

THE INTRODUCTION OF FRONTEX'S OBJECTIVE PATTERN AND ORGANIZATION STRUCTURE

The basis of my publication is the research relating to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

I would like to introduce Frontex's main tasks and missions, and its diverse structure, what this international organization has done since its establishment in 2005, for the protection of the external borders of countries which are part of the Schengen Agreement.

After analysing the worrying data of the migration The European Commission and the European Council as well, would like to revalue Frontex's present situation, and it also came up that in the near future Frontex might have its own executive staff, so it will get not just an organization part, but an executive part as well.

My aim is to give you a whole picture of Frontex as an international organization.

I. PRELIMINARY

Frontex achieved significant amount of successful results during its first 6 years. On the 26th of November 2004 came into force the setup of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union decree. (1)After creating the Agency structure, Frontex started its activity in Warsaw on the 3rd of October 2005.

On the 25th of May 2005 in the very beginning Ilkka Laitinen the founder and the director of Frontex picked the applicable specialists and held its first opening meeting in the Marriott Hotel in Warsaw. At first the organization didn't have any resources, just laptops and pendrives. The workers in the Agency needed to learn about basic EU provisions, they needed to develop the Agency's structure and strategy. The European Commission allowed Frontex to act without constraints regards to its structure and budget. In the first year of its foundation more than 50 specialists came together from different European countries aiming for one objective, in one unique organization. Back in those days Frontex had 27 border force professionals and 17 administrators, and their only aim was to form an Agency, which can organize a good coordination of operation execution, and can give a proper unified answer against the external EU borders challenges.

Just before the end of 2005, the newly founded organization's professionals planned their first joint operation. According to Ilkka Laitinen „nothing was going smoothly, but everything can be arranged with enough determination and adiquett professionals.” (2)The first joint operation was arranged and executed in December 2005. Comparing it with Frontex's later joint operations, the first one was small, well organized, and at the right time. They picked the following motto for the operation „Speed and Efficiency”, and its main aim was to step up effectively against illegal workers and illegal immigrants in the EU. The operation was successful and Frontex laid down the path its operation should follow.

1. Council Regulation (EC) 2007/2004.
2. Introduction of Frontex's first 5 years.
3. Illegal Immigrant: a person who travelled legally to the territory of the EU, but doesn't leave after their visa expired.

II. THE MAIN FUNCTIONS OF FRONTEX

The aim of the politics relating to the external borders of the European Union is to supervise and accomplish a unified and highly integrated border control, which is the consequence of the necessary free movement of people inside the European Union, and its basic element is freedom, security and legal enforcement, this was the goal to build-up Frontex.

The responsibility of the supervision and the protection of the external borders has always debited to the member states, but Frontex makes the present and future measures easy by coordinating these community activities.

Its a fact that the protection of the external borders is an extraordinary task inside the European Union, and it requires the member states to develop the feeling of solidarity between eachother, so if one of the member states faces a difficult migration problem, under Frontex's supervision the other member states will come to offer help.

Frontex places a great emphasis on the implementation activity of risk analysis, that's why its got a Risk Analysis Unit (RAU). Frontex developed an integrated risk analysis model, which helps to provide the relevant information for the execution of tasks, it forcasts unexpected migration outbreak sites, and it defines new migration trends, phenomena.

Frontex provides training for border guards from all the member states of the European Union. There are 10 academies inside the European Union, which are in association with Frontex.

Frontex created and further developed the Common Core Curriculum (CCC) for border guards, and it provides training for the member states national boarder guard intructors as well.

Frontex organizes different tranings on the territory of the member states and in collaboration with them. Between these, there are available language training, stolen vehicle automative expert training, document adviser training, common training with the third country border forces, training for the Rapid Response Border Protection Teams, training for aviation (night and tactical), dog handler training, trainer training, risk assessor training, and criminology training.

Frontex follows the results of scientific research related to the regulation and protection of the external boarders and it forwards this information to the European Union and to the member states.

Frontex created and guide a central register for the technical equipment which helps with the protection and regulation of the external boarders, and its the member states property, its called CRATE – Centralized Record of Available Technical Equipment. On a voluntary basis and when requested from another member state, and after a needs and risk assessment by Frontex the memberstates can make them available between eachother for a short period of time.

III. THE STRUCTURE OF FRONTEX (THE MANAGEMENT AND THE OPERETION DEPARTMENT)

The newest developments are influencing the external environment of Frontex, to handle these, to make the administration of the core activities easier, and to make the collaboration between the Frontex tasks effective, they have established a new organization structure. After the introduction of the new scheme and the establishment of further structural levels, they wanted a more effective approach of the ordinary and horizontal needs. The new structure helps to make the decisionmaking and the process-orientated coordination easier, it guarantees efficiency, also its the basis of the programming and on the leading way of this matrix-based organization it guarantees an effective use of control.

Frontex is a community body, its got legal personality. It can get and take away movable and immovable properties in all the member states and can act infront of a tribunal.

The personnel of Frontex has an adequate number of officials, and as regulated by the member states, it has got the national experts, who are responsible for checking and controlling of the external boarders, and the rest of the staff is the personel who is responsible to get the other duties done. Looking at the technical questions Frontex is an independent body and it is represented by the managing director.

THE MANAGMENT BOARD

Frontex has got a Management Board. With its recommandation Frontex appoints the Managing Director, on the 31st of March in every year it gives a general report from the previous year, and by the 15th of June it sends it to the European Parliament, to the European Committee, to the European Council and to the European Economic and Social Comitee and to the European Audit Office. The report has to be made public everytime.

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Before the 30th of September every year, after getting the response of the European Committee, the members who are entitled to vote, can accept, if the majority is three-quarters, the annual work program for the next year. This gets sent to the European Parliament, the European Council and the European Committee; this work program needs to be accepted on the basis of the mutual annual budget process and the common legislation program of the conduct of the external borders.

The Management Board of Frontex is looking at the importance of establishing specialized branches in the member states, and if they agree, they need to establish the importance of the control and protection of the already existing operational and training centres relating to the inland, aerial, and nautical borders.

The Management Board takes recognition of the decision-making of the Managing Director, which are relating to the operational tasks of Frontex, also its administrator for the tasks relating to the budget of Frontex.

The Management Board wields disciplinary authority above the Managing Director, and also above the Deputy Director.

The Management Board identifies the procedural regulations, specifies the structure of Frontex and accepts the staff policy of Frontex.

If some exceptional tasks relating to the external borders or near the external borders needing carrying out, the vote of the member of management board, who lives in the effected country is needed. The Management board can give advice of the Managing Director relating to the matter.

The requests of Ireland and the United Kingdom, to take part in the activities related to Frontex, are reviewed by the Management Board.

The Management Board decides on the regulations on a case by case basis, and always with the total votes of the majority, who are entitled to vote.

The Management Board passes on relevant information relating to the assessment process to the budgetary authorities.

The Management Board can set up an Executive Office, which is helping the Management Board and the Managing Director via preparing programs, activities and regulations, and if its needed it can accept regulations on the behalf of the Management Board as well.

The consistence of the Management Board can be laid down, as the member states can delegate a member each, and 2 members from the European Committee. Every member state needs to appoint a member for the Management Board, and one substitute member, who will represent the member state in the Management Board if the other appointed member is away. The 2 European Committee members also have 2 substitute members, who can also represent them. The mandate is for 4 years, and it can be extended on 1 occasion. To execute, to use and to develop the results of Schengen, the member states can take part of the work of the Management Board with 1 member, and 1 substitute member.

The president and the vice-president are picked from the members of the Management Board. Their mandate is for 2 years, and it can be extended only once.

The sessions of the Management Board are called together by its president, and the Executive Director of Frontex can attend on all of them.

The Management Board gets together twice a year, or if the president or the members of the board requesting it, via a two-third of majority votes. Ireland and the United Kingdom are also invited to attend on these meetings.

The Management Board makes its decisions via the majority votes of the members, who are entitled to vote. Every member has one vote, but the Executive Director of Frontex doesn't take part in the voting.

THE EXECUTIVE DIRECTOR

The European Committee recommends the person who can run for Executive Director, but the Management Board of Frontex elects or absolve him/her from the position (via the two-third of majority votes of the members).

The Executive Director is helped by the Deputy Managing Director, who is representing the Executive Director while him/her is away. The Deputy Managing Director gets the position via the Management Board, which reviews the Executive Directors recommendation. Their Mandate is for 5 years, which can be renewed on 1 occasion for a further 5 years.

THE INTERNAL AUDIT

The task of the Internal Audit is to ensure the efficiency of the operations of Frontex, in favour of the future operations, so they can profit from the mistake of the earlier ones.

It gives independent opinion regards to the operation of Frontex, regards to its internal management, so future operational work can have much better quality.

EXECUTIVE SUPPORT

— Aides-de-Camp

It accomplishes the tasks relating to correspondence and logistics; it does the background protection of the routine-training operations and also it maintains the relationships between the representatives of the member states (NFPOC). It does organise Frontex meetings.

— External Relations

It fulfill the cooperations between Frontex, the international organizations and the third countries. It make the operative collaboration easier between the European Union, the member countries of Schengen and the representatives of the third countries. It does maintain the relationship between the partners from the third countries; it builds a relevant information network in order to share the best information relating to the border force routine training when they are needed to execute operations and experiment of tasks. It endorses the expansion of the external relations according to the strategy plan of Frontex. Regards to questions relating to border management, it cooperates with the institutions, governmental and non governmental organizations of the European Union.

— Frontex Liaison

It performs the information exchange between Frontex and the member states. It identifies and analyses the information relating to Frontex and it highlights those areas, which need urgent interference. It monitors and reports activities with relations to the European Union border management. It represents Frontex's standing-point on different meetings. It contacts the Operation Headquarters of Frontex first, in case of urgent emergency.

— Planning and Controlling

It proposes the long term strategy of Frontex, it analyses and evaluates the outside and inside impacts on Frontex. It coordinates the functional and financial strategy of Frontex and it also ensures the balance between the resources and the appointed targets. It attains the evaluation system of Frontex's functions. It also elaborates one effective monitoring system in respect of the Work Program, which main body contains risk assessment activities.

— Quality Management

It gives all round support and quality guidance regards to the inside monitoring systems.

— Information and Transparency

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Its task is to make sure that Frontex is provided with objective, reliable, readily understandable information for its conscious activities. It is the communication activity of Frontex (spokesman function). During operation it does PR duty for Frontex. It makes the communication inside the organization easier and it produces transparent communication rules.

OPERATIONS DIVISION

— Operations Unit

This unit's task is to coordinate the activities of member states of the European Union on their external Schengen borderlines.

This unit has 4 sectors, from which 3 is responsible for the terrestrial, air and water operative collaborations, and 1 is for the return operations.

Every Frontex mission is based on risk assessment, and generally it takes 3 of a kind impulse to start a mutual operation. At the first impulse Frontex puts forward the execution of the operation, based on accurately analyzed information. At the second impulse, one of the member states can recommend the mutual operation or to perform a tentative project together. In this case after the analysing-appraising task has been completed, in co-finance setting (between Frontex and the member state who recommended the project) the mutual operation or the tentative project can take place. At the third impulse that member state can request the mutual operation or the tentative project which is in trouble, it faces an unexpected or a different situation from normal, which it can not resolve on its own.

In the last two cases after an accurate analysis and appraising, an operative plan is prepared for the execution of the tasks. In these cases Frontex acts as a coordinating processor, it searches for the member states, and lets them know that they should take part in the mutual operations, and then it awaits for their different offerings. After the offerings have been received, they get analysed and appraised as well, then they select those experts, and technical tools, who/which will serve it best, and the success of the mutual mission. Based on these, they sent the finalised plan to every member state.

The basic principal is, that the mutual operations should give to the member states of the European Union system solutions on their border management for their external schengen borders. This means that the chance of mutual cooperation will grow between the member states, this will reduce the risk factors, and boost the whole European alliance.

— Risk Analysis

The Risk Analysis Unit of Frontex does advocate the analysis relating to the borders in 3 ways:

1. FRAN (Frontex Risk Analysis Network) involves the risk units of the member states and the Associated States of Schengen, also the European Commission, the Europol and EU SitCen, who takes part on the meetings. Occasionally the observing countries representatives can get invitations to the FRAN meetings. The information swap between FRAN started in the second half of 2007 on a month/ two month basis, as a form of IRS – Incident Reporting System. The FRAN hosts meetings 3-4 times a year, where every involved party gets to voice their say, different programs and up to date analysis is introduced.
2. ANTOOLS (Analytical Tools) expansion and use of such tools, which can improve-sponsor analysis (satellite data, statistical programs, etc.)
3. Mutual training for example FRONBAC (Frontex Border Guards Analytical Community) 2009-2011

The Risk Analysis Unit of Frontex uses the information what it receives from the Risk Analysis Network, for analysis, estimation, and also for the support of the operations (mutual operations, Frontex Situation Analysis Centre).

The Risk Analysis Unit uses the Common Integrated Risk Analysis Model – CIRAM, what was developed by the Expert Group of the European Council in 2002. The first CIRAM contained criminal reconnoitring information (treat

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assessment) and risk analysis, which reveals the weaknesses of the border management on the external borders of the EU. The CIRAM serves on a risk analysis basis, which must be used by every member state.

Based on the 4th Article of the Frontex Decree, the Agency works out and uses a mutual integrated risk analysis model; it prepares risk analysis for general and individual situations, which will be sent to both the Council and the Committee, and the sample results of the mutual integrated risk analysis, will be used for the training of the border guards – mentioned in the 5th article – when the unified Core Curriculum is worked out.

The CIRAM was refreshed by the member states and Frontex in 2007. The current CIRAM avoids some particular questions, for example the indicators used for the exploration of the border managements vulnerable points or how to estimate future developments. This needs further developments, in the view of the Council Regulation (Council Conclusion no. 2 15628/06 FRONT 229 COMIX 982, the Council accepted it on the 4th of December 2006): "It gives a notice to Frontex and the member states, to revise the effectiveness and uniformity of the border control, pre-eminently thereby, to continue to develop the Mutual Integrated Risk Analysis. In a bigger extent, mutual steps need to be taken, in order to support the activities and evaluations on an operational and tactical level. "(Not official in translating)

FURTHER ANALYSIS ACTIVITIES

RA – (short term Risk Analysis): the analysis is especially for the support of the joint operations.

TRA – (Tailored Risk Analysis): These analyses are to unfold and to evaluate specific problems (for example illegal migration from East-Africa) In the TRA the member states that are sending delegates, representing their research results on the meetings organized by the Frontex Risk Analysis Network, and they also give seminars regards to the subjects.

SARA – (Semi-Annual Risk Analysis): the observation and evaluation of the first 6 months of the actual year.

ARA – (Annual Risk Analysis): the observation and evaluation of the past year and guidelines for next year

Tasks from the Risk Analysis Units of the member states:

- Active and proactive participation on the meetings organized by the Frontex Risk Analysis Network
- Sending statistical schedules refilled with regular, exact, reliable data for a deadline on a monthly basis to Frontex (till the 25th of the month following the already estimated one), which is through the ICONet (the Information and Coordination Network Migration Management Service – a web-based secure site of the member states)
- Translating the Frontex material tangent to our country, sending its extracted summary towards the decision-makers;
- Maintaining regular contact with the Risk Analysis Unit of Frontex, through the international contact facilities (NFPOC)
- Sending answers to the Risk Analysis Unit of Frontex, to individual requests
- Participation in the development of CIRAM, and the TRA`s relating to our country, and training programs.

OTHER TASKS

The sensitive information swap in the future between the Risk Analysis Unit of Frontex and the member states is possible through a software called CHIASMUS, which Frontex made available to the member states. This program is capable to do code and encode files. This program is isolated from the internet; it needs to be used on a special computer, dedicated to this program. It can also be downloaded to more computers at the same time, but there has to be a responsible person for the usage, who is picked by NFPOC.

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FRONTEX SITUATION CENTRE

It was established as a stand-alone unit by the decision of the Management Board, on the 26th of November 2007, but officially it started its work on the 1st of July 2008. The situation centre is the only such point, where the information is going in and from where the information is effuse. The Centre analyses and rates the incoming information and through its function. A bright picture is emerging about the EU member states border management on their external schengen borders.

The Situation Centre is dealing with situation – and crisis monitoring, it forwards the alerts, it prepares operation reports for the executives, it constantly receives and sends data about the ongoing mutual operations, it forwards information towards the member states, regards to the threats to the mutual operations, it sends the information relating to the mutual operations to the participating member states through the One-Stop-Shop online system of Frontex. It does media monitoring, it prepares newsletters, and it also takes care of the mobilization of RABIT – Rapid Border Protection Group.

The Situation Centre guarantees the information flow between Frontex, the member states and the other external partners in 24/7; it also gives important data to the executives for decision-making throughout the analysis and evaluation process.

REFERENCES

4. Carrera, Sergio: The EU Border Management Strategy - FRONTEX and the Challenges of Irregular Immigration in the Canary Islands CEPS Working Document No. 261/March 2007
5. Council of the European Union 2768th Council Meeting Justice and Home Affairs, Brussels, 4-5 December 2006 15801/06 (Presse 341) Press release Electronic note:
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/91997.pdf, 11.11. 2011.
6. Deloitte: Study on the feasibility of establishing specialised branches of Frontex (Final Report) Electronic note:
<http://www.statewatch.org/news/2010/feb/eu-frontex-branches-study-final-report.pdf>, 05.12.2011.
7. Frontex Common Core Curriculum EU Border Guard Basic Training
8. COUNCIL REGULATION (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
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
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