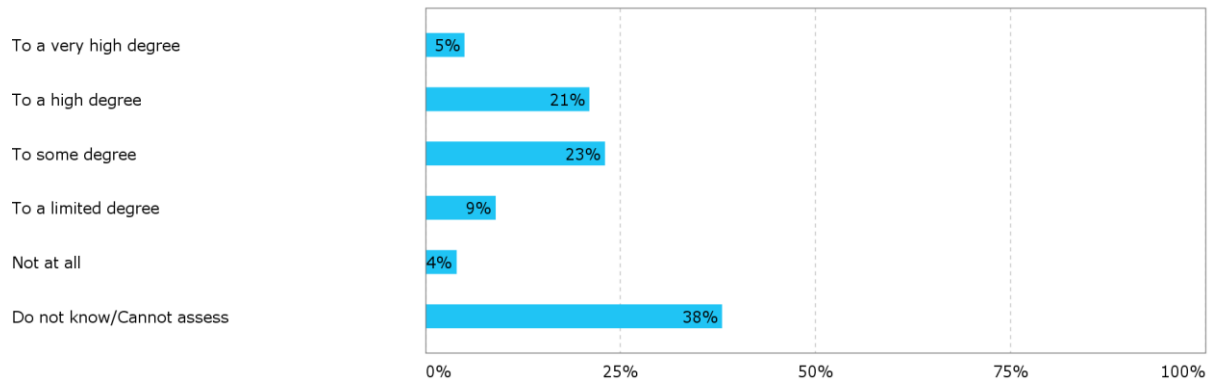
To a very high degree	5%	7
To a high degree	21%	32
To some degree	23%	35
To a limited degree	9%	13
Not at all	4%	6
Do not know/Cannot assess	38%	57

0% 25% 50% 75% 100%

To what degree do you consider that access to technical and operational support has increased as a result of Frontex's activities?

To a very high degree	7%	11
To a high degree	30%	46
To some degree	27%	41
To a limited degree	6%	9
Not at all	1%	1
Do not know/Cannot assess	28%	43

0% 25% 50% 75% 100%
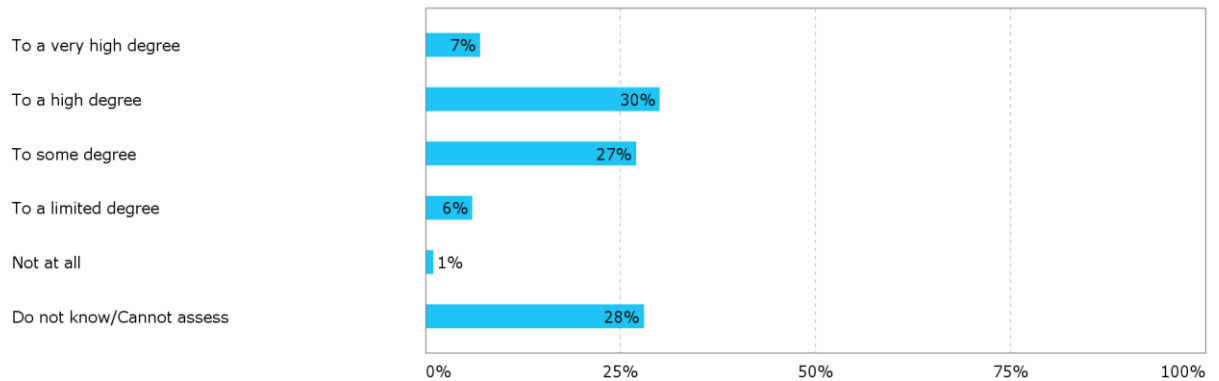
To what extent do you agree with the following statements regarding European Border Guard Teams (EBGT)? - a. The number of EBGTs is sufficient for the operational needs to ensure border control at EU external borders.
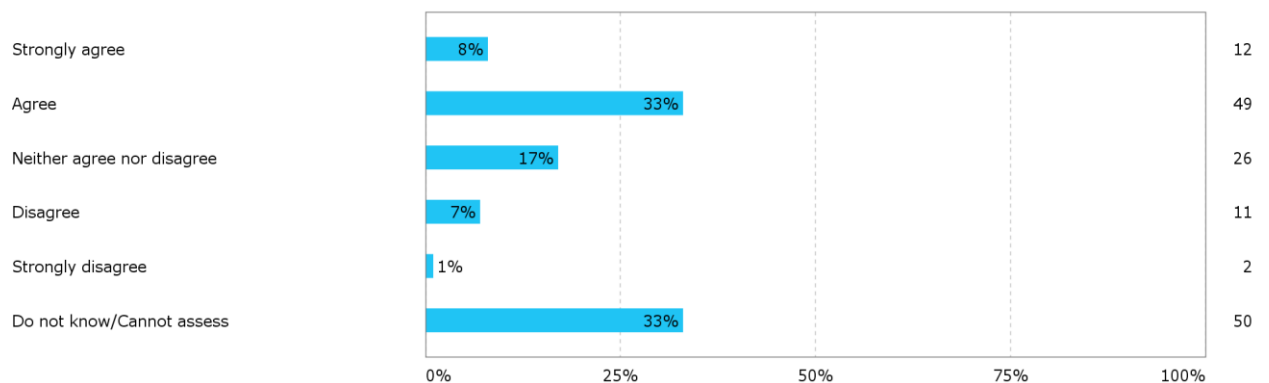
Strongly agree	8%	12
Agree	33%	49
Neither agree nor disagree	17%	26
Disagree	7%	11
Strongly disagree	1%	2
Do not know/Cannot assess	33%	50

0% 25% 50% 75% 100%

To what extent do you agree with the following statements regarding European Border Guard Teams (EBGT)? - b. Member States make EBGTs available to be deployed in Frontex coordinated operations in a timely manner.
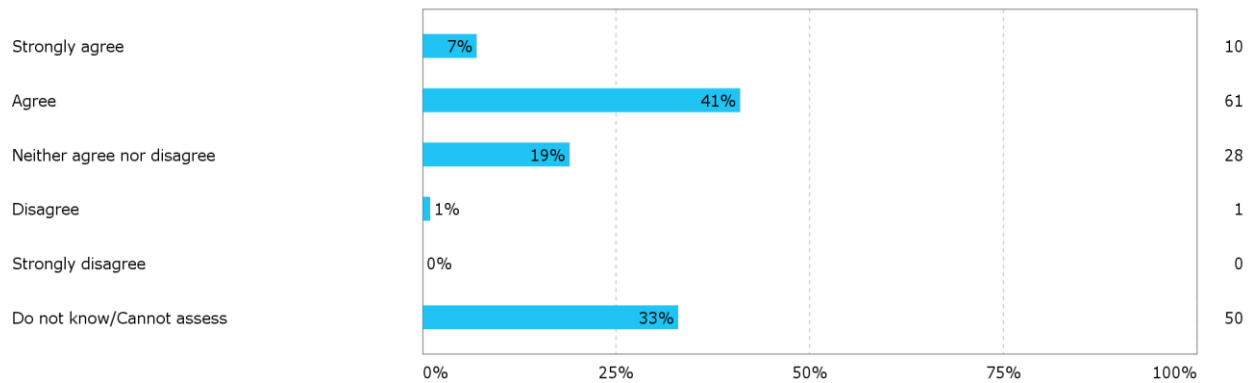
Strongly agree	7%	10
Agree	41%	61
Neither agree nor disagree	19%	28
Disagree	1%	1
Strongly disagree	0%	0
Do not know/Cannot assess	33%	50

To what extent do you agree with the following statements regarding European Border Guard Teams (EBGT)? - c The deployed EBGTs have the necessary professional skills to perform the duties required in Frontex coordinated operations.
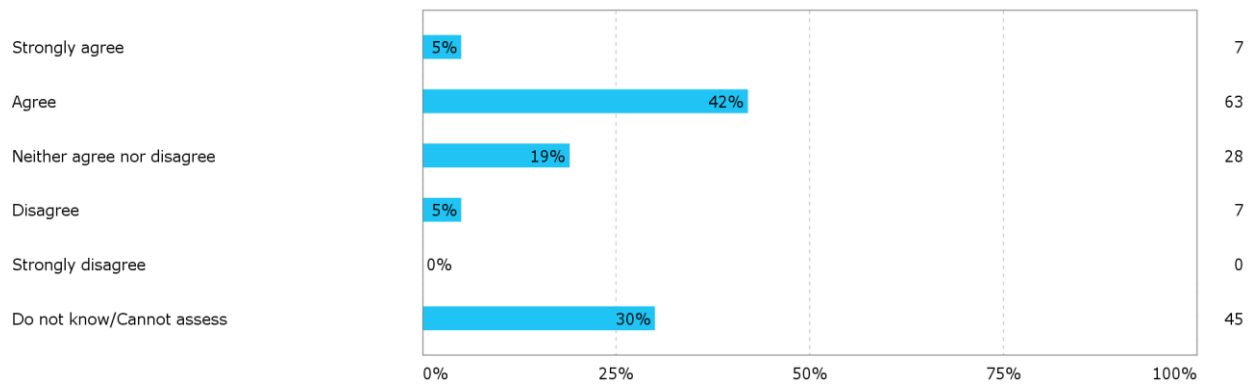
Strongly agree	5%	7
Agree	42%	63
Neither agree nor disagree	19%	28
Disagree	5%	7
Strongly disagree	0%	0
Do not know/Cannot assess	30%	45

To what extent do you agree with the following statements regarding European Border Guard Teams (EBGT)? - d. The training level of EBGTs meets the operational needs.

Strongly agree	3%	5
Agree	38%	57
Neither agree nor disagree	19%	28
Disagree	9%	13
Strongly disagree	0%	0
Do not know/Cannot assess	31%	47
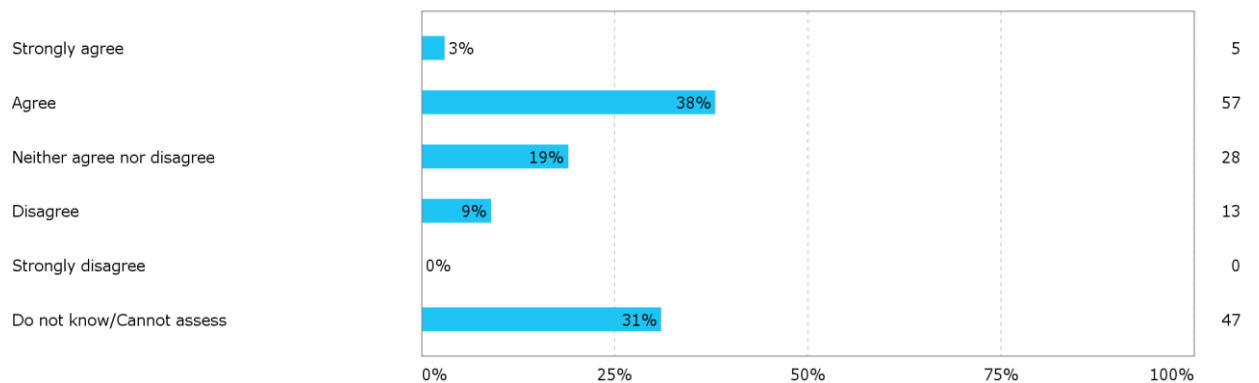
To what extent do you agree with the following statement: "The training tools for national border guards are relevant."

	Percentage	Count
Strongly agree	17%	25
Agree	45%	67
Neither agree nor disagree	18%	27
Disagree	3%	4
Strongly disagree	1%	2
Do not know/Cannot assess	17%	25
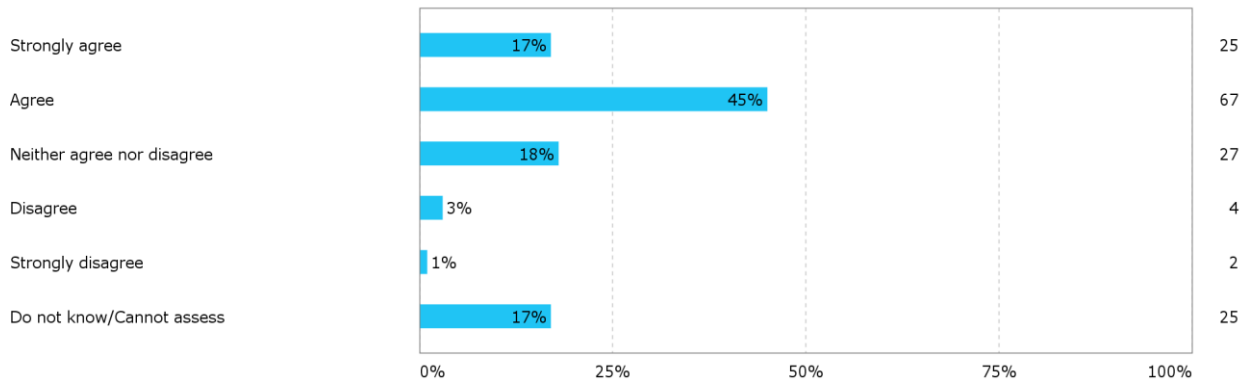
To what extent do you agree with the following statement: "As a result of Frontex's work, the available training for European Border Guards has improved."

	Percentage	Count
Strongly agree	20%	30
Agree	46%	69
Neither agree nor disagree	16%	24
Disagree	1%	2
Strongly disagree	1%	1
Do not know/Cannot assess	16%	24
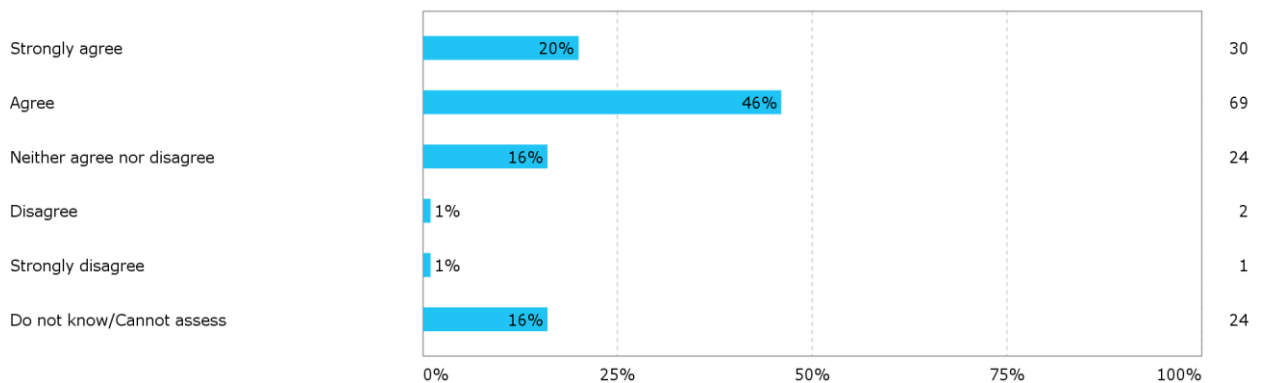
Have you received training as part of your participation in an operational activity?

	Percentage	Count
Yes	28%	24
No	72%	61
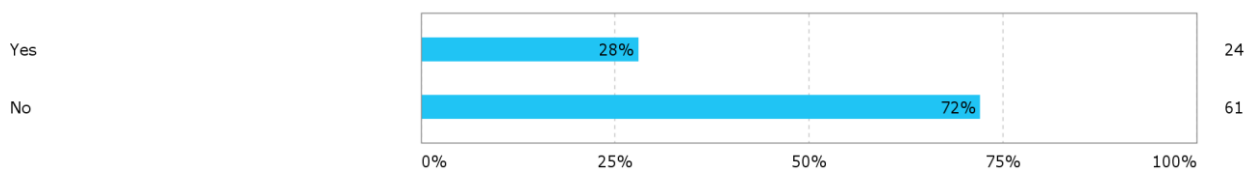
To what extent do you agree with the following statement: "As a participant in an operational activity, I have received relevant training before participating in the activity."
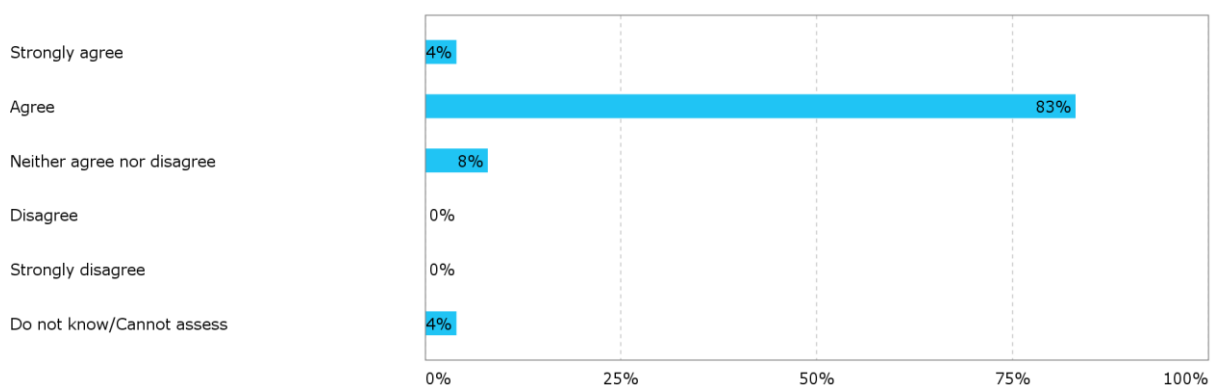
	Percentage	Count
Strongly agree	4%	1
Agree	83%	20
Neither agree nor disagree	8%	2
Disagree	0%	0
Strongly disagree	0%	0
Do not know/Cannot assess	4%	1

Please assess to what degree you apply new skills gained from training in joint operations:

To a very high degree	4% — 1
To a high degree	54% — 13
To some degree	29% — 7
To a limited degree	8% — 2
Not at all	0% — 0
Do not know/Cannot assess	4% — 1

To what extent do you agree with the following statements? - a. The Agency has made relevant research available.

Strongly agree	9% — 15
Agree	33% — 57
Neither agree nor disagree	22% — 39
Disagree	7% — 12
Strongly disagree	3% — 5
Do not know/Cannot assess	27% — 47
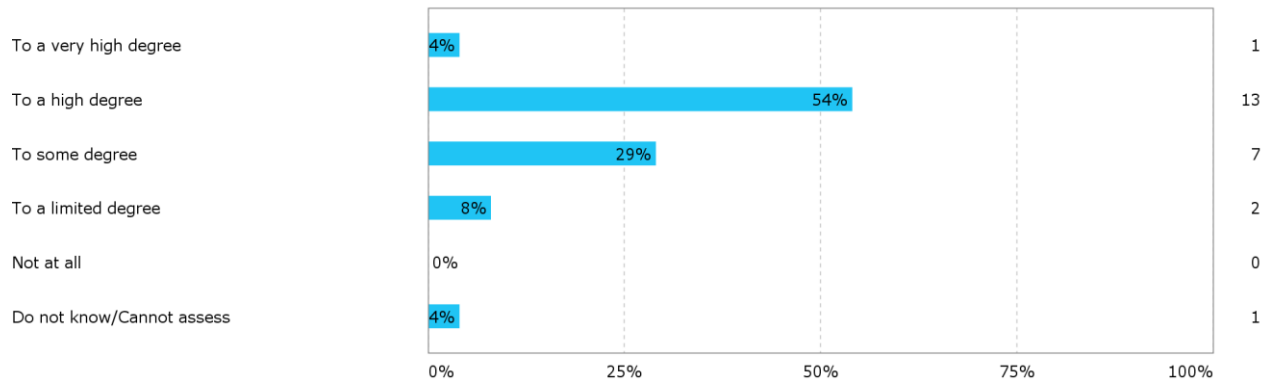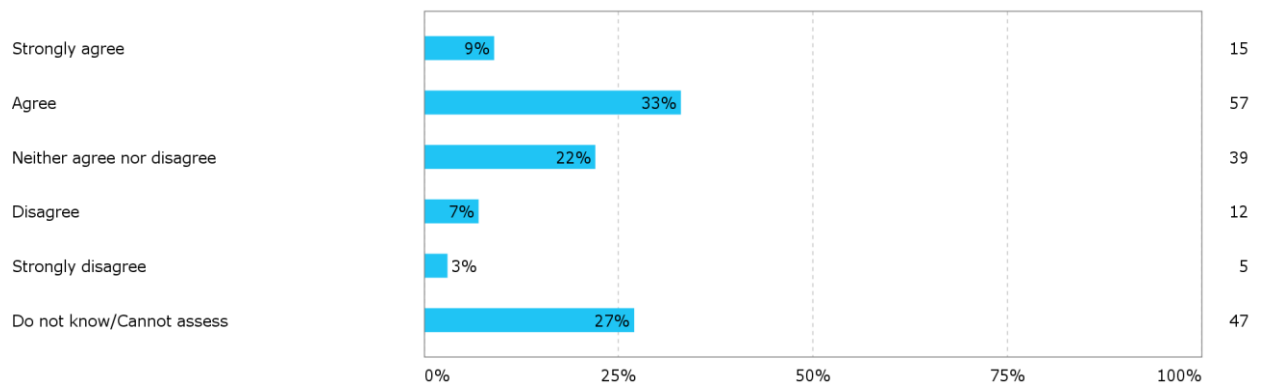
To what extent do you agree with the following statements? - b. The Agency has made research available in due time.
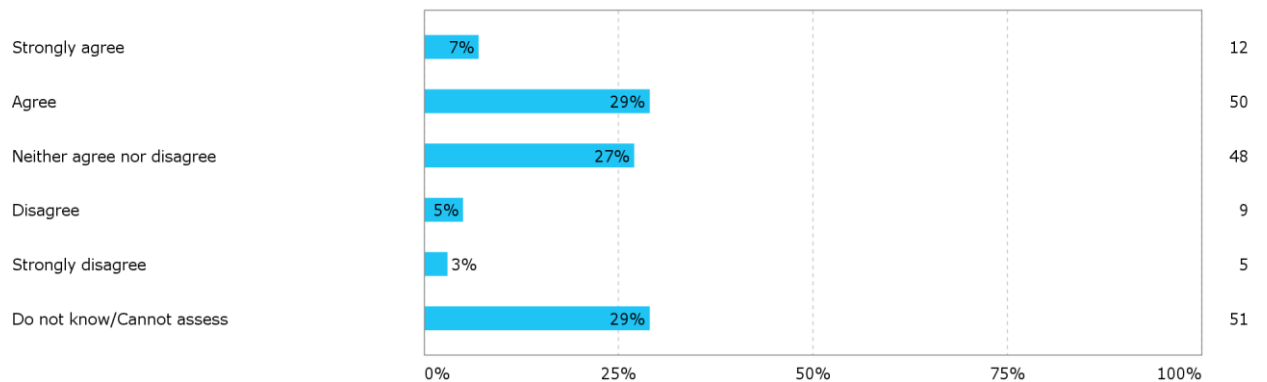
Strongly agree	7% — 12
Agree	29% — 50
Neither agree nor disagree	27% — 48
Disagree	5% — 9
Strongly disagree	3% — 5
Do not know/Cannot assess	29% — 51

To what extent do you agree with the following statements? - c. The Agency has contributed to the development of new technologies for Integrated Border Management.

Strongly agree	10%	17
Agree	37%	65
Neither agree nor disagree	20%	35
Disagree	6%	10
Strongly disagree	2%	3
Do not know/Cannot assess	26%	45
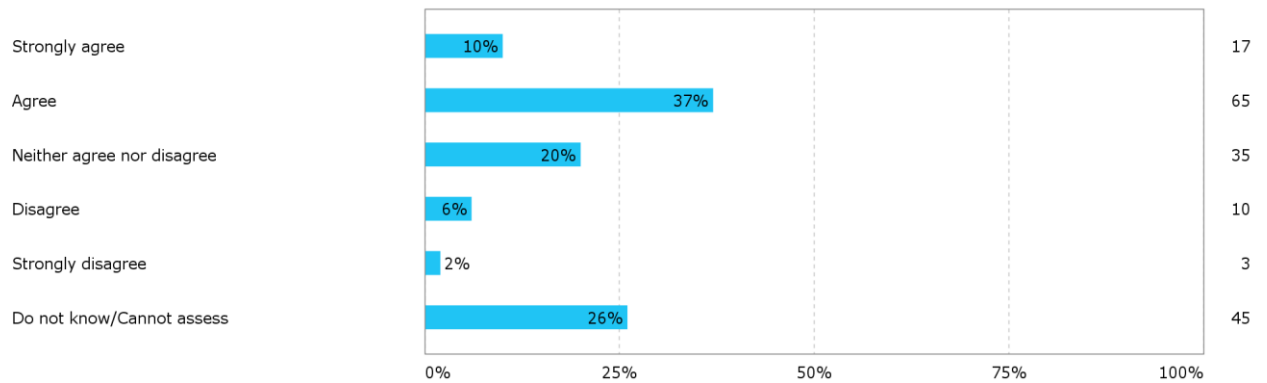
To what extent do you agree with the following statements? - d. The Agency has actively worked towards promoting available information on Integrated Border Management to the Member States.

Strongly agree	9%	15
Agree	39%	69
Neither agree nor disagree	20%	35
Disagree	7%	12
Strongly disagree	1%	1
Do not know/Cannot assess	25%	43
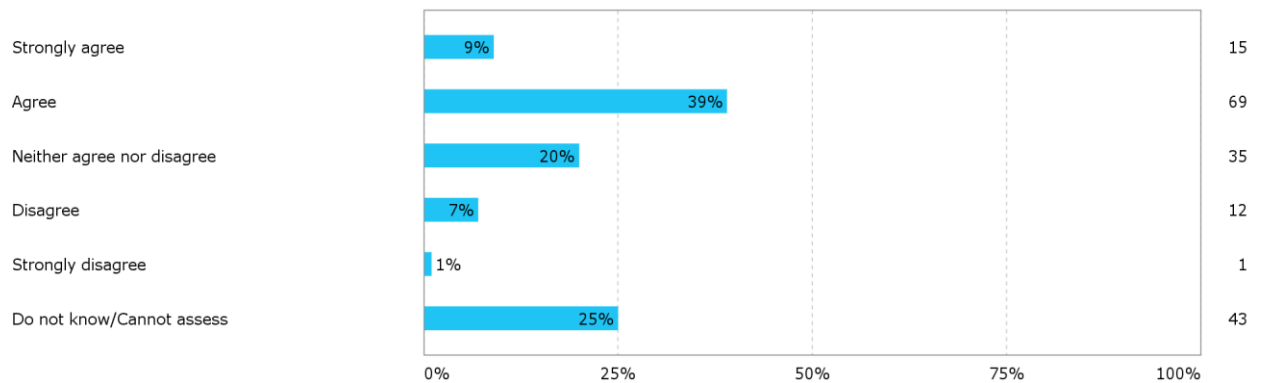
Please assess to what degree you are satisfied with the research and information provided by Frontex:
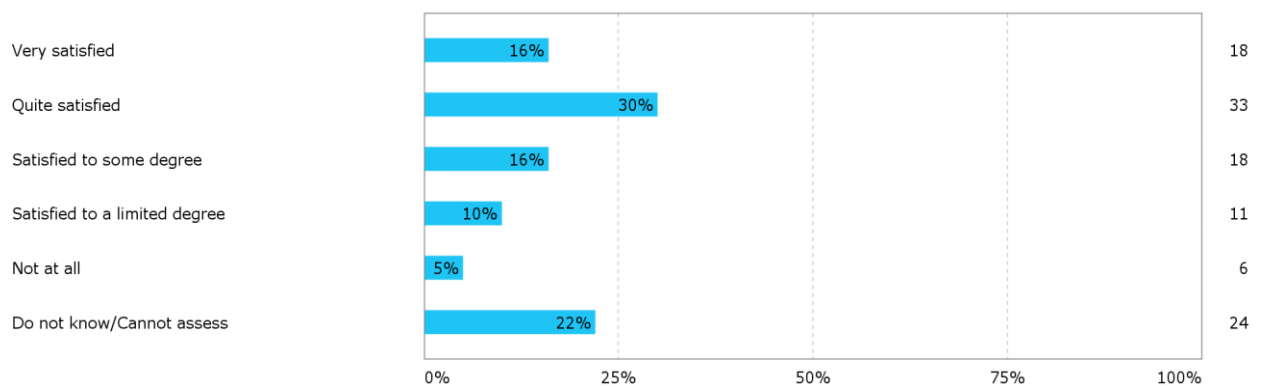
Very satisfied	16%	18
Quite satisfied	30%	33
Satisfied to some degree	16%	18
Satisfied to a limited degree	10%	11
Not at all	5%	6
Do not know/Cannot assess	22%	24

To what degree do you consider that Frontex's research has contributed to improved understanding of external border management?

To a very high degree	7%	13
To a high degree	23%	40
To some degree	31%	55
To a limited degree	9%	15
Not at all	5%	8
Do not know/Cannot assess	25%	44

0%   25%   50%   75%   100%
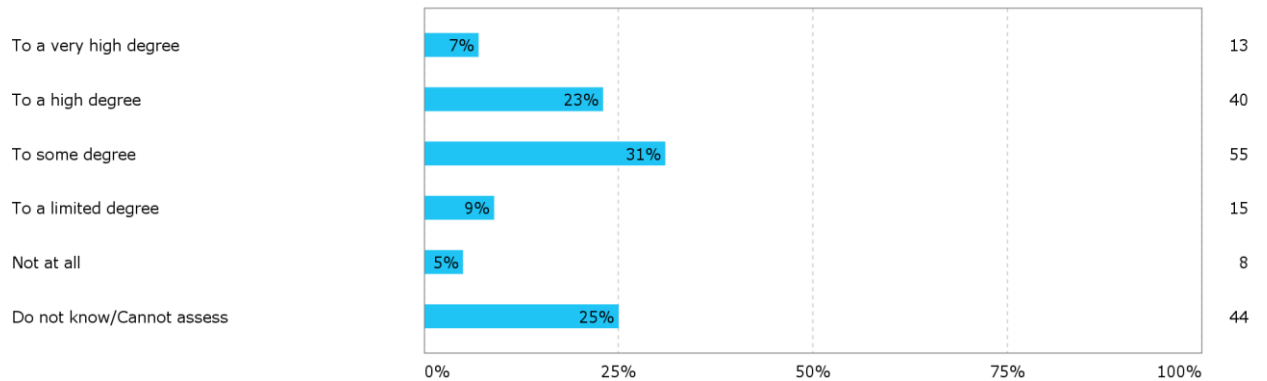
To what extent do you agree with the following statement: "Frontex's research has been helpful in identifying vulnerabilities at the borders."
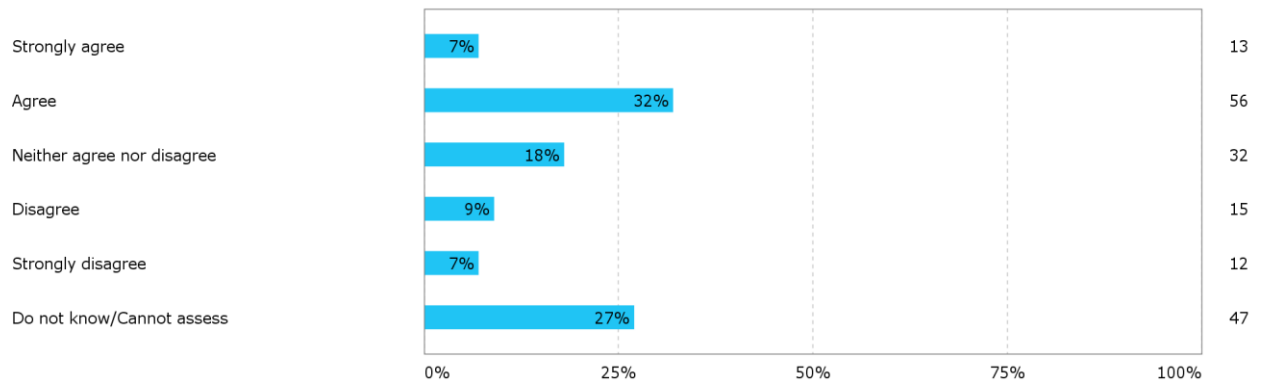
Strongly agree	7%	13
Agree	32%	56
Neither agree nor disagree	18%	32
Disagree	9%	15
Strongly disagree	7%	12
Do not know/Cannot assess	27%	47

0%   25%   50%   75%   100%

To what extent do you agree with the following statement: "The Agency has established effective mechanisms for operational information exchange with the Member States."

Strongly agree	18%	31
Agree	49%	85
Neither agree nor disagree	16%	28
Disagree	6%	11
Strongly disagree	0%	0
Do not know/Cannot assess	11%	20

0%   25%   50%   75%   100%
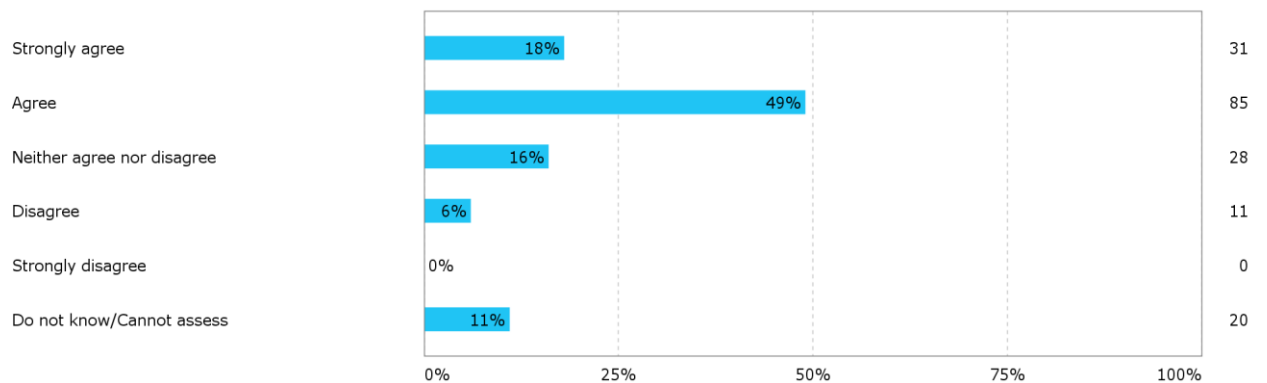
Do you use the Joint Operational Reporting Application (JORA) in your activities?

Yes	39% — 65
No	61% — 101

0%   25%   50%   75%   100%
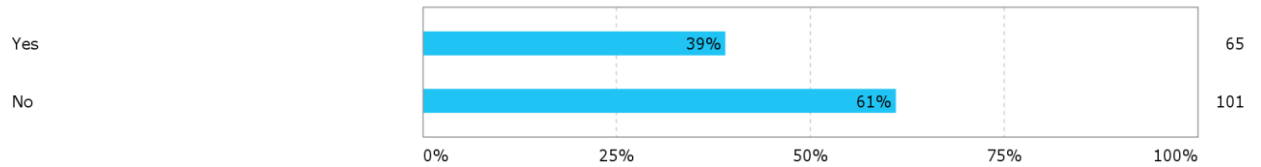
To what extent do you agree with the following statement: "JORA is an effective communication network".

Strongly agree	11% — 7
Agree	58% — 38
Neither agree nor disagree	17% — 11
Disagree	9% — 6
Strongly disagree	2% — 1
Do not know/Cannot assess	3% — 2

0%   25%   50%   75%   100%
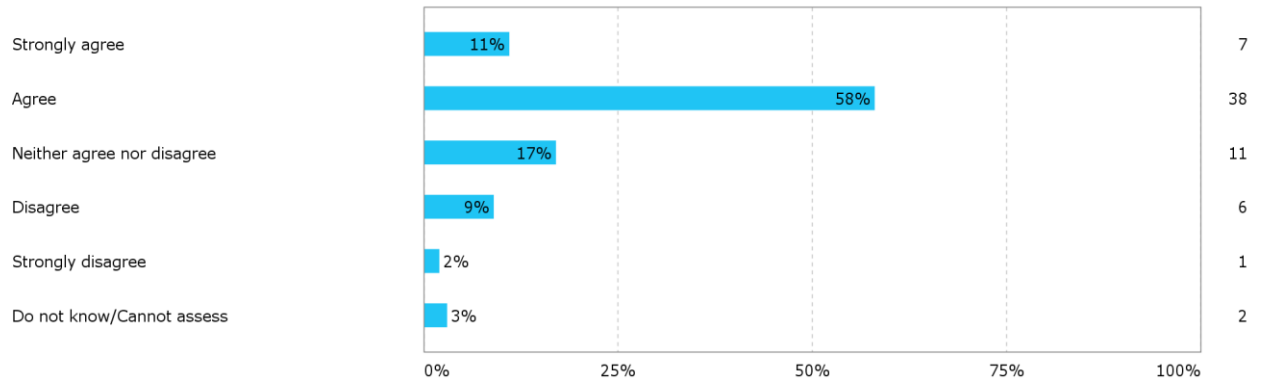
Do you use the Frontex One-Stop-Shop (FOSS) in your activities?

Yes	69% — 114
No	31% — 52

0%   25%   50%   75%   100%
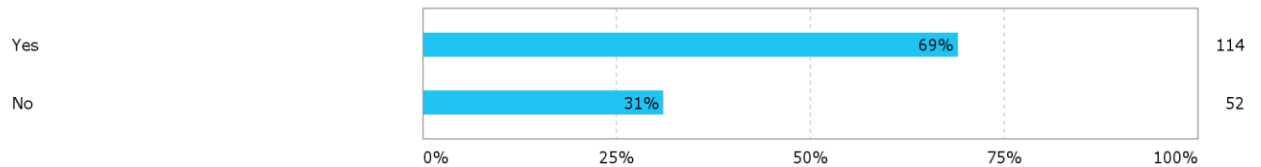
To what extent do you agree with the following statement: "FOSS is an effective communication platform".

Strongly agree	23% — 26
Agree	61% — 69
Neither agree nor disagree	10% — 11
Disagree	4% — 5
Strongly disagree	2% — 2
Do not know/Cannot assess	1% — 1

0%   25%   50%   75%   100%
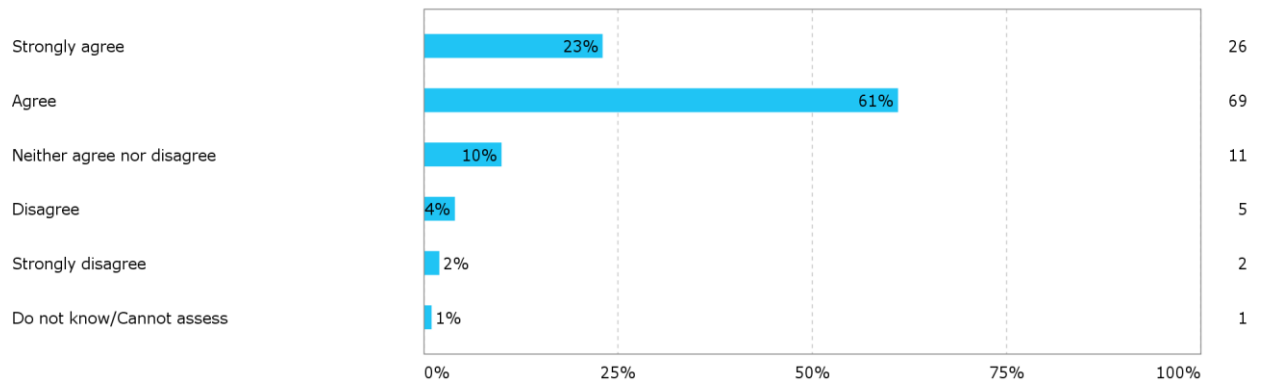
Do you use the European Border Surveillance System (EUROSUR) in your activities?

Yes	40% — 66
No	60% — 100

0%   25%   50%   75%   100%
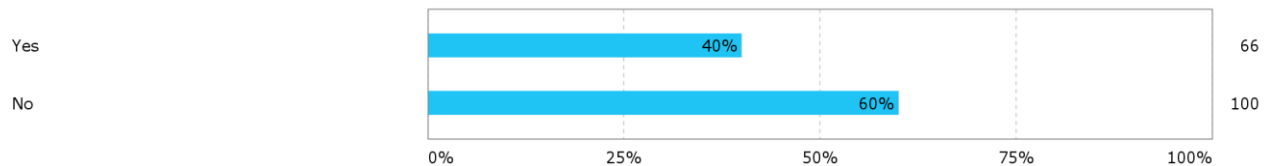
To what extent do you agree with the following statement: "EUROSUR is an effective communication network".

Strongly agree	18%	12
Agree	33%	22
Neither agree nor disagree	29%	19
Disagree	9%	6
Strongly disagree	6%	4
Do not know/Cannot assess	5%	3

0%   25%   50%   75%   100%
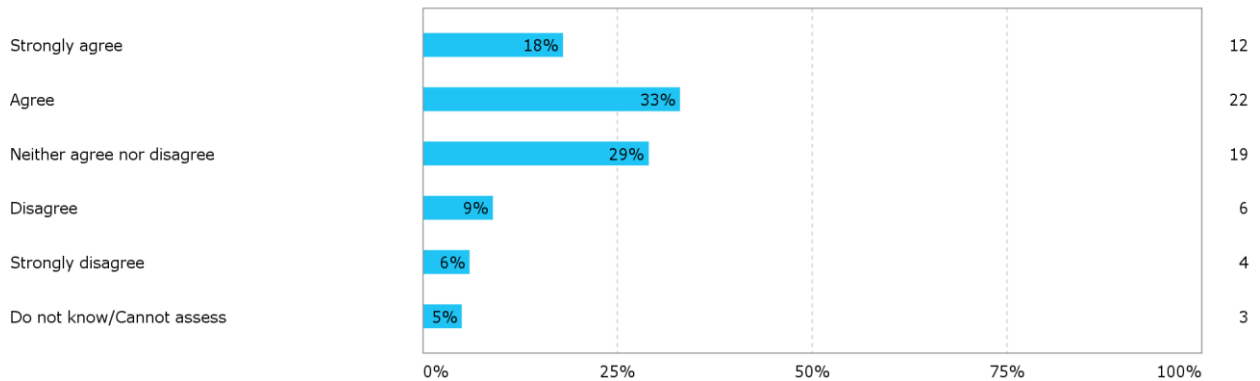
To what extent do you agree with the following statements? - a. The Agency has established effective cooperation with national coordination centers on the European situational picture.

Strongly agree	5%	8
Agree	46%	68
Neither agree nor disagree	20%	30
Disagree	4%	6
Strongly disagree	1%	1
Do not know/Cannot assess	24%	36

0%   25%   50%   75%   100%
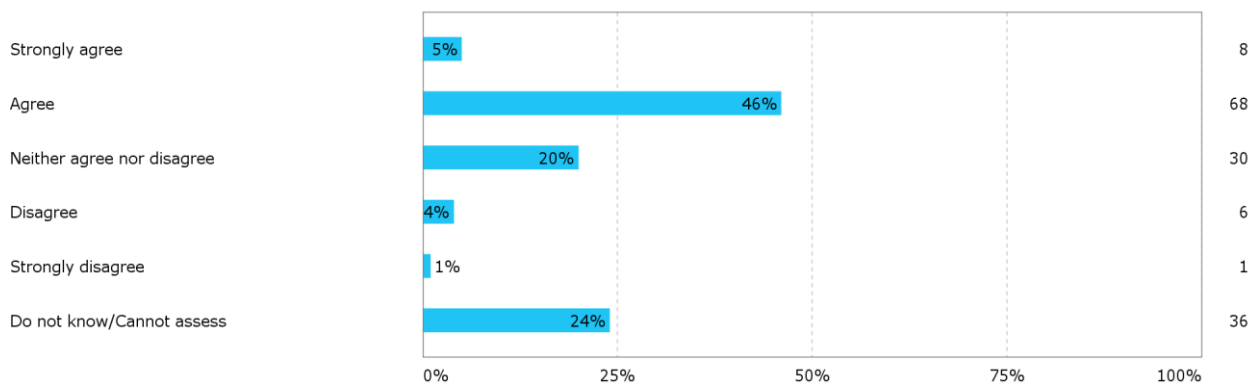
To what extent do you agree with the following statements? - b. The Agency has regularly provided surveillance information on external borders to the national coordination centers.
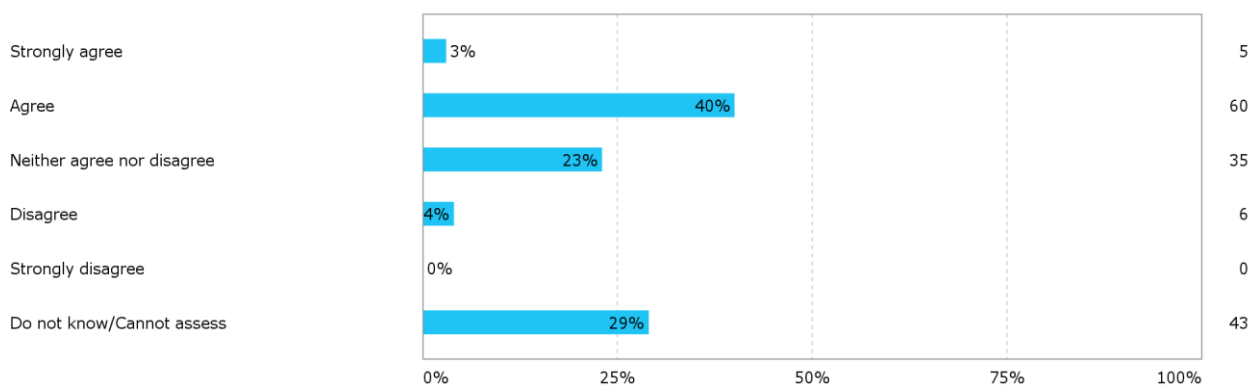
Strongly agree	3%	5
Agree	40%	60
Neither agree nor disagree	23%	35
Disagree	4%	6
Strongly disagree	0%	0
Do not know/Cannot assess	29%	43

0%   25%   50%   75%   100%

To what extent do you agree with the following statements? - c. The Agency has provided reliable surveillance information on external borders to the national coordination centers.

Strongly agree	3%	5
Agree	38%	57
Neither agree nor disagree	23%	34
Disagree	6%	9
Strongly disagree	0%	0
Do not know/Cannot assess	30%	44
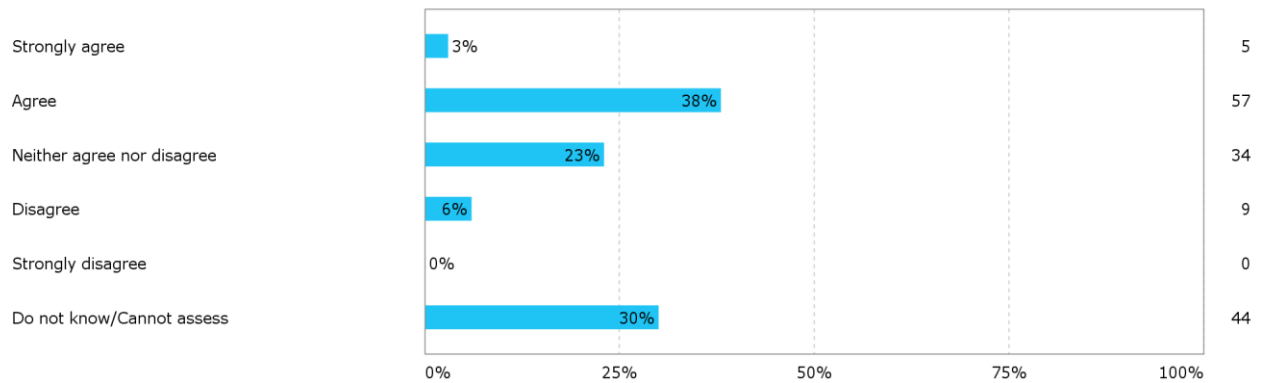
To what extent do you agree with the following statements? - a. Frontex has increasingly facilitated operational cooperation with the relevant authorities in third countries.

Strongly agree	6%	10
Agree	41%	71
Neither agree nor disagree	26%	45
Disagree	6%	11
Strongly disagree	3%	6
Do not know/Cannot assess	17%	30
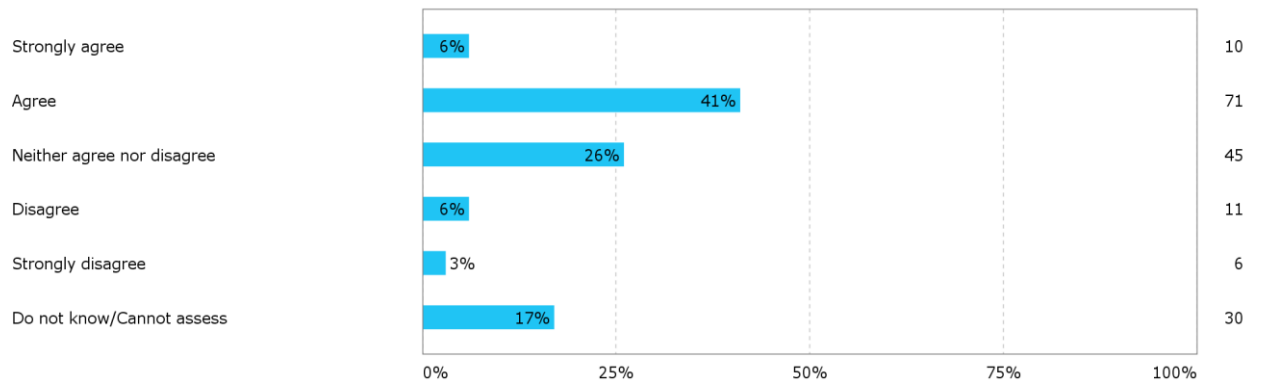
To what extent do you agree with the following statements? - b. Frontex has provided sufficient support to capacity building in third countries.

Strongly agree	2%	3
Agree	24%	41
Neither agree nor disagree	37%	64
Disagree	11%	19
Strongly disagree	5%	9
Do not know/Cannot assess	21%	37
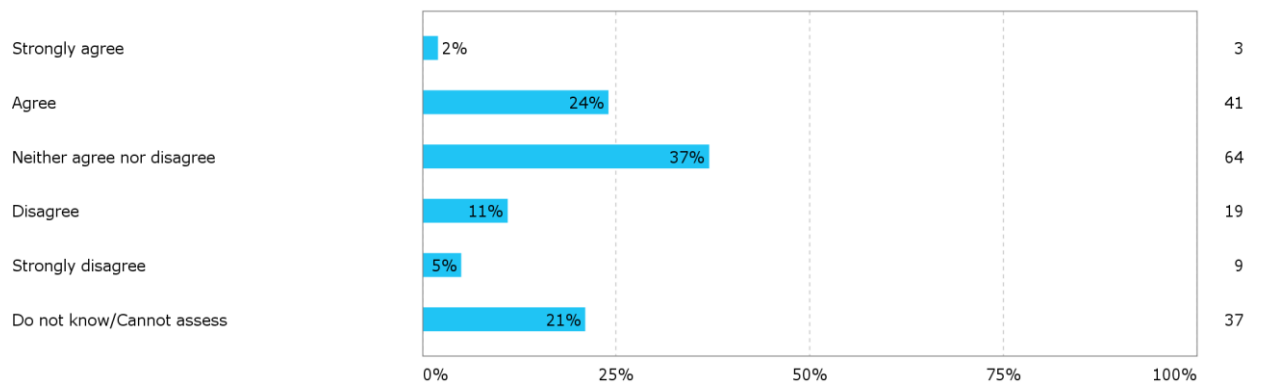
To what extent do you agree with the following statements? - c. In supporting the implementation of IBM at EU level, Frontex involves all relevant actors in its operational activity.

Strongly agree	2% — 4
Agree	31% — 54
Neither agree nor disagree	28% — 49
Disagree	11% — 19
Strongly disagree	1% — 2
Do not know/Cannot assess	26% — 45

0%   25%   50%   75%   100%
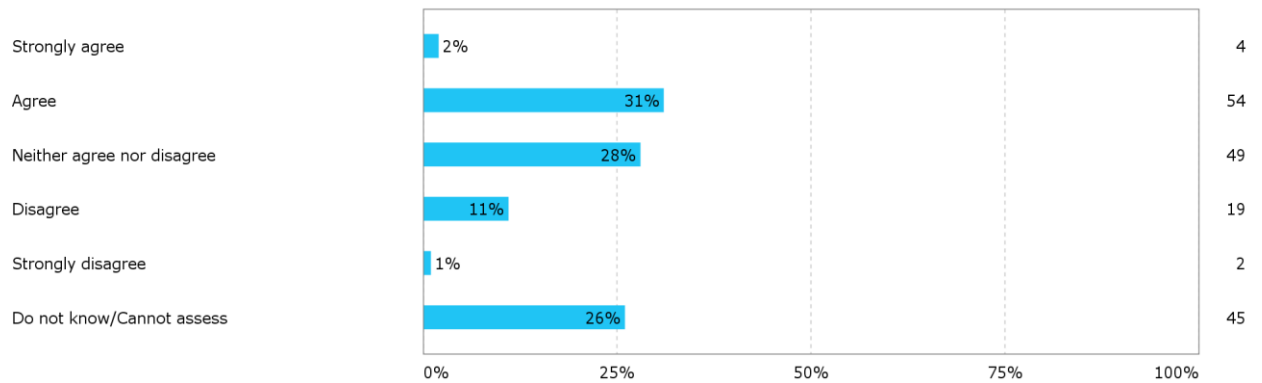
To what extent do you agree with the following statements? - d. Frontex has enhanced cooperation with relevant international organisations.
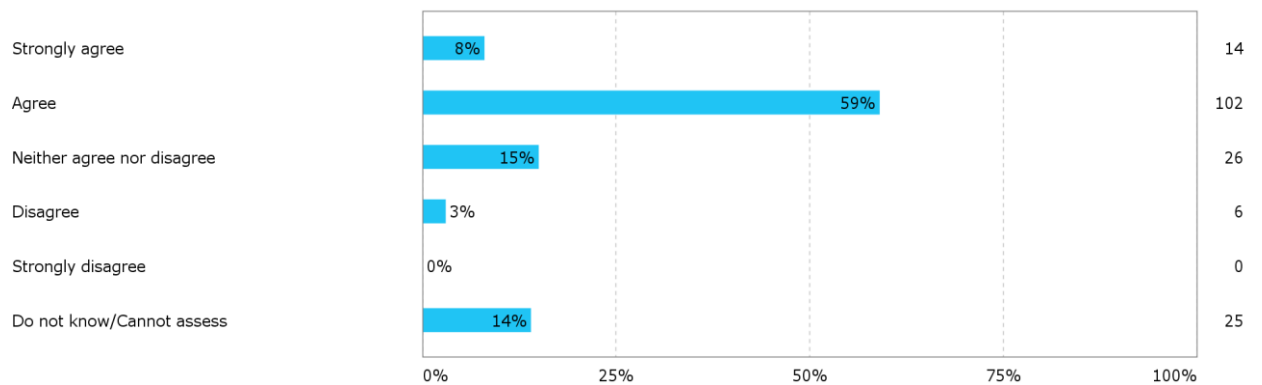
Strongly agree	8% — 14
Agree	59% — 102
Neither agree nor disagree	15% — 26
Disagree	3% — 6
Strongly disagree	0% — 0
Do not know/Cannot assess	14% — 25

0%   25%   50%   75%   100%

To what extent do you agree with the following statements? - a. The Agency's working practices are adequate.

Strongly agree	2% — 1
Agree	38% — 24
Neither agree nor disagree	31% — 20
Disagree	17% — 11
Strongly disagree	6% — 4
Do not know/Cannot assess	6% — 4

0%   25%   50%   75%   100%

To what extent do you agree with the following statements? - b. The Agency's divisions and units are able to coordinate activities with each other in an efficient manner.

Strongly agree	5%	3
Agree	16%	10
Neither agree nor disagree	27%	17
Disagree	34%	22
Strongly disagree	13%	8
Do not know/Cannot assess	6%	4

0%   25%   50%   75%   100%
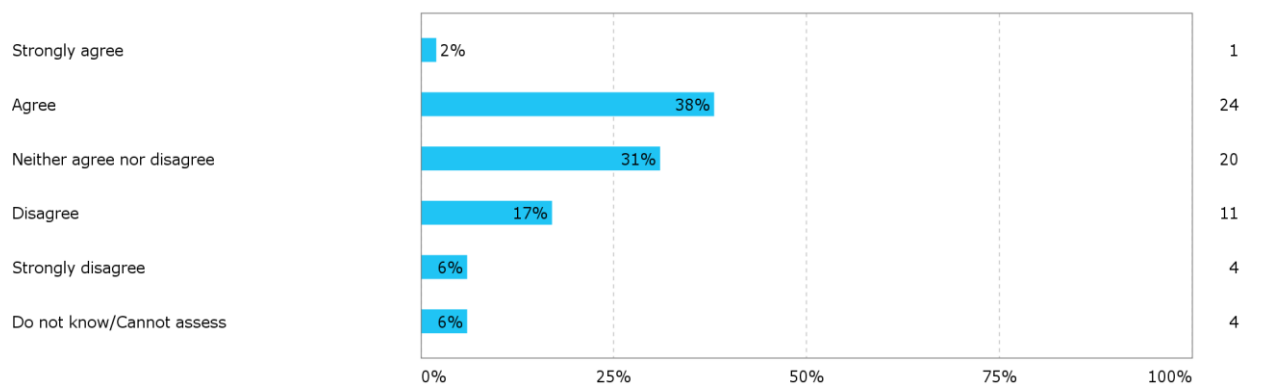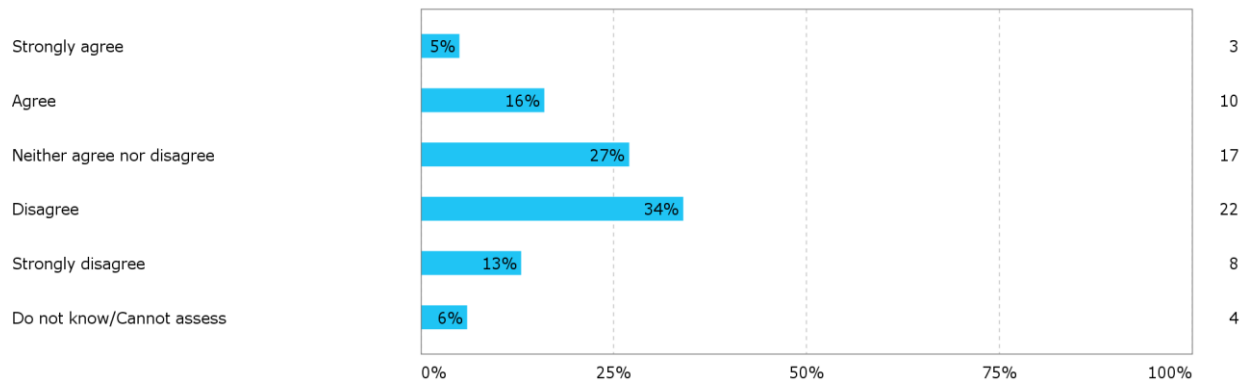
To what extent do you agree with the following statements? - c. The work carried out by different divisions and units feeds into the work of the other divisions and units.

Strongly agree	3%	2
Agree	28%	18
Neither agree nor disagree	23%	15
Disagree	25%	16
Strongly disagree	11%	7
Do not know/Cannot assess	9%	6

0%   25%   50%   75%   100%
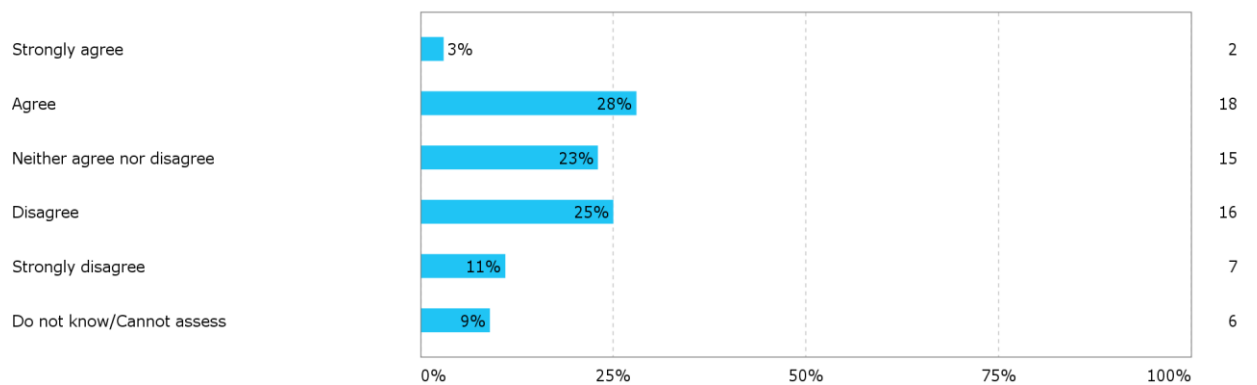
To what extent do you agree with the following statements? - d. The Agency's activities are informed by the lessons learned in its operations.

Strongly agree	2%	1
Agree	28%	18
Neither agree nor disagree	25%	16
Disagree	27%	17
Strongly disagree	9%	6
Do not know/Cannot assess	9%	6

0%   25%   50%   75%   100%
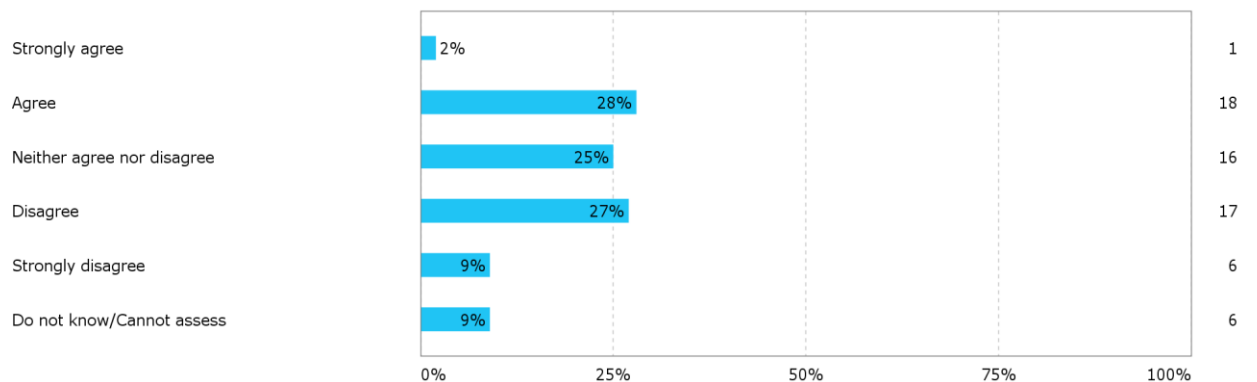
To what extent do you agree with the following statement: "Frontex has the sufficient human resources to carry out its actual workload."

Strongly agree	8%	5
Agree	27%	17
Neither agree nor disagree	19%	12
Disagree	23%	15
Strongly disagree	16%	10
Do not know/Cannot assess	8%	5

0%   25%   50%   75%   100%
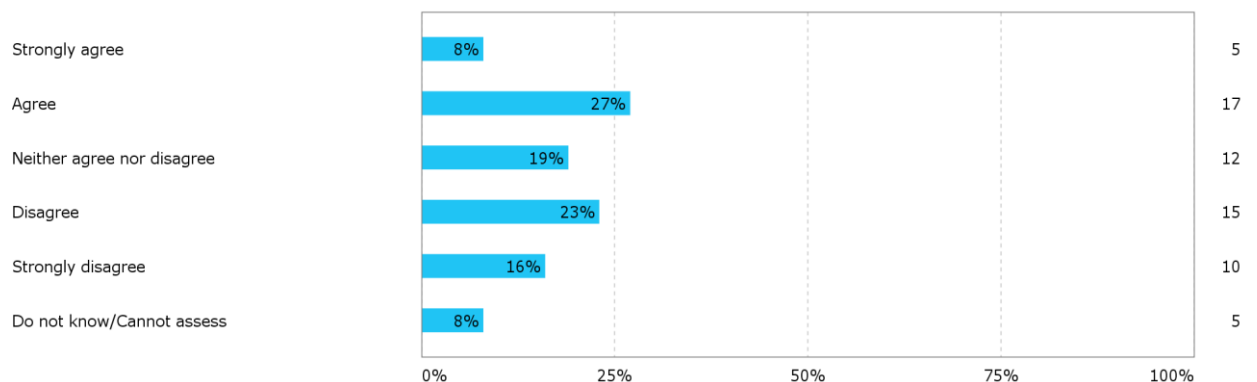
To what degree do you consider that Frontex staff, as a whole, have adequate qualifications to carry out the Agency's tasks?

To a very high degree	2%	1
To a high degree	46%	25
To some degree	35%	19
To a limited degree	11%	6
Not at all	2%	1
Do not know/Cannot assess	4%	2

0%   25%   50%   75%   100%
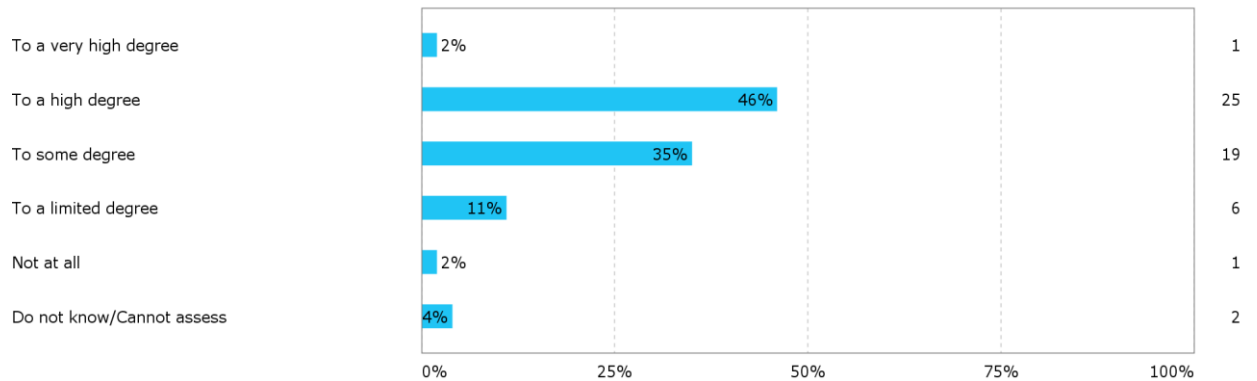
Please assess to what extent you agree with the following statements: - a. The composition of the staff with regard to the share of management vs. non-management is adequate to its actual workload.

Strongly agree	0%	0
Agree	37%	20
Neither agree nor disagree	26%	14
Disagree	22%	12
Strongly disagree	7%	4
Do not know/Cannot assess	7%	4

0%   25%   50%   75%   100%
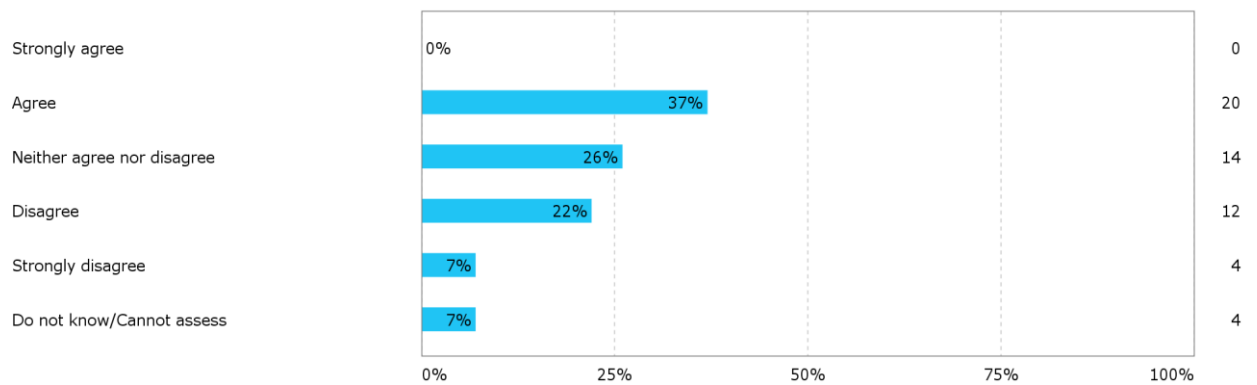
Please assess to what extent you agree with the following statements: - b. The composition of the staff with regard to the different competences of employees is adequate to its actual workload.

Strongly agree	2%	1
Agree	24%	13
Neither agree nor disagree	24%	13
Disagree	37%	20
Strongly disagree	4%	2
Do not know/Cannot assess	9%	5

0%   25%   50%   75%   100%
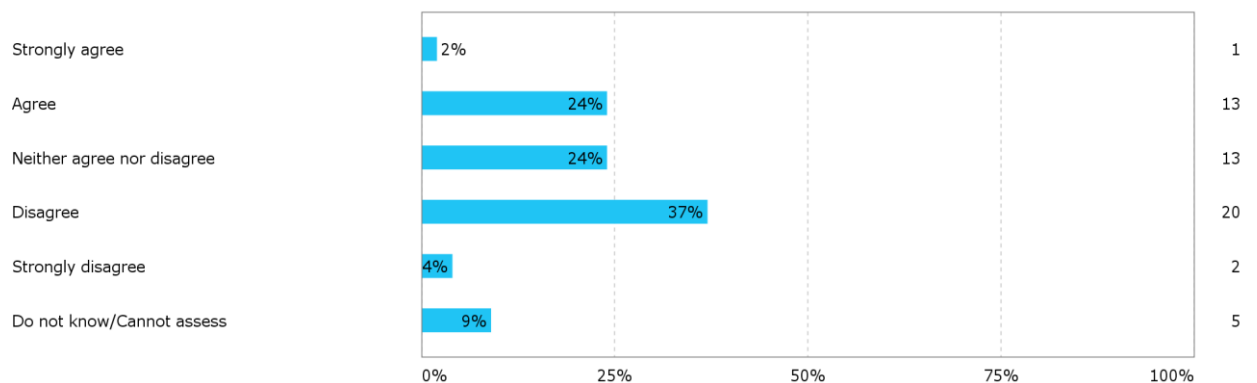
Please assess to what extent you agree with the following statements: – c. The lines of communication are clear.

	%	Count
Strongly agree	2%	1
Agree	35%	19
Neither agree nor disagree	30%	16
Disagree	19%	10
Strongly disagree	13%	7
Do not know/Cannot assess	2%	1
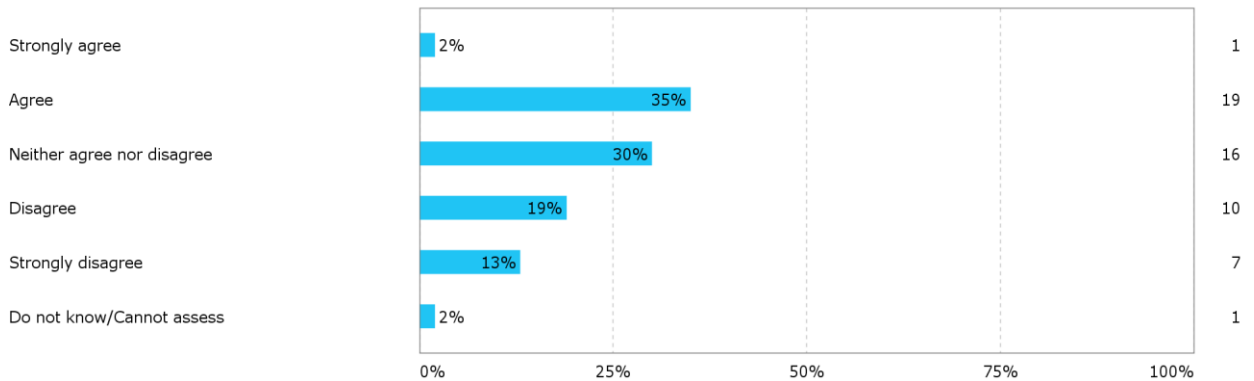
Please assess to what extent you agree with the following statements: – d. The lines of communication are adequate.
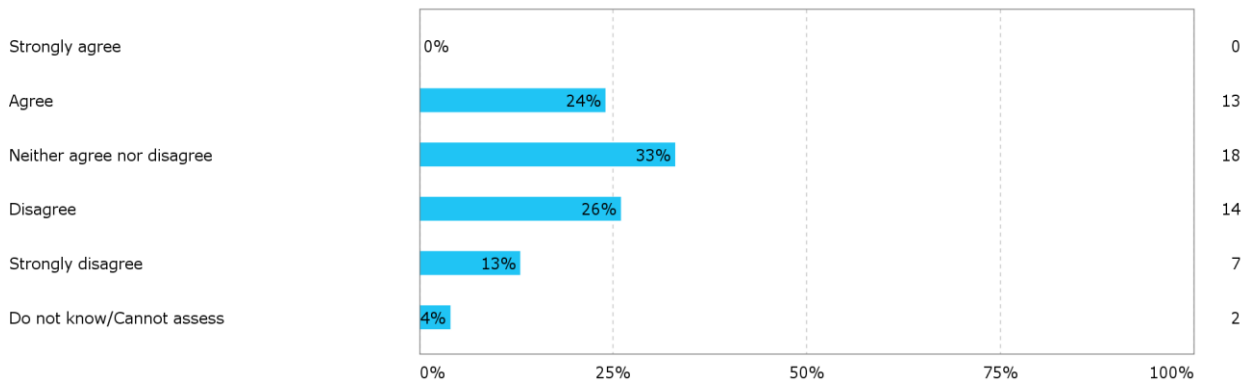
	%	Count
Strongly agree	0%	0
Agree	24%	13
Neither agree nor disagree	33%	18
Disagree	26%	14
Strongly disagree	13%	7
Do not know/Cannot assess	4%	2

To what degree do you consider that Frontex gains relevant information from the Member States?

	%	Count
To a very high degree	0%	0
To a high degree	20%	11
To some degree	44%	24
To a limited degree	19%	10
Not at all	2%	1
Do not know/Cannot assess	15%	8
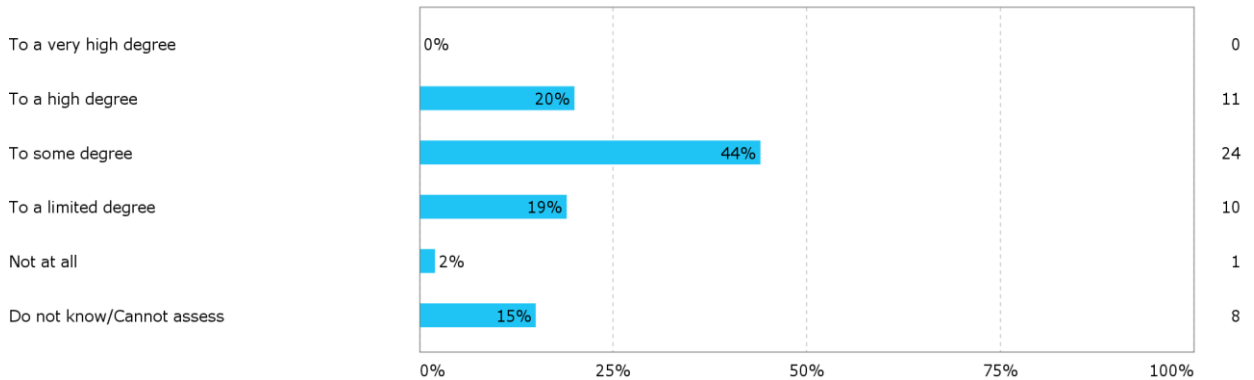
To what degree are Member States able to communicate to the Agency their needs and expectations?

	%	Count
To a very high degree	6%	9
To a high degree	42%	58
To some degree	40%	55
To a limited degree	2%	3
Not at all	0%	0
Do not know/Cannot assess	10%	14
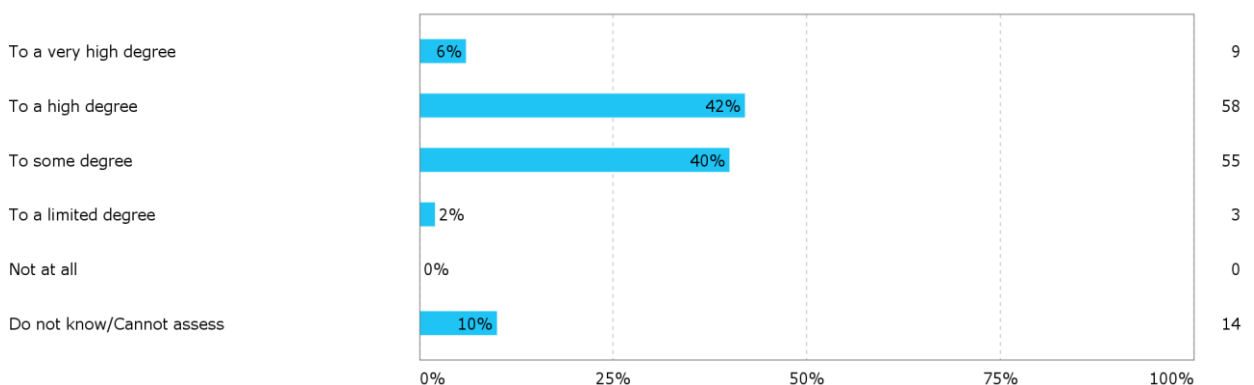
To what extent do you agree with the following statements? - a. National Frontex Points of Contact (NFPoC) have received relevant information from Frontex.

Strongly agree	22%	31
Agree	53%	74
Neither agree nor disagree	8%	11
Disagree	0%	0
Strongly disagree	0%	0
Do not know/Cannot assess	17%	23

0%   25%   50%   75%   100%
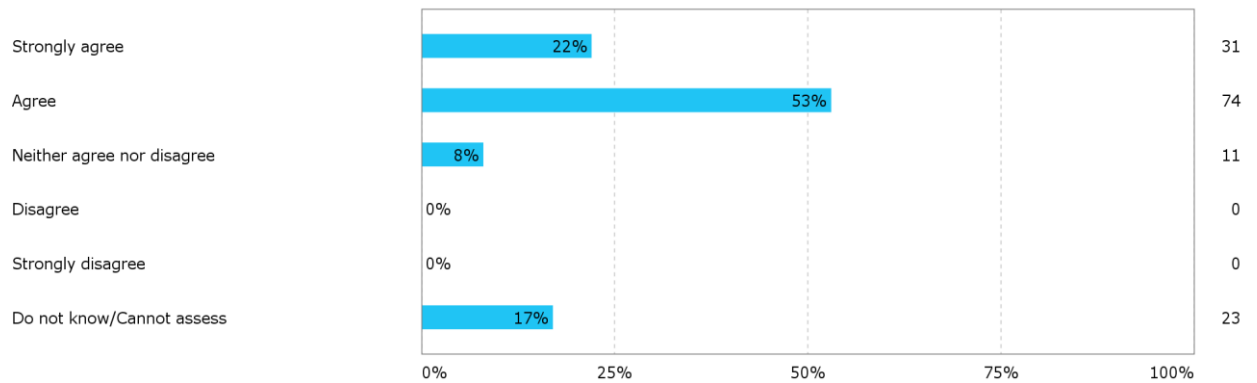
To what extent do you agree with the following statements? - b.National Frontex Points of Contact (NFPoC) have distributed information from Frontex to the relevant authorities.

Strongly agree	22%	31
Agree	33%	46
Neither agree nor disagree	16%	22
Disagree	11%	15
Strongly disagree	3%	4
Do not know/Cannot assess	15%	21

0%   25%   50%   75%   100%

Please assess to what extent you agree or disagree with the following statements? - a. The Agency's has an adequate management system.

Strongly agree	0%	0
Agree	24%	13
Neither agree nor disagree	28%	15
Disagree	33%	18
Strongly disagree	11%	6
Do not know/Cannot assess	4%	2

0%   25%   50%   75%   100%
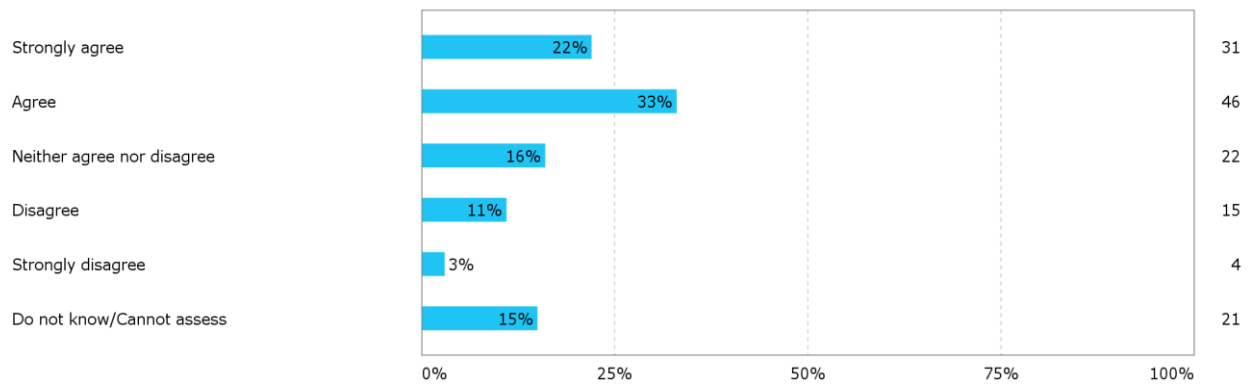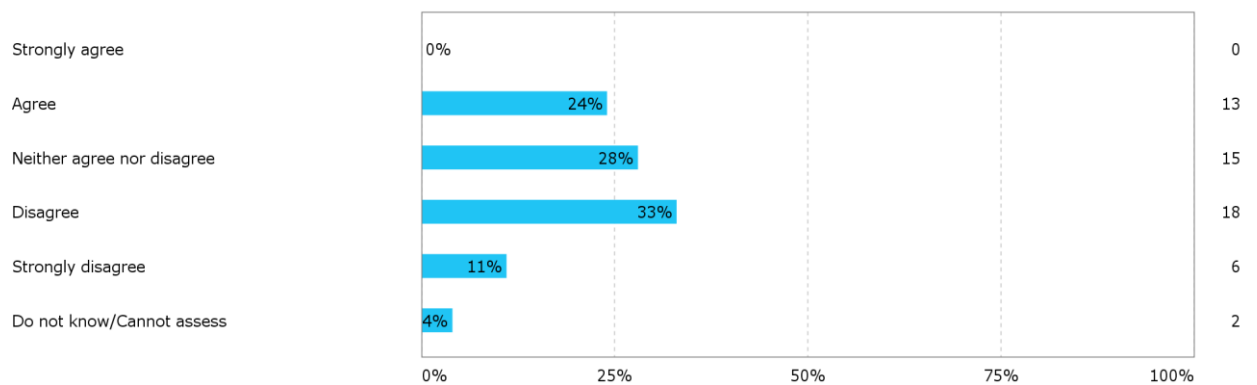
Please assess to what extent you agree or disagree with the following statements? - b. The management processes are useful.
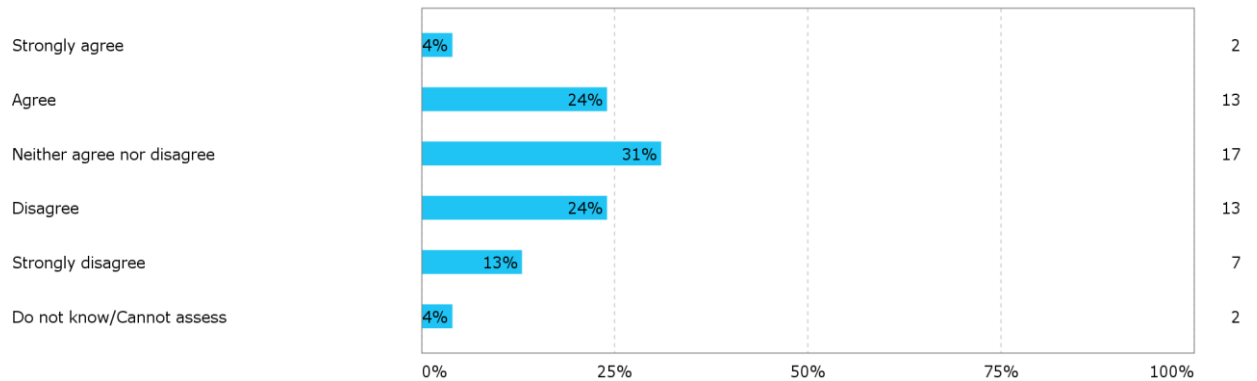
Strongly agree	4%	2
Agree	24%	13
Neither agree nor disagree	31%	17
Disagree	24%	13
Strongly disagree	13%	7
Do not know/Cannot assess	4%	2

0%   25%   50%   75%   100%

Please assess to what extent you agree with the following statements regarding the Management Board of the Agency: - a. The cooperation between the Agency and the MB is efficient.
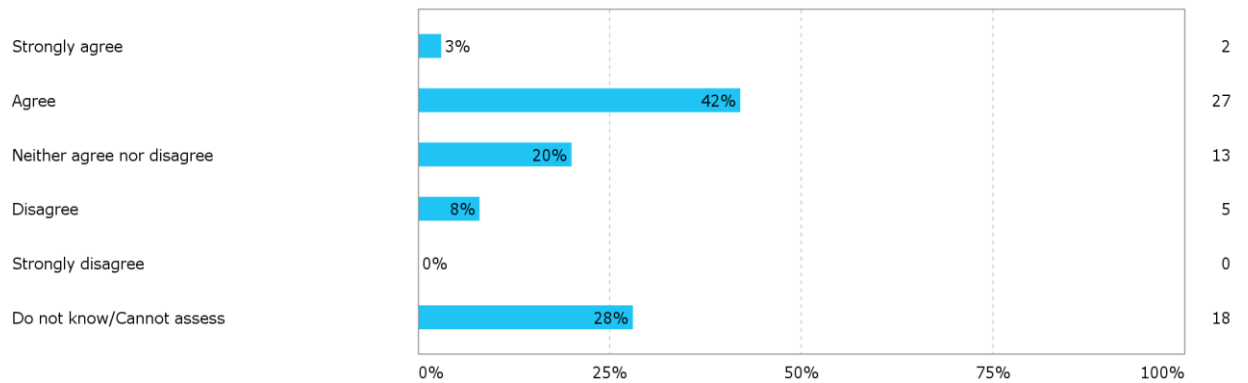
Strongly agree	3%	2
Agree	42%	27
Neither agree nor disagree	20%	13
Disagree	8%	5
Strongly disagree	0%	0
Do not know/Cannot assess	28%	18

0%   25%   50%   75%   100%

Please assess to what extent you agree with the following statements regarding the Management Board of the Agency: - b. The organisation of the MB is adequate.
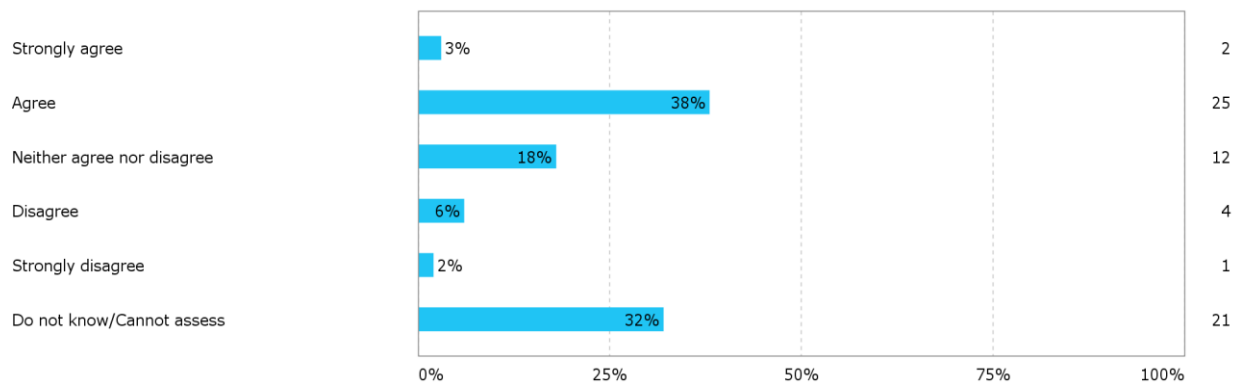
Strongly agree	3%	2
Agree	38%	25
Neither agree nor disagree	18%	12
Disagree	6%	4
Strongly disagree	2%	1
Do not know/Cannot assess	32%	21

0%   25%   50%   75%   100%

Please assess to what extent you agree with the following statements regarding the Management Board of the Agency: - c. The operation of the MB is effective.
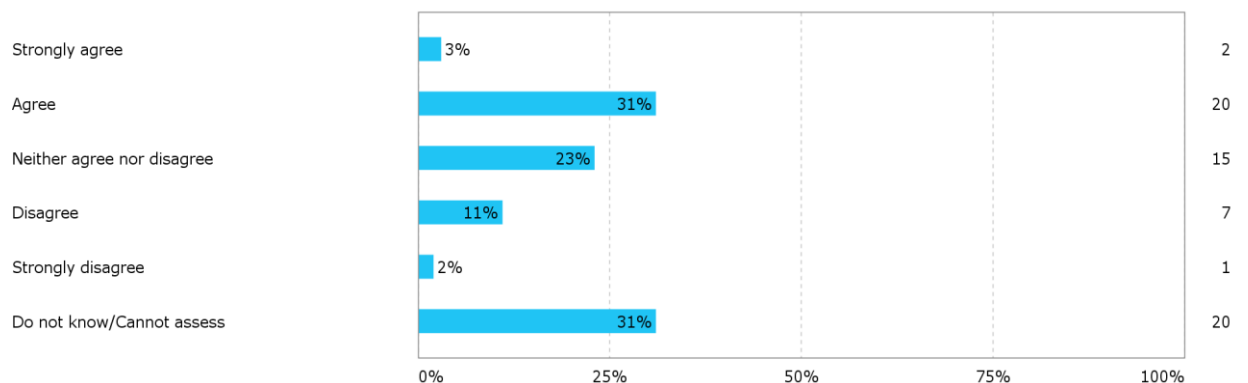
Strongly agree	3%	2
Agree	31%	20
Neither agree nor disagree	23%	15
Disagree	11%	7
Strongly disagree	2%	1
Do not know/Cannot assess	31%	20

0%   25%   50%   75%   100%

Please assess to what extent you agree with the following statements regarding the Management Board of the Agency: - d. The Agency has transmitted all relevant evaluation reports and analysis of joined operations to the Management Board.

Strongly agree	11% · 7
Agree	54% · 35
Neither agree nor disagree	2% · 1
Disagree	3% · 2
Strongly disagree	0% · 0
Do not know/Cannot assess	31% · 20
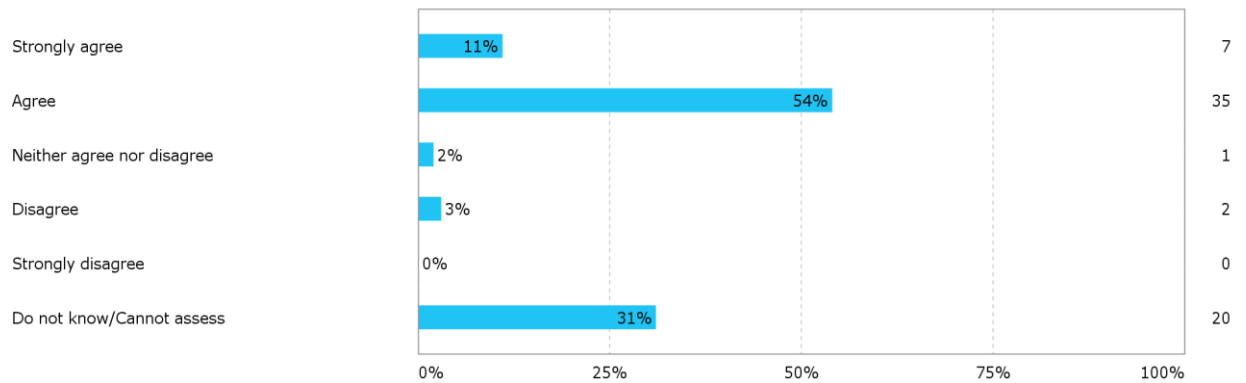
To what degree do you consider that the management processes are supportive?
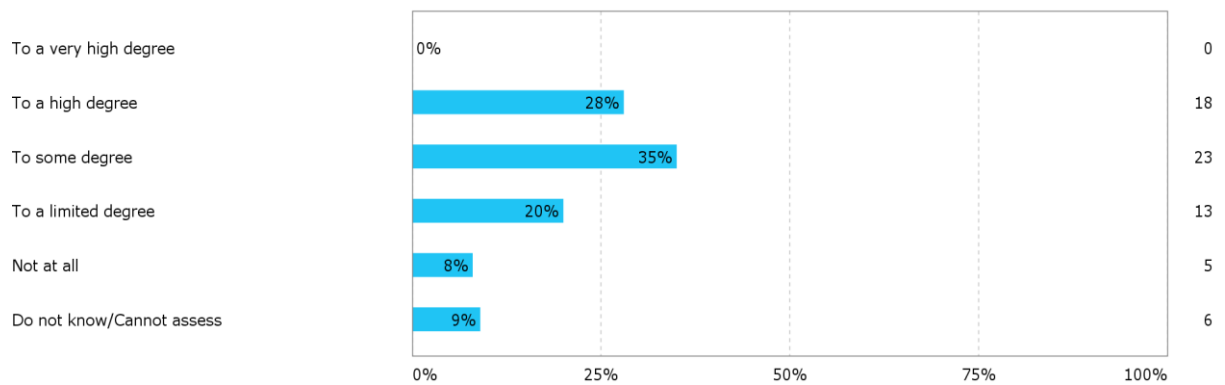
To a very high degree	0% · 0
To a high degree	28% · 18
To some degree	35% · 23
To a limited degree	20% · 13
Not at all	8% · 5
Do not know/Cannot assess	9% · 6

To what degree are the administrative procedures for the Agency to deliver its mandate effective?

To a very high degree	0% · 0
To a high degree	20% · 11
To some degree	44% · 24
To a limited degree	24% · 13
Not at all	6% · 3
Do not know/Cannot assess	6% · 3

Please assess, to what degree are the administrative procedures of the Agency to deliver its mandate appropriate?

To a very high degree	0% · 0
To a high degree	15% · 8
To some degree	54% · 29
To a limited degree	22% · 12
Not at all	2% · 1
Do not know/Cannot assess	7% · 4

To what degree do you consider the mechanism for monitoring the respect for fundamental rights to be effective?

To a very high degree	14%	24
To a high degree	36%	62
To some degree	26%	45
To a limited degree	9%	16
Not at all	2%	4
Do not know/Cannot assess	13%	23

0% 25% 50% 75% 100%
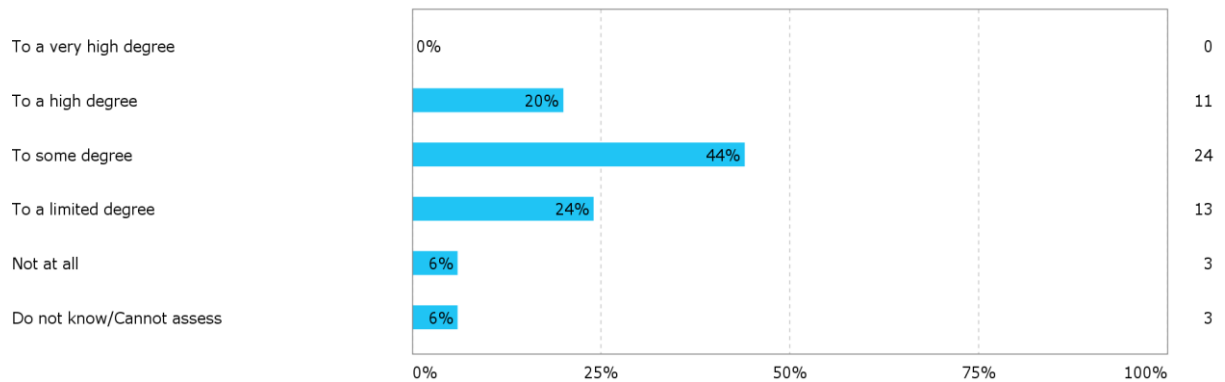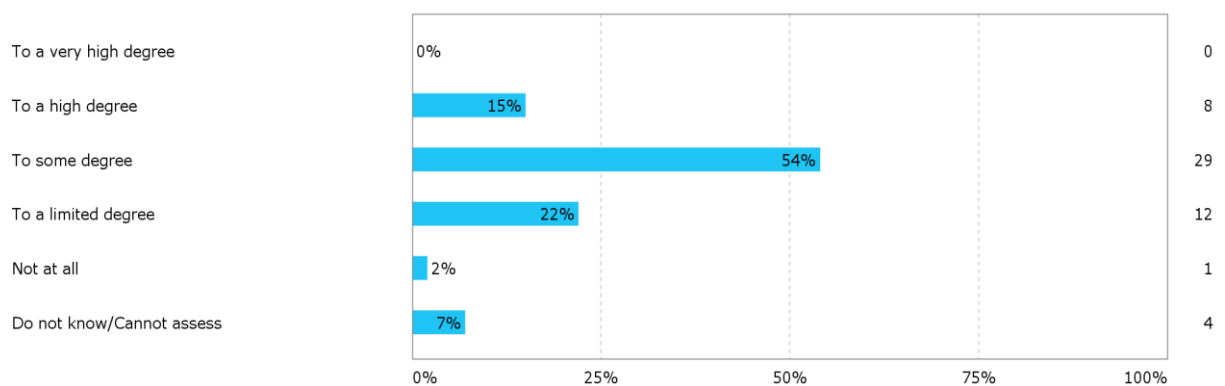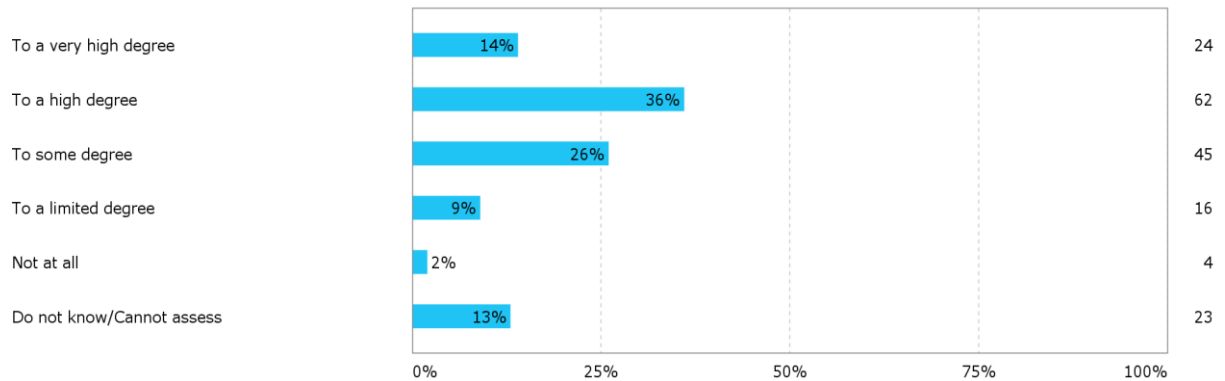
To what extent do you agree with the following statements? - a. Relevant NGOs and organisations participate in the Consultative Forum.

Strongly agree	17%	12
Agree	50%	36
Neither agree nor disagree	7%	5
Disagree	3%	2
Strongly disagree	0%	0
Do not know/Cannot assess	24%	17

0% 25% 50% 75% 100%
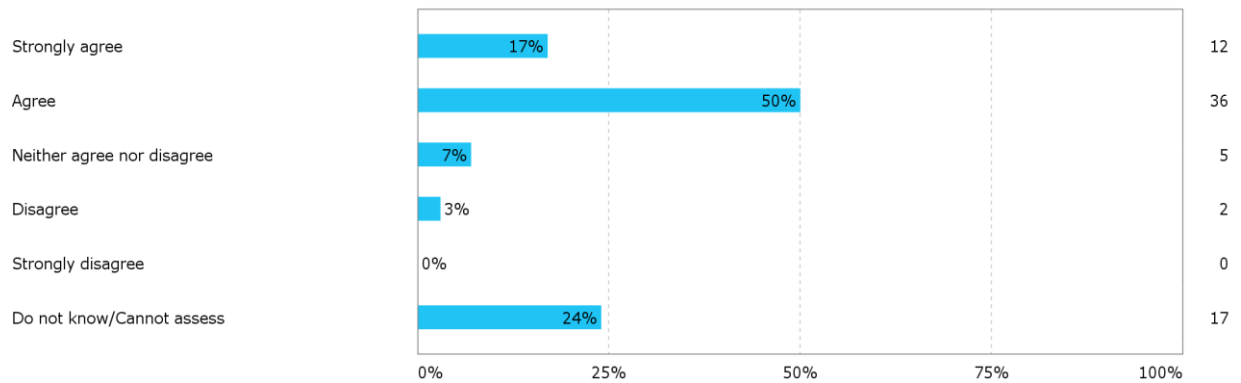
To what extent do you agree with the following statements? - b. The Consultative Forum is actively contributing to Frontex's work.
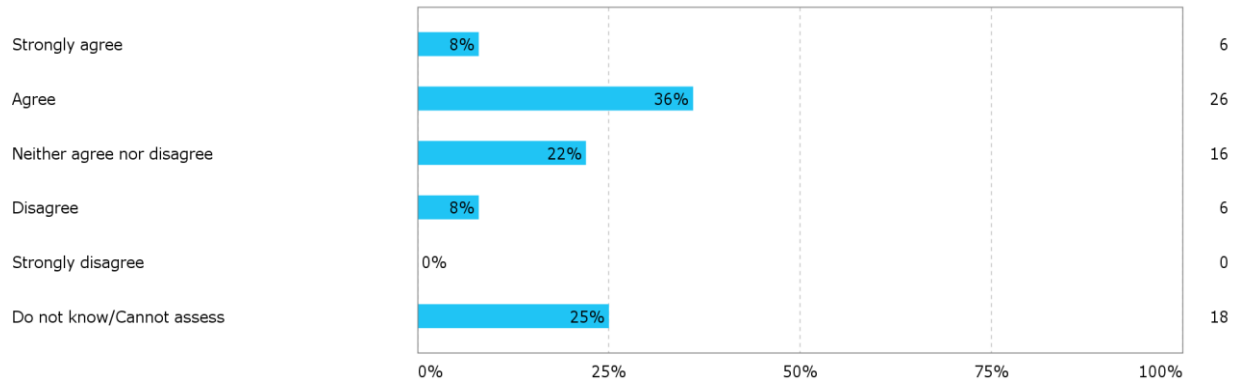
Strongly agree	8%	6
Agree	36%	26
Neither agree nor disagree	22%	16
Disagree	8%	6
Strongly disagree	0%	0
Do not know/Cannot assess	25%	18

0% 25% 50% 75% 100%

To what extent do you consider that respect for fundamental rights has been sufficiently addressed in the training curricula?
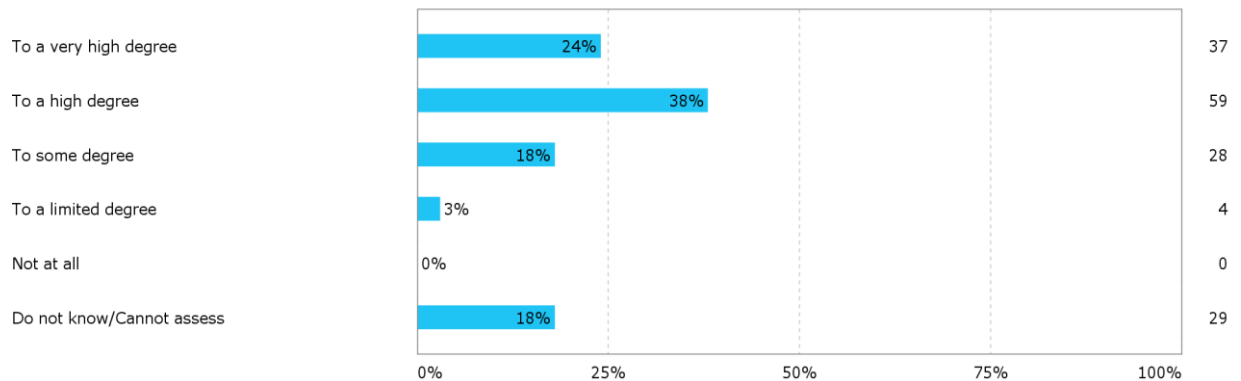
To a very high degree	24%	37
To a high degree	38%	59
To some degree	18%	28
To a limited degree	3%	4
Not at all	0%	0
Do not know/Cannot assess	18%	29

0% 25% 50% 75% 100%

To what extent do you consider that respect for fundamental rights has been sufficiently addressed in the Agency's cooperation with third countries?

To a very high degree	12%	21
To a high degree	28%	49
To some degree	17%	29
To a limited degree	7%	13
Not at all	2%	4
Do not know/Cannot assess	33%	58
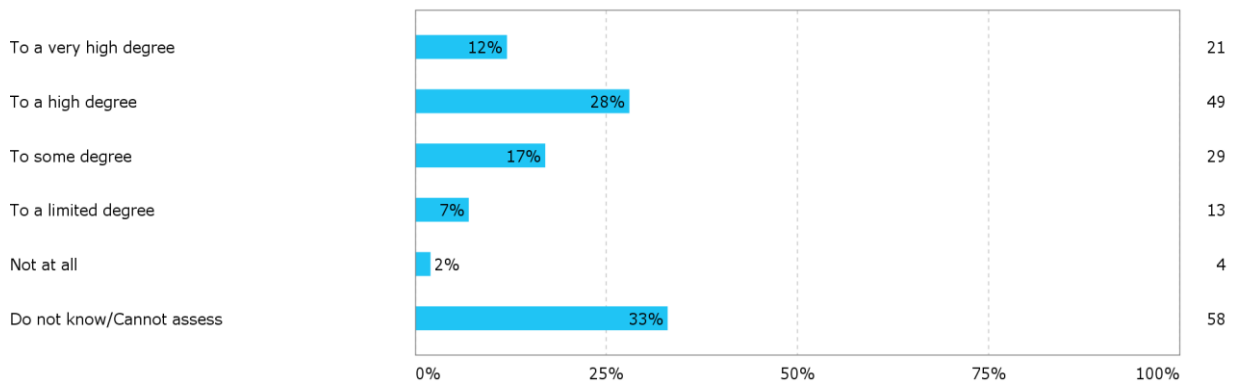
To what extent do you agree with the following statements: - a. Frontex contributes to the development and implementation of IBM at EU External Borders.

Strongly agree	15%	26
Agree	57%	99
Neither agree nor disagree	13%	23
Disagree	1%	1
Strongly disagree	0%	0
Do not know/Cannot assess	14%	25
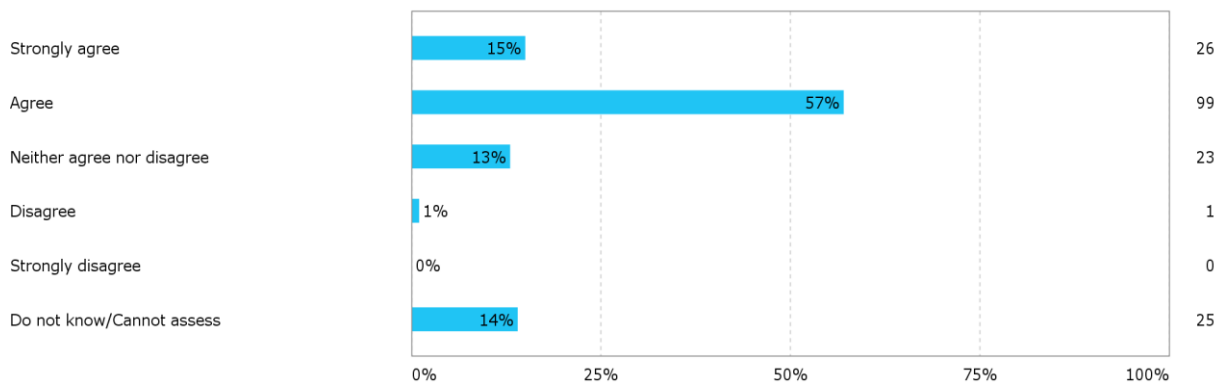
To what extent do you agree with the following statements: - b. Frontex shall organize multi-purpose operations comprising of border control activities and countering cross-border crime.

Strongly agree	29%	51
Agree	37%	64
Neither agree nor disagree	14%	24
Disagree	6%	10
Strongly disagree	2%	3
Do not know/Cannot assess	13%	22
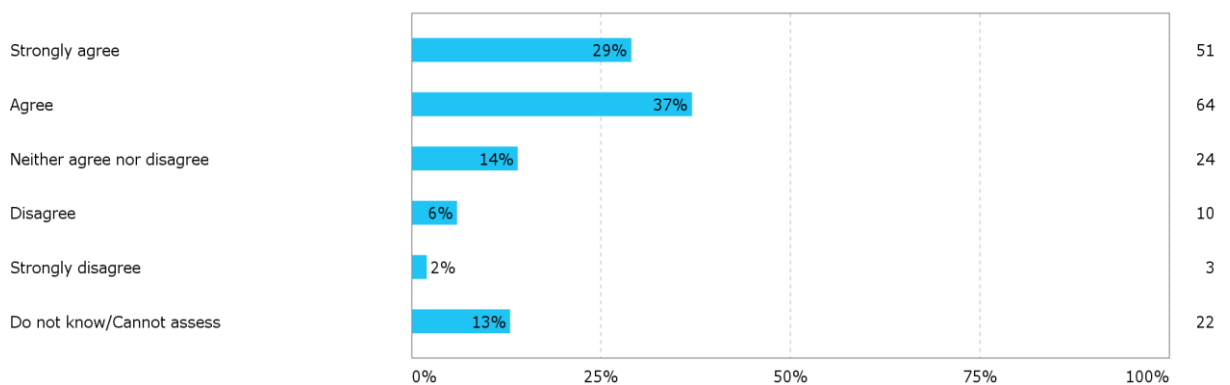
To what extent do you agree with the following statements: - c. Frontex should include in its operational objectives on the objective of countering cross-border crime.

Strongly agree	31%	54
Agree	35%	60
Neither agree nor disagree	16%	27
Disagree	6%	10
Strongly disagree	3%	6
Do not know/Cannot assess	9%	16
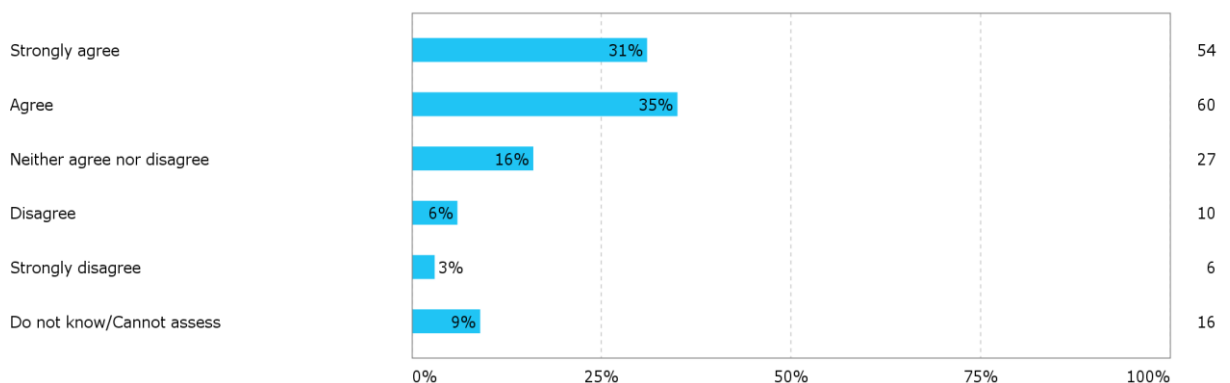
To what extent do you agree with the following statements: - d. Frontex shall include the search and rescue concept as operational objective in the JOs.

Strongly agree	18%	31
Agree	29%	51
Neither agree nor disagree	15%	26
Disagree	13%	23
Strongly disagree	11%	19
Do not know/Cannot assess	13%	23

0%   25%   50%   75%   100%
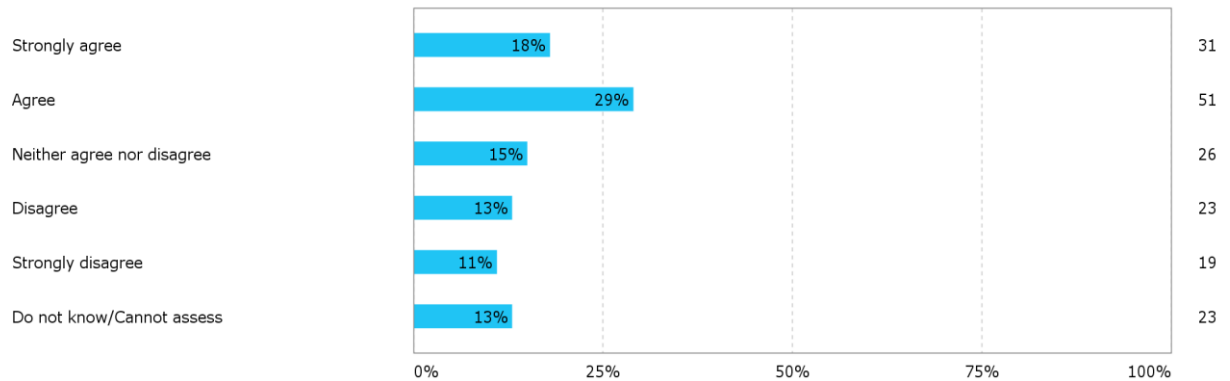
Respondent category 1 - filter

EC/EP/Council	3%	17
EU Agencies	28%	157
Member States	44%	246
Frontex staff	14%	76
Research community	2%	10
International organisations and NGOs	4%	20
Frontex Management Board	6%	32

0%   25%   50%   75%   100%
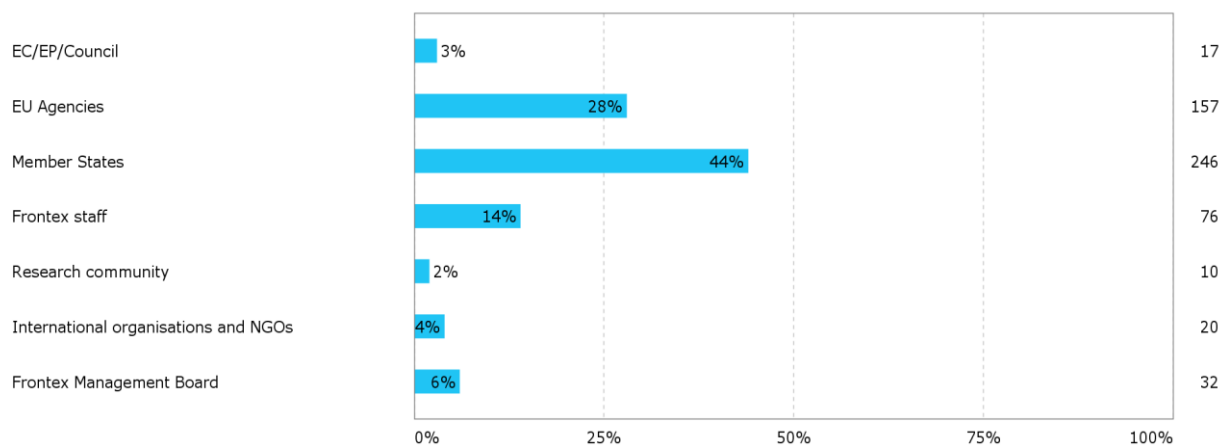
Respondent category 2 - for analysis

Not applicable	34%	173
Consultative Forum	4%	19
Direct Contact Points in Return matters	8%	42
NFPoCs	17%	85
RABIT NFPoCs and national contact points	4%	18
TRU National Training Coordinators - MS	5%	24
Partnership academies	2%	10
Eurosur NCC contact point	8%	38
RAU general contacts	12%	61
FRAN contacts	7%	34

0%   25%   50%   75%   100%

Country - for analysis

Country	%	Count
Austria	2%	9
Belgium	1%	5
Bulgaria	1%	7
Croatia	1%	5
Cyprus	1%	6
Czech Republic	1%	6
Denmark	2%	8
Estonia	2%	10
France	3%	14
Finland	2%	9
Germany	3%	13
Greece	1%	7
Hungary	1%	6
Iceland	1%	5
Ireland	1%	7
Italy	2%	10
Latvia	1%	7
Lithuania	1%	6
Lichtenstein	1%	4
Luxembourg	2%	9
Malta	1%	7
Netherlands	2%	11
Norway	1%	7
Poland	5%	26
Portugal	1%	7
Romania	2%	9
Slovakia	2%	9
Slovenia	4%	19
Spain	2%	10
Sweden	2%	11
Switzerland	2%	9
United Kingdom	2%	10
Not applicable	43%	216

Survey

Survey	%	Count
Frontex - External Evaluation Art. 33	91%	505
Frontex survey - frontex staff	9%	53

Overall Status

Status	Percentage	Count
New	0%	0
Distributed	64%	359
Partially Complete	4%	22
Complete	32%	176
Rejected	0%	1

LIST OF INTERVIEWEES

Figure 32: Exploratory interviews

Organisation	Function	Last name	First name
Frontex	**Executive Director**	Areas	Gil
Frontex	**Fundamental rights officer**	Arnáez	Inmaculada
Frontex	**Director of Capacity Building Division**	Comby	Beatrice
Frontex	**Planning and Controlling**	Juritsch	Michael
Frontex	**External relations**	Marques da Silva	Sofia
Frontex	**Quality Management**	Mitchell	Philip
Frontex	**External relations**	Niculiu	Andreea
Frontex	**Head of Unit Risk Analysis**	Quesada	Javier
Frontex	**Director of Operations Division**	Roesler	Klaus
Frontex	**Director of Administration Division**	Vuorensola	Sakari

Figure 33: Stakeholder interviews

Organisation	Function	First Name	Last Name
Frontex	Head of Unit	Sabine	Kloss-Tullius
Frontex	Head of Unit	Cristina	Jorge
Frontex	Head of Unit	Javier	Quesada
Frontex	Head of Unit	Edgar	Beugels
Frontex	Head of Unit	Isabel	Torné
Frontex	Head of Unit	Francois	Laruelle
Frontex	Head of Unit	Dirk	Vande Ryse
Frontex	Head of Unit	Henrik	Wärnhjelm
Frontex	Head of Unit	Rustamas	Liubajevas
Frontex	Head of Unit	Hervé-Yves	Caniard
Frontex	Executive Director	Fabrice	Leggeri
Frontex	Head of Strategic Risk Analysis unit	Mari	Juritsch
Frontex	External Relations – Third Countries	Annegreth	Koehler
Frontex	Head of External Relations -TC	Rick	Weijermans
European Parliament	LIBE committee	Antoine	Cahen
European Parliament	LIBE committee	Gerrit	Huybreghts
EASO	Head of Centre for Operational Support	Klaus	Folden
FRA	Head of Sector Asylum, Migration and Borders	Adriano	Silvestri
Europol	Strategic & External Affairs	Antonio	Ortiz
UNHCR	Senior Liaison Officer	Marta	Ballestero
IOM	Senior Immigration and Border Management Specialist	Livia	Styp-Rekowska
MS/MB	Germany	Maik	Baumgärtner
MS/MB	Italian representative at Frontex Management Board	Giovanni	Pinto
MS/MB	Denmark	Signe	Jensen Højland

MS/MB	Greece	Ioannis	Karageorgopoulos
MS/MB	Belgium	Chris	Maartens
MS/MB	Spain	Jesús	Montero Corbín
MS/MB	Norway	Jan	Nybakk
MS/MB	France	Serge	Galloni
MS/MB	Cyprus	Petros	Zeniou
MS/MB **Border Guard** **Captain** **Head of the** **Integrated Border** **Management** **Bureau**	Estonia	Helen	Neider-Veerme
MS/MB	Austria	Robert	Strondl
MS/MB	Czech Republic	Jiri	Pernicek
Consultative Forum	JRS Policy & Advocacy Officer	Stefan	Kessler
Third countries	Head of EU Integration and Cross-Border Cooperation Sector International and Law Division	Yulia	Petrova
Canada Border Services Agency / Government of Canada	Counsellor, Mission of Canada to the European Union	Pierre	Paquet
Third countries	IOM (Border management)	Emrah	Guler

CASE STUDIES

The case studies are attached to this report as independent documents. They included:
- Case study on Programme of Work
- Case study on JO Poseidon
- Case study on Joint Return Operations
- Case study on ICT Strategy
- Case study on Risk Analysis
- Case study on Training of border guards

REFERENCE LIST

Biweekly Analytical Report Joint Operation Hermes 2014 Weeks 28 & 29 (7-20 Jul 2014), RAU/S2/DM/BS, Ref. 13110/2014

Biweekly Analytical Report Joint Operation Hermes 2014 Weeks 28 & 29 (7-20 Jul 2014), RAU/S2/DM/BS, Ref. 13110/2014

Communication "Towards Integrated Management of the External Borders of the Member States of the European Union", COM (2002) 233 final

Communication from the Commission to the European Parliament and the Council "The final implementation report of the EU Internal Security Strategy 2010-2014", COM(2014) 365 final, Brussels, 20.6.2014

Consolidated version of the Treaty on the European Union and on the Functioning of the European Union, OJ C 115, 09/05/2008

Consultative Forum (2013), Annual Report, Frontex Consultative Forum on Fundamental Rights

Council Document No 14202/06, Draft Council conclusions on integrated border management

Council of the EU (2002), Plan for the management of the external borders of the Member States of the European Union, 9834/1/02 FRONT 55 COMIX 392 REV 1, Brussels, 14.06.2002

Council of the European Union, Council conclusions on Terrorism and Border Security, Justice And Home Affairs Council meeting Luxembourg, 5 and 6 June 2014

Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013

Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen

COWI (2009), External evaluation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Final Report, Study made for the European Commission

Commission Staff Working Document, Impact Assessment accompanying a Proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (Frontex), SEC(2010) 149, Brussels, 24.02.2010

European Council Conclusions on Justice and Home Affairs Council, Brussels, 4-5 December 2006

Europol (2015), Official website [online source]

Frontex (2015), Official website [online source]

Frontex (2007), Budget, Warsaw

Frontex (2008), Budget, Warsaw

Frontex (2009), Budget, Warsaw

Frontex (2010), Budget, Warsaw

Frontex (2011), Budget, Warsaw

Frontex (2012), Budget, Warsaw

Frontex (2013), Budget, Warsaw

Frontex (2014), Budget, Warsaw

Frontex (2011), Code of Conduct for all persons participating in Frontex activities, Warsaw

Frontex (2013), Code of Conduct for Joint Return Operations, Warsaw

Frontex (2012), Common Core Curriculum EU Border Guard Basic Training

Frontex (2010), Frontex Programme of Work 2010, Warsaw

Frontex (2011), Frontex Programme of Work 2011, Warsaw

Frontex (2012), Frontex Programme of Work 2012, Warsaw

Frontex (2013), Frontex Programme of Work 2013, Warsaw

Frontex (2014), Frontex Programme of Work 2014, Warsaw

Frontex (2012), Frontex Response to the Ombusman´s specific questions

Frontex (2011), Fundamental Rights Action Plan, November 2011, Warsaw

Frontex (2011), Fundamental Rights Strategy, endorsed by the Management Board on 31 March 2011, Warsaw

Frontex (2010), General report 2010, Warsaw

Frontex (2011), General report 2011, Warsaw

Frontex (2012), General report 2012, Warsaw

Frontex (2013), General report 2013, Warsaw

Frontex (2014), General report 2014, Warsaw

Fundamental Rights Officer (2014), Fundamental Rights Officer, Work Plan 2014

Ombudsman (2012), Special Report of the European Ombudsman in own-initiative inquiry OI/5/2012/BEH-MHZ concerning Frontex

Regulation (EC) 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union, OJ L 349/1, 25.11.2004

Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, OJ L 199/30, 31.07.2007

Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances, OJ L 295, 6.11.2013

Regulation (EU) No 1052/2013 of the European Parliament and of the Council establishing the European Border Surveillance System, O.J. L295/11, 06.11.2013

Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 304/1, 22.11.2011

Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC, OJ L 150, 20.5.2014

Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 189, 27.6.2014

FOLLOW-UP OF RECOMMENDATIONS FROM THE PREVIOUS EVALUATION BY THE AGENCY

The following table includes the recommendations that were made in the Evaluation of the Agency´s activities in 2009 and an assessment of whether the Agency followed-up on the recommendations. The matrix utilises the following system: `Green` – if there is evidence that the recommendation has been followed up; `Yellow` - if it is uncertain whether the recommendation has been followed up or if evidence points out that there is need for further improvement in this regard; `Red` – if there is evidence that the recommendation is still under consideration. The box has been left blank if the team has not been able to establish its status.

Recommendation made as a result of the Evaluation of Frontex 2009	Frontex follow- up on the recommendation
Recommendations related to activities	
General Recommendations	
Include clear milestones and indicators in the PoW and reflect them in the Annual General Report	Green
Implement the Information System and enhance communication with other EU organisations	Yellow
Promote a uniform approach to asylum, migration and HR procedures to participating MS in all JOs	Yellow
Specific recommendations	
Base selection on priorities established through risk analysis	Green
Extend preparation time for complex JOs in order to improve effectiveness and ensuring that equipment and staff matches the needs	Yellow
MS should ensure availability of relevant technical equipment for JO, especially for large scale sea operations	Yellow
Frontex should ensure the availability of updated information on MSs legislation and procedures, on rights to carry weapons and ammunition and regulations on self-defence	Green
Host countries should ensure proper planning and logistics of JO to enhance effectiveness of the operations and to promote interest in participating in JO. This includes proper reception, work description and plans, accommodation for foreign participants	Yellow
Frontex should insist on English as the working language, including in the SIS checking system for all future JO.	Green
Ex-ante and ex-post evaluation reports should be analytical rather than narrative and focus on impact, value-added and lessons learned from JO.	
Frontex should formulate a clear training strategy comprising training plans with clear objectives, measurable indicators and outputs for each specific training activity.	Green
Common Core Curriculum should be continuously developed based upon a comprehensive evaluation of present achievements with the CCC	Green
Procedures for procurement of services from partnership academies, universities and other training institutions and individual external trainers should be reviewed and streamlined	
Frontex should recruit more staff with a risk analysis research background for the RAU	
Frontex should consider launching a research project on the "dark number problem" of illegal entries	
A structural cooperation in the field of risk analysis and criminal analysis between Frontex and Europol should be formalised	Green
EC and EP should give consideration to enable Frontex to handle and disseminate personalised information in order to improve quality and effectiveness of its analyses and research.	
Frontex should carefully consider the value for money it gets from each research project or network it participates in.	
The R&D should have increased focus on collecting and disseminating information on border management technologies to Member States	
The R&D should disseminate information to a broader audience in a more visible way	Green
Frontex should raise awareness on the RABIT Regulation and requirement among Member States, emphasising the added value and benefits of RABIT	Green

Recommendation	Status
Likewise Member States should take a more positive attitude towards partaking in RABIT and improve their procedures, e.g. replying on time, sending border guards from the RABIT Pool, ensure and specify proper skills, etc	
Civilian migration officers should be included in RABIT as a way to capitalise on their specific expertise in interviewing third country nationals and fast assessment of asylum claims	
The core training needs of RABIT should be rolled out in a faster pace in order to increase the quality of skills of border guards participating to RABIT	🟩
Frontex should undertake a feasibility study on the aspects of contracting assets and equipment to private partners, leasing etc rather than purchase of own equipment as this might give access to more frequently updated technology	
Frontex should improve its communication to Member States about upcoming Joint Return Operations	🟩
Frontex should collect experiences and best practices on forced returns and ensure that it is shared with Member States	🟩
Frontex should enhance its cooperation with IOM and UNHCR in order to ensure proper and increasingly uniform procedures are applied, respecting the rights to asylum and non-refoulement	🟩
Frontex should assist Member States in obtaining relevant travel documents for the persons to be returned - this will assist Member States in both joint and national return operations	🟩
Frontex and Member States should consider including joint returns on land borders to enhance the signal to traffickers and illegal immigrants that protection of the external border is not only a national but increasingly a community issue	
Member States should provide Frontex, Europol and Interpol with relevant personal data and the two latter organisations should process the data and make their conclusions available for Member States and Frontex, thus solving the problem of Frontex not being able to process personal data.	🟩
A comprehensive and holistic approach should be applied on external border management through cooperation with UNHCR and IOM to ensure the incorporation of the protection-sensitive approach to Frontex activities	🟩
Frontex should continuously assess its need for working arrangement with international organisations and enter into working agreements with the relevant partners on a prioritised basis.	🟩
Frontex should consider establishing a forum for a more formalised and regular contact with Civil Society Organisations, working with Asylum and Migration matters.	🟩
Frontex should give high priority to establishing working agreements with transit or emigration countries on facilitating orderly return of illegal would-be immigrants intercepted. This will require active involvement of the EC to provide proper incentives to the third countries to participate.	🟩
Frontex should undertake more training activities with border guards from neighbouring countries in order to establish networks and enhance skills and coordination.	🟩
Other border cooperation should be enhanced with third countries through Member States, international organisations and civil society present in the country in question.	🟨
Recommendations relating to structures	
Frontex' Management Board should develop a multi-annual strategy, based upon a shared vision and understanding of its own role.	🟩
The Management Board should request ex-ante and ex-post evaluations on activities in particular the joint operation's impact and added-value.	🟩
The Management Board should request the Executive Director and the Agency to deliver all documents in due time and draft documents in a text as short as appropriate.	🟩
The Executive Director should give more focus and attention to the challenges in developing internal working practices and processes.	🟩
However, he should also maintain direct links to key decision takers and hold regular bilateral talks with Member States to enhance their commitment and participation in Frontex.	🟩
The Executive Director should ensure that recruitment procedures are speeded up and streamlined to the extent possible in order to i.a. ensure that Frontex' work-programme can be implemented.	🟩
The division of labour between the ED and DED should be made clear into organisation	🟩
Frontex should insist on concluding a Headquarters Agreement which the Polish government to conclude and solve the many practical problems facing Frontex in general and its staff in particular, possibly with Commission involvement.	🟥
Management should ensure that internal coordination and cooperation within the agency is improved through not only a new organisational structure but supported by active management involvement to develop the proper culture.	🟩

Frontex should give priority to developing standard procedures, including financial reporting and management procedures that can be applied to most new activities	
Management must take step to improve internal information dissemination. The staff administrative notices should be supplemented by better dissemination of information for instance by use of Intranet.	
Frontex should devise IT- and HR-strategies in accordance with the needs defined in the overall strategy for Frontex.	
A Frontex Communication Strategy should be devised to enable Frontex to establish an overview of and contribute to the international debate on IBM. The importance of external communication should be reflected in the organizational structure and reflected in the strategic development of the Agency.	
Frontex should develop a strategy for cooperating with Civil Society Organisations, notably in Human Rights, Asylum and Migration and hold regular meetings with relevant international networks and organisations.	
Procedures should be established that ensure that deadlines for submission of documents to, e.g. the MB and working groups are respected	
Reimbursement of Member States expenses must be faster and easier through transparent procedures, better financial management and possibly more resources to the finance unit.	
Improve staff recruitment and management through i.a: (a) Developing a comprehensive set of Staff Regulation Implementing Rules for an early submission to the Commission; (b) Ensuring better reception facilities, providing information and services for expatriate staff from abroad; (c)Assessing training needs among staff thoroughly and adjusting training budget accordingly; (d)Training of permanent staff as well as SNE in the competences required for their function (including English language skills); (e) Develop improved understanding of the role of Seconded National Experts - SNE - and their limitations – throughout the organisation	
The options to achieve a better integration of SNE into the Frontex organization and for retaining the SNE expertise when returning to the Member States should be examined.	
Frontex must ensure appropriate training for the relevant staff, issue practical guidelines and support the operational units with application of financial management	
Activities must be assessed with regard to what activities are best handled as operations and what activities should be handled as projects. The necessary training in project management (terminology, methodology and finance) should be provided. Frontex should assess the pro and cons on implementing Prince 2 as a common methodology	
External contractors should be used to the extent feasible when it is not possible to recruit highly qualified staff for permanent positions. Permanent staff should, however, supervise external contractors in order to ensure proper anchoring of experiences.	
Until the consolidation of the organisational structure and its processes are completed no major initiatives within organisational development should be taken	