

NATIONAL DEFENSE UNIVERSITY, FINLAND

FRONTEX AS A EUROPEAN COAST GUARD:

A scorecard of public value generation by Frontex towards the eleven coast guard functions

Post Graduate Thesis

Lieutenant Commander (CG)
Ilja Iljina

General Staff Officer Course 59
Border Guard

July 2019

Course General Staff Officer Course 59	Line of Study Border Guard
Author Lieutenant Commander Ilja Iljina	
Title FRONTEX AS A EUROPEAN COAST GUARD: A scorecard of public value generation by Frontex towards the eleven coast guard functions	
Subject Operational Art and Tactics	Location of storage National Defense University Library, Finland
Date July 2019	Text pages 132 Attachment pages 17
<p>ABSTRACT</p> <p>The research maps out, in detail, the various concrete ways in which the European Border and Coast Guard Agency (Frontex) through its activities contributes towards the provision of public value in line with the eleven public functions commonly referred to in the European framework as the coast guard functions. To support the aforementioned general narrative, and to provide a holistic picture of the field of coast guard functions provision at the European level, public value generation by other European Agencies (mainly the European Maritime Safety Agency and the European Fisheries Control Agency) is also covered by the research to a limited degree.</p> <p>The process of mapping out these concrete ways of public value generation was conceptualized as a form of performance measurement using the Public Value Scorecard model by Dr. Mark Moore. Based on the model, a specific Frontex Coast Guard Functions Scorecard was created as the performance measurement framework for the research. The Scorecard was then applied to the reference year of 2017 in order to appraise the concrete public value generated towards coast guard functions by Frontex on the given year. The data for the Scorecard was collected from publicly available statistics, by further data requests to Frontex, by interviews with Frontex officials and with officials from other European agencies, by analyzing media coverage as well as by online questionnaires to Frontex, to other European Agencies and to the majority of the European national coast guard authorities.</p> <p>The results provide a thorough picture of the arrangement of coast guard functions provision on the European level and on Frontex's contribution towards them. The results indicate that Frontex directly contributes to six of the eleven coast guard functions and that Frontex's contribution can be assessed as significant on at least the coast guard functions of maritime law enforcement, maritime search and rescue, maritime border control and maritime monitoring and surveillance.</p> <p>In conclusion, Frontex is a significant actor in the field of coast guard functions in Europe. Considering that the Frontex mandate was significantly reinforced in 2016 and that the implementation of the new mandate is still in many ways a work in progress, Frontex's role is poised to markedly grow in the upcoming years. In the long term, the growing power of Frontex can lead to national coast guard authorities questioning the need for the duplication of certain capabilities on the national level.</p>	
<p>KEY WORDS coast guard functions, Frontex, public value, performance measurement</p>	

Kurssi Yleisesikuntaupseerikurssi 59	Linja Rajavartiolinja
Tekijä Komentajakapteeni Ilja Iljina	
Opinnäytetyön nimi FRONTEX EUROOPPALAISENA RANNIKKOVARTIOSTONA: Rannikkovartiotoiminnoille tuotetun julkisen lisäarvon tulokortti	
Oppiaine, johon työ liittyy Operaatiotaito ja taktiikka	Säilytyspaikka Maanpuolustuskorkeakoulun kirjasto
Aika Heinäkuu 2019	Tekstisivuja 132 Liitesivuja 17
<p>TIIVISTELMÄ</p> <p>Tutkimuksessa kartoitetaan yksityiskohtaisesti ne tavat, joilla Euroopan raja- ja merivartiovirasto (Frontex) tuottaa julkista lisäarvoa niihin tiettyihin julkisiin toimintoihin, jotka Eurooppalaisessa viitekehyksessä yleisesti tunnetaan rannikkovartiotoimintoina. Sikäli kun edellä mainitun tavoitteen täyttymiseksi on perusteltua, sekä kokonaisvaltaisen kuvan tuottamiseksi rannikkovartiotoimintojen järjestelyistä Eurooppa-tasolla, käsitellään myös muiden Eurooppalaisten virastojen (lähinnä Euroopan meriturvallisuusvirasto ja Euroopan kalastuksenvalvontavirasto) tuottamaa julkista lisäarvoa rajoitetusti.</p> <p>Frontexin rannikkovartiotoiminnoille tuottama julkinen lisäarvo käsitteellistettiin tutkimuksessa suorituskyvyn mittaukseksi. Suorituskyvyn mittauksen viitekehysenä käytettiin Mark Mooren kehittämää Public Value Scorecard -mallia. Mainitun mallin ja muun tukevan suorituskykymittauksen teorian pohjalta luotiin mittaristo, josta tutkimuksessa käytetään nimeä Frontex Coast Guard Functions Scorecard (Frontexin rannikkovartiotoimintojen tulokortti). Tuotetun julkisen lisäarvon arvioimiseksi tulokorttia sovellettiin viiteajanjaksoksi valittuun vuoteen 2017. Tulokorttiin kirjattujen tulosten määrittämistä varten tarvittava aineisto kerättiin julkisista tilastoista, Frontexille kohdennetuilla erityisillä tietopyynnöillä saadusta materiaalista, Frontexin sekä muiden Eurooppalaisten virastojen virkamiesten haastatteluista, mediaseurannalla sekä verkkopohjaisista kyselyistä, jotka kohdennettiin Frontexiin, muihin Eurooppalaisiin virastoihin ja suurimpaan osaan Eurooppalaisia kansallisia merivartioviranomaisia.</p> <p>Kattavan aineistonkeräyksen myötä tutkimuksen tuloksista muodostui kattava kuva rannikkovartiotoimintojen järjestelyistä Eurooppa-tasolla, sekä Frontexin niihin tuottamasta lisäarvosta. Tulosten perusteella Frontex tuottaa lisäarvoa kuuteen yhdestätoista rannikkovartiotoiminnosta. Merkittäväksi tuota lisäarvon tuottamista voidaan kuvailla ainakin seuraavien rannikkovartiotoimintojen osalta: merellinen lainvalvonta, meripelastus, merellinen rajojenvalvonta sekä merivalvonta.</p> <p>Tutkimuksen johtopäätöksenä todetaan, että Frontex on merkittävä toimija rannikkovartiotoimintojen alalla Eurooppalaisessa viitekehyksessä. Ottaen huomioon Frontexin mandaatin huomattavan vahventamisen vuonna 2016 ja tuon uuden mandaatin täysimääräisen toimeenpanon keskeneräisyyden on todennäköistä, että Frontexin rooli rannikkovartiotoimijana tulee lähivuosina entisestään merkittävästi kasvamaan. Pidemmällä aikavälillä Frontexin kasvavat valmiudet saattavat aiheuttaa paineita toimintojen supistamiseksi kansallisissa rannikkovartioviranomaisissa päällekkäisyyksien välttämiseksi.</p>	
<p>AVAINSANAT rannikkovartiotoiminnot, Frontex, julkinen lisäarvo, suorituskyvyn mittaaminen</p>	

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Acronyms and abbreviations

AFIC	Africa-Frontex Intelligence Community
AIS	Automatic Identification System
AR	Annual Report
ATON	Aids to Navigation
AWP	Annual Work Program
BCP	Border Crossing Point
BG	Border Guard
BSC	Balanced Scorecard
CAAR	Consolidated Annual Activity Report
CCWP	Customs Cooperation Working Party
CELBET	Customs Eastern and South-Eastern Land Border Expert Team
CEPS	Centre for European Policy Studies
CFP	Common Fisheries Policy
CG	Coast Guard
CGS	Coast Guard Sector
CGF	Coast Guard Functions
CGFSQF	European sectoral qualifications framework for coast guard functions
CISE	Common Information Sharing Environment
CMS	Copernicus Maritime Service
CPB	Coastal Patrol Boat
CPV	Coastal Patrol Vessel
CSN	CleanSeaNet
DE	Germany
DG	Directorate General
DK	Denmark
EASO	European Asylum Support Office
EBCG	European Border and Coast Guard
EBCGA	European Border and Coast Guard Agency (Frontex)
EBCGT	European Border and Coast Guard Team
EB-RAN	Eastern Borders Risk Analysis Network
ECGFF	European Coast Guard Functions Forum
EDF-RAN	European Document Fraud Risk Analysis Network
EEAS	European External Action Service
EFCA	European Fisheries Control Agency
EFS	Eurosur Fusion Services
EJMSBM	European Joint Masters in Strategic Border Management
EMCIP	European Marine Casualty Information Platform
EMSA	European Maritime Safety Agency
EU	European Union
Eurojust	The European Union's Judicial Cooperation Unit
EUROSUR	European Border Surveillance System
FASS	Frontex Aerial Surveillance Services
FCGFS	Frontex Coast Guard Functions Scorecard
FI	Finland
FMV	Full Motion Video
FPV	Fisheries Patrol Vessel
FRA	European Union Fundamental Rights Agency
Frontex	European Border and Coast Guard Agency
FSC	Frontex Situation Centre
FTF	Foreign Terrorist Fighter

FWA	Fixed Wing Aircraft
FWC	Framework Contract
FX	Frontex
FYROM	Former Yugoslavian Republic of Macedonia
GISIS	Global Integrated Shipping Information System
HNS	Hazardous or Noxious Substances
IBM	Integrated Border Management
ILO	International Labor Organization
IMO	International Maritime Organization
IMS	Integrated Maritime Services
ISPS	International Ship and Port Facility Security
IT	Italy
IUU	Illegal, Unreported and Unregulated (fishing)
JCO	Joint Customs Operation
JDP	Joint Deployment Plan
JO	Joint Operation
KPI	Key Performance Indicator
LRIT	Long Range Identification and Tracking
LT	Lithuania
MARPOL	The International Convention for the Prevention of Pollution from Ships
MAS	Maritime Assistance Service
MAS	Multipurpose Aerial Surveillance
MEP	Member of the European Parliament
MIC-RAN	Maritime Intelligence Community Risk Analysis Network
MMO	Multifunction Multiagency Operations
MNITE	Minimum Number Items of Technical Equipment
MOU	Memorandum of Understanding
MRCC	Maritime Rescue Coordination Center
MRSC	Maritime Rescue Coordination Sub-Center
MS	Member State
NCC	National Coordination Centre
NL	The Netherlands
NO	Norway
NPM	New Public Management theory
PSC	Port State Control
OLAF	Office Européen de Lutte Antifraude (European Anti-Fraud Office)
OPV	Off-shore Patrol Vessel
ORD	Operational Response Division
PT	Portugal
RAN	Risk Analysis Network
RAU	Risk Analysis Unit
RO	Romania
RPAS	Remotely Piloted Aircraft System
RREP	Rapid Reaction Equipment Pool
RRP	Rapid Reaction Pool
RWA	Rotary Wing Aircraft
SAR	Search and Rescue
SAR	Synthetic Aperture Radar
SAC	Schengen Associated Country
SatCen	European Union Satellite Centre
SBC	Schengen Borders Code

SEG	SafeSeaNet Ecosystem Graphical User Interface
SLA	Service Level Agreement
SNE	Seconded National Expert
SOLAS	The International Convention for the Safety of Life at Sea
SOP	Standard Operating Procedure
TEP	Technical Equipment Pool
TFEU	Treaty on the Functioning of the European Union
TVV	Thermo-vision vehicle
TWA	Tripartite Working Arrangement (Frontex, EFCA, EMSA)
UCC	Union Customs Code
UNCLOS	United Nations Convention on the Law of the Sea
VHR	Very High Resolution
VMS	Vessel Monitoring System
VTS	Vessel Traffic Service
WA	Working Arrangement
WB-RAN	Western Balkans Risk Analysis Network
WCO	World Customs Organization

1. Introduction

1.1. Executive summary

This research report discusses the European Border and Coast Guard Agency, officially short-handed as Frontex, as an actor in the framework of coast guard functions provision at the European level. Coast guard functions are conceptualized in the research as public goods towards which various public agencies generate added value. Frontex is one of those agencies. Frontex was established in 2004 as the EU agency responsible for coordinating the Union efforts in the management of the external borders. Its mandate was reinforced and expanded in 2016 inter alia by incorporating some of the coast guard functions. When commencing the research journey, my focus of interest was on mapping out how Frontex is using its new mandate. Hence the primary research question: *How and to what extent does Frontex generate public value with regard to coast guard functions?*

As the research progressed beyond the initial stages, it became evident that I needed to broaden the scope of inquiry from the coast guard functions that Frontex has a direct mandate over. There is public value contribution by Frontex towards more coast guard functions than those few. Staying strictly within Frontex's mandate, would also have left out key aspects with regard to the close knit cooperation that Frontex conducts with EMSA and EFCA to jointly assist the Member State authorities carrying out coast guard functions.

After placing the coast guard functions into their wider context, my second big research task was to find a theoretical framework that would allow concrete and holistic measurement of added public value. After some searching, I chose to adapt the Public Value Scorecard by Mark Moore to the coast guard functions context and combined it with the latest research on the nuts and bolts of how to conduct performance measurement. The adoption of the Public Value Scorecard yielded two supporting research questions:

- *Where does Frontex derive the legitimation and support that facilitate its provision of coast guard functions?*
- *How well do Frontex's organizational capacities support its provision of coast guard functions?*

The altogether three research questions resulted in three broad categories of measurement, under which specific key performance indicators were then developed. The categories are

Public Value, Legitimacy & Support and Operational Capacity. The indicators for each category were combined into a “Frontex Coast Guard Functions Scorecard”, which is the culmination of this research. The scorecard can be used to assess Frontex’s public value generation towards coast guard functions on any given year. I used the scorecard to collect data from 2017 as for the Public Value and Operational Capacity categories and from 2018 for the Legitimacy and Support category. The results can be seen in annex 1 of this report.

In addition to the scorecard, the research yielded plentiful data on the coast guard functions in general as well as on Frontex as an organization. Overall, the results paint a picture of Frontex as a significant actor in the field of coast guard functions provision at the European level. Its activities are, however, very much geographically focused on the southern maritime borders, leaving northern Europe to the sole prerogative of national authorities. The geographical focus is justified by the nature of *border management* related threats pertaining to the respective border segments. The geographical focus is reflected in the opinions of the Member State coast guard functions authorities over the significance of Frontex as a coast guard functions provider. The significance was roughly inversely proportional to the average latitude of the Member State, meaning that Frontex is appreciated as a coast guard functions provider in the south while not so much in the north.

Frontex’s direct public value generation is also functionally focused on only three of the eleven coast guard functions: 1) maritime law enforcement, 2) maritime search and rescue and 3) maritime border control. There are contributions to other coast guard functions as well, but the significance of those contributions is significantly lesser than with regard to the “big three”. Those three functions are unsurprisingly the ones that Frontex has a direct mandate for in legislation. Contributions to other functions are mostly related to Frontex’s assistance to other EU agencies in the framework of the tripartite cooperation with EMSA and EFCA.

The research is written in English so as to potentially reach a wider European audience. This is, to my knowledge, the only published research so far to holistically discuss the added value generated by the provision of coast guard functions at the European level. Considering the novelty of the topic, it is my estimate that national coast guard functions authorities are to some degree unaware of the multiple services that are available to them through Frontex and the tripartite cooperation partners. This research contributes towards filling that information gap.

1.2. Backgrounder to the topic: a European coast guard

An EU coast guard, or at least some coast guard competences for the EU, has been a recurring topic in EU policy papers. It was first mentioned in a study commissioned by the European Commission in 1994 to assess the options for creating a European Environmental Coast Guard. The study proposed the creation of a central coordination body with regional (environmental) law enforcement centers and a centralized coast guard task force to tackle environmental maritime issues. Based on that study a workshop was summoned in 1998 with the title of "Towards a European Coast Guard". The workshop recommended gradual movement towards the establishment of a European Environmental Coast Guard.¹

The scope of the European Coast Guard concept then widened beyond the environmental sphere in 2003, when the European Parliament's Temporary Committee on Improving Safety at Sea adopted a motion, where it called for the establishment of a European Coast Guard Service with competence to e.g. tackle terrorism, piracy and maritime crime.² This policy paper is the first indication of political will within the EU to create a fully-fledged coast guard service with a mandate akin to those of national coast guard organizations around the world, pushing the envelope beyond the politically more feasible, but unambitious environmental coast guard.³

Early on, several studies saw the European Maritime Safety Agency (EMSA) as the nucleus around which a European Coast Guard would most naturally be built.^{4 5} This is a logical conclusion as the tasks assigned for EMSA more closely align with the classic set of coast guard functions than those of any other EU agency. The European Council discussed the establishment of a European coast guard service as part of a 2005 report on sea pollution. They took the model of the United States Coast Guard as the basis of the discussion and acknowledged the inherent benefits of such a centralized and well-resourced agency, but concluded that the Commission and the vast majority of the Member States are against the

¹ Clason, Birte; Inga Fokuhl, Ute Hanneman, Hans Gerd Knoop, Michaela Mayer & Sybille Schnegelsberg: *The Wadden Sea: Maritime Safety and Pollution Prevention of Shipping: Analysis of the existing measures and the implementation of agreements regarding maritime safety and prevention of pollution from ships*. GAUSS mbH 2004, p. 22.

² Sterckx, Dirk (rapporteur), Temporary Committee on improving safety at sea: Report on improving safety at sea. European Parliament 2004, p. 8.

³ Iljina, Ilja: *Coast Guard Cooperation between Frontex, the EFCA and the EMSA*. Master's dissertation, EJMSBM Consortium 2017, p. 16-20.

⁴ Clason et al. (2004), p. 23.

⁵ Güner-Özbek, Meltem Deniz: *The European Maritime Safety Agency "EMSA"* in Ehlers, Peter; Lagoni Rainer: *Maritime Policy of the European Union and Law of the Sea*. LIT Verlag 2008, p 95-97.

idea of creating a similar structure in Europe, opting instead to further develop the cooperation between Member States' coast guard functions agencies.^{6 7}

The intrinsic challenges of the concept have not stopped politicians from envisioning a future with a European coast guard. John Cushman, a British MEP, proposed in 2002 for the Convention on the Future of Europe, a model of a European coast guard strongly rooted in the American model. In his proposal, Cushman acknowledged the contemporary discussion on a European Border Guard, but concluded that such an authority would not sufficiently address the issues related to EU coastal waters and coastline. Therefore a specialized European Coast Guard was needed in addition. Cushman's coast guard authority would have had in its mandate 1) the fight against organized crime including (maritime) human trafficking, 2) maritime environmental protection and 3) maritime safety.^{8 9}

A turn back into a purely environmental focus in the EU coast guard parlance followed in 2005, when the co-legislators¹⁰ adopted a directive on ship-source pollution, which compelled the Commission to conduct a feasibility study by the end of 2006 on the establishment of a European coast guard with a competence only in environmental issues.¹¹ The Commission acknowledged the request in a 2006 Green Paper by briefly debating the benefits of an EU coast guard and by listing some of the existing national solutions to organizing coast guard functions.¹² The Commission, nevertheless, failed to produce an actual feasibility study.

The Commission's failure did not go unnoticed by the Parliament, which in 2007 urged the Commission to uphold its obligation.¹³ The Commission in its response referred to the 2006 Green Paper and its upcoming communication on Integrated Maritime Policy, which was to streamline the Member States coast guard activities and possibly lay out the framework for a European Coast Guard. The communication on Integrated Maritime Policy eventually did little in this regard. It ended up providing a vague recommendation to the Member States to

⁶ Lengagne, Guy (rapporteur), Committee on the Environment, Agriculture and Local and Regional Affairs: *Sea Pollution* (Doc. 10485), Council of Europe 2005.

⁷ Iljina (2017), p. 16 -20.

⁸ Cushman, John: *Proposal for an EU Coastguard* (CONTRIB 54, CONV150/02), the European Convention 2002.

⁹ Iljina, Ilja (2017), p. 16-20.

¹⁰ The co-legislators in EU parlance are the European Council and the European Parliament.

¹¹ Directive (EC) 2005/35 on ship source pollution.

¹² European Commission: Green Paper: Towards a future Maritime Policy for the Union: A European vision for the oceans and seas, COM(2006) 275 final

¹³ Wortmann-Kool, Corien: *a written question to the Commission: Feasibility study on European coastguard service: progress* (E-3459/07). European Parliament 2007.

enhance cooperation in coast guard matters.¹⁴ This was due to the Commission's consultations with the Member States, which indicated the preference of the Member States to enhance cooperation between the national coast guard authorities and to retain the existing distribution of competencies. This approach eventually led to the creation of an informal, consultative, extra-EU cooperation framework called the European Coast Guard Functions Forum (ECGFF).^{15 16}

The next major development in the field was a consultancy report commissioned by the EU Commission in 2014 on the feasibility of improved cooperation between bodies carrying out European coast guard functions. The study reemphasized organizational complexity in the field of coast guard functions in Europe. It acknowledged ten different coast guard functions¹⁷, which were carried out by altogether 316 entities within the Member States of the European Union. To complicate the matter further, these entities take part in a total of 70 bi- or multilateral collaboration structures.^{18 19}

The European Coast Guard concept resurfaced forcefully as fallout of the migrant crisis in 2015, which prompted the Commission to propose the establishment of a European Border and Coast Guard. The new entity was to comprise of a reinforced and renamed European Border and Coast Guard Agency (Frontex) and the border guard authorities of the member states as well as their coast guards to the extent that they carry out border control tasks.²⁰ It can be said that it was the migrant crisis and the ensuing need to secure the external (sea) borders that wrenched the onus of a coast guard agency from EMSA to Frontex. As evident by its name, Frontex is now the leading EU agency in the field of coast guarding - at least on paper. The EBCG Regulation as well as the amended EFCA and EMSA founding regulations do however see a strong role for the tripartite cooperation between these agencies in support of the Member State coast guard functions authorities.

¹⁴ Commission of the European Communities: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions (COM(2007) 575 final), European Commission 2007.

¹⁵ Chintoan-Uta, Marin & Joaquim Ramos Silva: EU Coast Guard: a Framework Based on the Principles of Sustainable development. *European Journal of Sustainable Development*, 5(2), p. 182.

¹⁶ Iljina, Ilja (2017), p. 16-20.

¹⁷ The number is based on a prior ECGFF terms of reference document. Ship casualty and maritime assistance service has since been added.

¹⁸ Jarvis, Andrew; Madeleine Vasquez, Jerome Kisielewicz, Nihar Shembavnekar, Salvatore Petronella, James Brassington & Mathieu Capdevilla: *Study on the feasibility of improved co-operation between bodies carrying out European Coast Guard functions*. ICF International 2014.

¹⁹ Iljina, Ilja (2017), p. 16-20.

²⁰ European Commission - press release: *A European Border and Coast Guard to protect Europe's External Borders* (IP/15/6327). European Commission 2015.

1.3. Key concepts, definitions, grammar and legislative references

Coast guard functions are defined as those listed in the most recent terms of reference document of the European Coast Guard Functions Forum. Namely they are:

- 1) maritime safety, including vessel traffic management
- 2) maritime, ship and port security
- 3) maritime customs activities
- 4) the prevention and suppression of trafficking and smuggling and connected maritime law enforcement
- 5) maritime border control
- 6) maritime monitoring and surveillance
- 7) maritime environmental protection and response
- 8) maritime search and rescue
- 9) ship casualty and maritime assistance service
- 10) maritime accident and disaster response
- 11) fisheries inspection and control; and
- 12) activities related to the above Coast Guard Functions²¹

The ECGFF list was chosen, as it is commonly accepted as the reference document on the matter in EU context. The EU has not formally adopted any explicit definition of coast guard functions. The closest thing to a definition in the EU legislation is the notion in the preamble of the EBCG Regulation, which states that:

“National authorities carrying out coast guard functions are responsible for a wide range of tasks, which may include maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection.”²²

In 2014 the Commission procured a study regarding improved European cooperation on coast guard functions. The consultancy conducting the study, ICF International, decided to use the ECGFF list as a reference.²³ The Commission has since referred to the ICF report when discussing coast guard functions. For these reasons it is reasonable to state that the ECGFF list is as good as it gets as for what comes to defining coast guard functions in the European context.

²¹ European Coast Guard Functions Forum: *ECGFF Terms of reference*, update, 2015 [available online at: http://www.ecgff.eu/images/terms_of_reference.pdf]

²² Regulation 2016/1624, paragraph 44 of the preamble.

²³ Jarvis et al. (2014).

It is necessary at this point to say a few words about the **European Border and Coast Guard**. A common misconception is to equate the European Border and Coast Guard (EBCG) to the European Border and Coast Guard Agency (EBCGA). The latter is better known as Frontex and it is a part of the prior entity. Paragraph 1 of article 3 of the EBCG Regulation describes the situation:

“The European Border and Coast Guard Agency (‘the Agency’) and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall constitute the European Border and Coast Guard.”

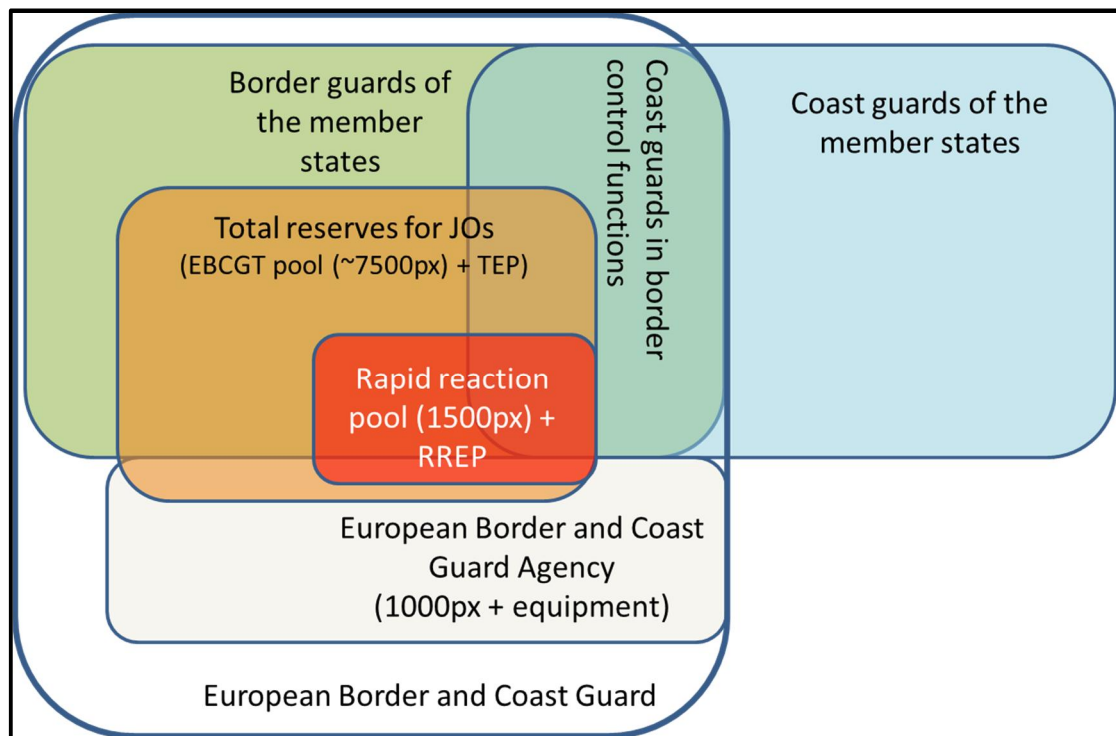


Figure 1: Composition of the European Border and Coast Guard.

The EBCG lacks the characteristics of an organization to the degree that it cannot be considered one. There is no joint leadership, no hierarchy and no common goals. It can quite literally be called a paper tiger. Scholars appear to agree (see chapter 2). My research will concentrate on the EBCGA, i.e. Frontex, which does fulfill the characteristics of an organization.

Regulation, when no other qualifications are given, for the purposes of this report refers to the EBCG Regulation ((EU) 2016/1624). The aim is to improve readability as the Regulation is frequently referred to in the report.

The European Maritime Safety Agency (EMSA), established by regulation (EC) 2002/1406, is an EU agency providing technical assistance to the Commission and the Member States regarding several coast guard functions. As per its founding regulation, EMSA's purpose is to ensure a high, uniform and effective level of maritime safety, maritime security, prevention of and response to marine pollution caused by ships as well as by maritime oil and gas installations. With this aim, EMSA assists the Commission e.g. in the preparation of Union legislation and the implementation of legislation by carrying out inspections in the Member States. EMSA assists the Member States e.g. by organizing training and by providing technical assistance and operational services.²⁴

The European Fisheries Control Agency (EFCA), established by regulation (EC) 2005/768, is an EU agency organizing operational coordination between the Member States with regard to fisheries control and inspection activities. This is to assist the Member States in complying with the tasks and obligations under the the Common Fisheries Policy. The EFCA inter alia assists the Member States in their control and inspection activities, coordinates and pools the deployment of national means of control and inspection as well as contributes to inspector training and R&D activities.²⁵

The tripartite cooperation in coast guard functions refers to the cooperation between EFCA, EMSA and Frontex. The cooperation is based in the agencies' founding regulations, which in 2016 were amended to include an article mandating the said cooperation. According to the article, the agencies are to cooperate in order to support national authorities carrying out coast guard functions^{26 27}. This cooperation is discussed in more detail later in the report.

Despite being aware of the still prevailing convention on using the passive voice in scientific literature, I use **first person active voice** instead. This is to emphasize my personal responsibility for decisions regarding the research. Responsibility is, in my opinion, diluted by needlessly using the passive voice or the third grammatical person.

²⁴ Regulation (EC) 2002/1406 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency, articles 1 and 2.

²⁵ Council Regulation (EC) 2005/768 of 26 April 2005 establishing a European Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy, articles 1 and 3.

²⁶ For example: Regulation (EC) 2002/1406, article 2b.

²⁷ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Tripartite Working Arrangement*, 2017.

The American English spelling is used in this report. Frontex and the EU in general uses the British English spelling. Slight differences in spelling may therefore occur in referenced texts as compared to this report.

The European Union legal acts are referred to in this report by the standardized (“new”) numbering method adopted 1 January 2015. The numbering follows the template: (domain) YYYY/N, where the YYYY represents the year of publication and the N represents the sequential number of the document for a given year. For the purposes of enhancing readability, all EU legal acts are referred to in this uniform manner regardless of the form of numbering in the original document. This is to be noted by the reader when and if tracking down some of the pre-2015 legal acts in which the method of numbering may differ from the format used in this report. All EU legal acts can be found on the EUR-Lex website (www.eur-lex.europa.eu) using the year of publication and the sequential number as search terms.²⁸

²⁸ For more information on the pre- and post-standardization methods for the numbering of EU legal acts see: EU Publications Office: *Harmonizing the Numbering of EU Legal Acts*. Available online at [<http://eur-lex.europa.eu/content/tools/elaw/OA0614022END.pdf>], accessed 12 March 2018.

2. Literature review

2.1. Public value theory and its predecessors

Public value is a relatively recent theory developed to conceptualize the way public management works. It succeeds in this task the old *principal-agent theory* and the more recent *new public management theory*. According to the traditional principal-agent theory, politicians make policy goals that public managers duly implement. The government leads the way by designing policy goals to serve the public's interest. The public interest therein is politically defined and expressed in law. Hierarchy in the bureaucratic system is the basis of accountability and public servants are motivated by pay and benefits.²⁹

In the new public management theory (NPM), which gained credence in the 1980's - especially in the United Kingdom, economic theory was introduced to public management. In the NPM, public interest is conceptualized as the aggregation of individual self-interests. Politicians negotiate with public managers in order to establish policy objectives. These negotiations tend to take the form of trade-offs between democratic values espoused by the politicians and practical perspectives imposed by the public managers. The role of government as a whole is to act as a catalyst and an enabler for the market forces to take effect. Accountability is based on market logic, through which the accumulated self-interests will result in outcomes desired by the majority of the citizens. Public servants are seen to be motivated by an entrepreneurial spirit, not unlike in the private sector.³⁰

In recent years, the new public management theory has run into trouble, however. The emphasis of pursuing targets that is bestowed on public managers in the NPM, instead of seeking for public authorization for activities and initiatives has been seen as undermining the legitimacy of public management.^{31 32} Models copied from the private sector do not, as such, always fit in well with the public sector, as there are key differences in the operating environments. As we will discuss in more detail later in this report, the underlying logic in the private sector is that of competition, whereas in the public sector it is that of cooperation. For

²⁹ Blaug, Ricardo; Louise Horner & Rohit Lekhi: *Public value, politics and public management*. The Work Foundation 2006, p. 10-11, 16.

³⁰ Ibid.

³¹ Ibid.

³² Salminen, Matti (Ed.): *Tulosohjauksen käsikirja*, Valtiovarainministeriö 2005, p. 16.

this reason the extreme target orientation of the new public management is now being replaced with the more inclusive public value theory.³³

In the public value theory, an understanding of the public interest is gained through an inclusive dialogue about shared values. This dialogue, encompassing the interests of all parties, is also the basis of accountability. It puts the citizen in the center and the government is left with the role of serving the citizen by negotiating and brokering interests. Public servants, in the public value theory, are motivated by a genuine desire to serve the public and to contribute to the society.³⁴

Public value can be seen as the public sector correlate to private value, wherein the shareholders are replaced by citizens. The citizens' investment (i.e. tax) is returned by the public institutions (ideally) with increased value e.g. in the form of economic prosperity, social cohesion or cultural development.³⁵ An organization creating public value, by definition needs to contribute toward something that the public values. So the first step in assessing whether or not and how much public value is generated is to establish what the public values. The democratic system in and of itself is a mechanism for translating individual preferences into public preferences. If and when the democratic process is efficient, the government represents the aggregate will of the people and its activities thus create public value.³⁶

2.2. Performance measurement theory

The roots of performance measurement lie in the invention of double entry bookkeeping sometime in the 13th century. After the revolutionary invention, not much happened in the field until the beginning of the 19th century, when the industrial revolution enabled as well as necessitated a broad spectrum change in business management practices. With the introduction of mass production, the modern wage system was developed to replace the earlier piecework payment. It thus became necessary to monitor employees' productivity. Businesses grew both in size and complexity, eventually consisting of multiple plants, departments and divisions. This in turn necessitated the measurement of productivity between

³³ Moore, Mark H.: *The Public Value Scorecard: A Rejoinder and an Alternative to "Strategic Performance Measurement and Management in Non-Profit Organizations"* by Robert Kaplan, Harvard University 2003, p. 10.

³⁴ Blaug et al. (2006), p. 10-11, 16.

³⁵ O'Flynn, Janine: From New Public Management to Public Value: Paradigmatic Change and Managerial Implications. *The Australian Journal of Public Administration*, Volume 66, no 3, p. 358.

³⁶ Blaug et al. (2006), p. 20.

these different sections. These early measurements focused almost solely on financial aspects. Between 1960's and 1980's, however, the focus began to turn towards hitherto less-thought-of dimensions of performance - quality, time, flexibility and customer satisfaction. Performance measurement became a multidimensional domain.³⁷

In the 1980's and the 1990's performance measurement science focused on the link between an organization's strategy and what was being measured. Performance measurement became a tool for the management to have understanding how the organization was fairing in relation to what had been envisioned in its strategy. Whereas previously performance measurement had had more to do with "are things being done right", the question now was also "are right things being done?" This then led to the realization that performance measures can be used not only to observe an organization's performance, but also to manage it. Hence was coined the now popular catchphrase "You get what you measure".

The field of performance measurement continues to broaden rapidly. From the year 2000 onwards, literature has discussed performance measurement in knowledge intensive (and as such hard to measure) aspects. Activities like research and development fall in this category. "Soft" values, such as environmental aspects, green supply chain and corporate social responsibility have also, of late, been brought under discussion as objects of performance measurement. The latest development in the field seems to be the expansion to organizations other than traditional large corporations. Performance measurement in small and medium sized enterprises as well as in public and non-profit organizations is now receiving due attention.^{38 39}

Performance measurement, in its modern, mature form, is a multifunctional management tool. The management of an organization requires information on how their organization is performing in order to make effective management decisions. The process involves the identification of measurable aspects - often referred to as *success factors* or *key performance indicators* - the measurement of which provides information on how the organization is fairing in relation to what was intended. The intentions themselves are normally established in the strategy. Performance measurement and performance management go hand in hand. Contemporary research recognizes the effect of the act of measuring on the individual being

³⁷ Bitici, Umit; Patrizia Garengo, Viktor Dörfler & Sai Nudurupati: Performance Measurement: Challenges for Tomorrow, *International Journal of Management Reviews*, vol. 14, 2012, p. 308.

³⁸ Bitici et al. (2012), p. 308-309.

³⁹ Lönnqvist, Antti; Paula Kujansivu & Riikka Antikainen: *Suorituskyvyn mittaaminen: Tunnusluvut asiantuntijaorganisaation johtamisvälineenä*. 2nd edition, Oy NordPrint Ab, Helsinki 2006, p. 30-31.

measured. Therefore performance measures are also a way of communicating about what is important in the organization to the members of the organization as well as to external stakeholders.⁴⁰ You get what you measure.

Performance measurement is not without academic critique. It has been pointed out that at least in some organizational cultures, performance measurement cultivates dysfunctional behaviors and might lead to sub-optimization, which hurts the overall performance. It has also been shown in literature that it is, indeed, possible to run a well-performing organization without actively measuring performance. Performance measurement literature (both for and against) converge on the fact that increased control, through performance measurement, does not by itself lead to increased performance. Scholars therefore tend to raise organizational learning, instead of increased control, as the ultimate goal of performance measurement. Organizational learning in this context refers to using the information received through performance measurement to improve the organization's performance and to make the performance measures themselves ever more relevant in a continuous cycle.⁴¹

In order to achieve a comprehensive picture of their performance, organizations use various performance measurement frameworks that have been constructed specifically for this purpose. The most widely used such framework is the Balanced Scorecard introduced by Kaplan and Norton in 1996.⁴² In the Balanced Scorecard, one measures performance from four different perspectives, which are: 1) financial, 2) customer, 3) internal business process and 4) learning and growth. These different aspects provide the management information on how the organization is doing with regard to different stakeholders. Kaplan and Norton argued that it is not enough for an organization to do well in only some of the aforementioned aspects. Financial measures ensure that the shareholders remain content enough to keep their money in the company; customer measures ensure that the customers remain satisfied with the organization's products and services and thus continue their patronage. Internal business process measures target the processes that the organization needs to excel in so that they can stay in business and improve. Learning and growth measures aim at developing the future potential of the organization so that the other three measurement aspects will develop positively in the future.^{43 44}

⁴⁰ Lönnqvist et al. (2006). 11-12.

⁴¹ Bitici et al. (2012), p. 310.

⁴² Kaplan, Robert S. & David P. Norton: *Balanced Scorecard: Translating Strategy into Action*. Harvard Business School Press, Boston 1996.

⁴³ Lönnqvist et al. (2006), p. 20.

⁴⁴ Kaplan & Norton (1996), p. 9.

While the Balanced Scorecard is the market leader, there are many others out on the market as well. Another balanced way of measuring performance is the Performance Prism by Neely and Adams. The Performance Prism divides performance into five different aspects. 1) *Stakeholder satisfaction* aspect asks the organization to identify its different stakeholders and their specific needs. 2) *Strategies* then need to be developed in order to keep each of the stakeholders satisfied. 3) The next step is to implement *processes* that enable the achievement of the strategies. 4) *Capabilities* aspect breaks the processes down into individual capabilities that are required in order to maintain and enhance those processes. The last step in the Performance Prism framework is 5) *stakeholder contribution*: what contributions are wanted and needed from the stakeholders in order to maintain and develop the identified capabilities.⁴⁵ ⁴⁶ It is worthy of noticing that while the Balanced Scorecard is clearly developed for the private sector considering its financial and the customer perspectives, there is nothing in the Performance Prism model that would inhibit its use in the public sector.

There have been multiple attempts in amending the Balanced Scorecard to fit non-profit organizations. The most notable of these is by Mark Moore in 2003. Moore points out the fundamental difference between the for-profit organizations' ultimate goal of creating financial value and the non-profit organizations' ultimate goal of creating social (i.e. public) value. Therefore, the results achieved by non-profit organizations are frequently outside of the reach of financial performance measures. The end results of non-profits' efforts can be things like the number of teenage pregnancies prevented, shelters built for the homeless or, indeed, lives saved at sea or smugglers apprehended. It is often not practical to try and monetize these concrete results to enable measurement in financial terms. Moore therefore argues that the financial measures that drive the Balanced Scorecard should be seen as means rather than ends in the case of non-profits. The non-profits still need financial measures - they need to be able to stay within budget and to cut costs where possible - but financial measures cannot tell them whether or not they are succeeding in their ultimate goal of social value.⁴⁷

Another point that Moore raises in the argumentation for his Public Value Scorecard is the problem with the customer. The concept of a customer needs to be divided in two for non-profits; those "downstream" and those "upstream". The downstream customers are the direct

⁴⁵ Lönnqvist et al. (2006), p. 20-21.

⁴⁶ Kaplan Financial Knowledge Bank: *What is the performance prism model?* [<http://kfkknowledgebank.kaplan.co.uk/KFKB/Wiki%20Pages/The%20Performance%20Prism.aspx>], accessed 11 Jan 2018.

⁴⁷ Moore (2003), p. 6-8.

beneficiaries of the services of the non-profit. They either pay for the services directly or they don't, but the fact that they are receiving the service creates the social justification for the existence of the non-profit. The upstream customers are the government or various donors, who have an interest in contributing to the cause addressed by the non-profit. The upstream customers finance the services and therefore are in position to guide and direct the non-profit's public value generation. An important distinction between the downstream and the upstream customers is that whereas the downstream customers are interested in individual products and services, the upstream customers are interested in large scale social outcomes such as maintaining law and order, improving the public health or national security.⁴⁸

The third difference between for-profits and non-profits, as pointed out by Moore, is the difference in the operating environment - that of competition in the for-profit world and that of collaboration and partnership in the non-profit world. While there might be competition over funding (i.e. "turf wars") in the public sector between organizations with overlapping fields of responsibility, overall the aim of public organizations is to strengthen the entire sector and all its constituent actors. The performance measures used in a public organization should therefore reward cooperative and collaborative behavior as well as knowledge sharing.⁴⁹ The differences accumulate and, as Moore proposes, necessitate a substantial overhaul of the Balanced Scorecard framework when applied in the non-profit world. He calls this overhauled version the Public Value Scorecard. Whereas in the Balanced Scorecard one measures performance in the financial, customer, operational and learning and growth perspectives, in the Public Value Scorecard the respective measurements are made with regard to 1) public value, 2) legitimacy & support and 3) operational capacity perspectives.⁵⁰

⁴⁸ Moore (2003), p. 8-9.

⁴⁹ Hills, Dione & Fay Sullivan: *Measuring public value 2: Practical approaches*. The Work Foundation, London 2006, p. 55.

⁵⁰ Moore (2003), 11-13.

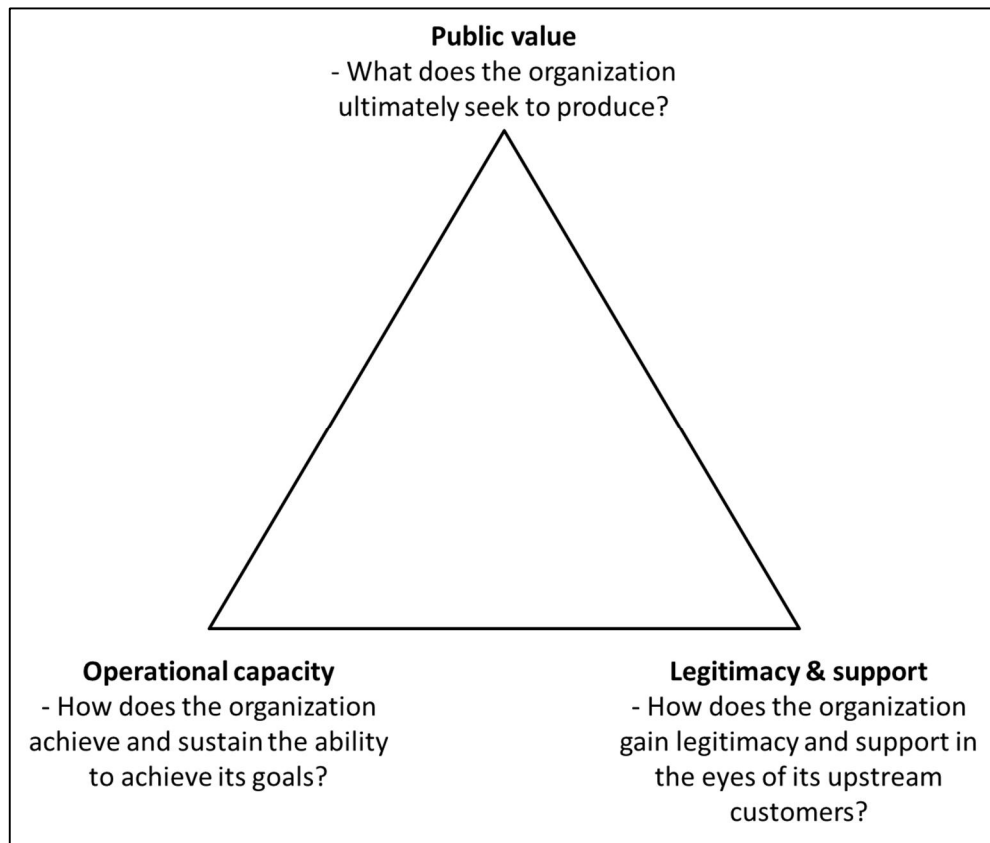


Figure 2: Public value strategic triangle.⁵¹

Moore also lays out ideas on how to construct measures with regard to the three measurement perspectives in the Public Value Scorecard. The primary problem with measuring public value as opposed to its counterpart concept in the Balanced Scorecard framework - financial aspects - is the abstractness of the concept of public value itself. For example in the case of Frontex, the ultimate statutory objective is: *“To ensure a coherent European integrated border management...”*⁵². How does one measure the degree to which such an abstract concept as integrated border management is achieved?

Moore proposes conceptualizing a logic model, where the ultimate objective is the “ends”, while it is preceded by a value chain of “means”, i.e. resources, processes, activities and outputs that each contribute to or are required to be achieved in order to achieve the ultimate objective. The means can then be measured as a byway to measuring the end directly.⁵³ For Frontex, conceptualizing the value chain will mean breaking up the concept of European

⁵¹ Drawn by the author based on Moore (2003), p. 11-13.

⁵² Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, article 6, paragraph 2.

⁵³ Moore (2003), p. 13-18.

integrated border management and the concept of coast guard functions into their constituent, measurable bits. This will be looked into more closely in the following chapters.

There is obviously no one correct way to create a set of measures. The measures selected by an organization may be based on one or several of the measurement frameworks described above or they might be the result of historical evolution and accumulation. The general criteria for a good set of measures are comprehensiveness and utility. With these preconditions, a wide range of different categories of measures can be used. The traditional way of dividing performance measures is to categorize them as financial or non-financial. Financial measures are at the historical root of performance measurement. The advantages of financial measures are e.g. that they are reliable, well-established and relatively easy to understand. It is also easy to make comparisons between different organizations by using financial measures. On the other hand financial measures give only a narrow view to the performance of an organization. An organization's wellbeing by financial measures could e.g. be the result of sacrificing its long-term potential in favor of short term gains.⁵⁴

The need to complement the performance measurement package by non-financial measures was recognized in the 1980's and has gained prominence ever since. Non-financial measures include attributes such as customer satisfaction and delivery time. The benefits of non-financial measures include them often being more tangible for the *members* of the organization. As such they are useful when communicating the goals of the organization. The downsides of non-financial measures are that they are not as well-established as financial measures and as such vaguer. Also, cross-comparisons between organizations are often problematic by non-financial measures.⁵⁵

Another way of categorization is to make a distinction between hard and soft measures. Hard measures are those that can be unambiguously calculated, such as how many meetings with customers have been held or, in a knowledge-intensive organization, how many reports (or even how many pages) have been written on a certain topic. Soft measures on the other hand are based on people's attitudes, views and feelings. Employee satisfaction and customer satisfaction are examples of soft measures. A close relative of the hard/soft categorization is the division between objective and subjective measures. Objective measures are unaffected by people's views whereas subjective measures are based on people's views. Most of the time hard measures are objective and soft measures are subjective, but there are exceptions. The

⁵⁴ Lönnqvist et al. (2006), p. 29-30.

⁵⁵ Ibid.

amount of customer complaints is a hard measure, but it is subjective since it's based on the customer's subjective view of the product or service. Yet another way of categorizing measures is between direct and indirect. Not everything can be measured directly and sometimes direct measures can be supported by indirect ones. For example, the amount of sick days employees take is generally accepted as an indirect measure of employee satisfaction.⁵⁶

Finally, measures can be divided into three different categories based on the level of the measurement. In this taxonomy, *output* measures constitute the lowest level of measurement. They measure the organization's end results right at the organization's boundary: i.e. what is the immediate impact of the organization's effort. In other words, outputs are the first-order products and services of the organization.⁵⁷ The measures in this category target items like the number of training events organized or lives saved at sea or smugglers apprehended. The applicable time frame for output measures is normally from a quarter of a year to a full year.

Outcomes constitute the medium level of measurement. They target the second-order effects of the organization's activities.⁵⁸ These could be items like the increased competence of coast guard personnel due to training events organized or the overall safety at sea or the decrease in the sustainability of the drug smuggling business. The measurement of outcomes normally requires the application of a time frame of multiple years.

The top level of measurement in this taxonomy is *societal impact*. It is the ultimate effect on the society of the organization's activities.⁵⁹ It is to be noted that a single organization often is only a minor contributor towards any societal impact. Rather it is the accumulation of the activities of a multitude of actors and factors that ultimately result in societal impacts. Societal impacts might require a measurement time frame of several years to a decade or more. Examples of societal impacts could be developments in overall maritime safety and security or the humaneness of irregular migration or the increase in a nation's internal security due to the inhibition of the drug trade.

Before going into the discussion on the individual measures used in this research, it is necessary to introduce some basic concepts related to measurements. The term **key**

⁵⁶ Lönnqvist et al. (2006), p. 31-32.

⁵⁷ Salminen (Ed.) (2005), p. 103-104.

⁵⁸ Ibid.

⁵⁹ Ibid.

performance indicator (KPI) refers to the object of measurement.⁶⁰ For example: *the number of saved lives*. The key performance indicators are the individual pieces of information that constitute the scorecard.

Validity refers to the ability of the selected method of measurement to provide valid information with regard to the key performance indicator in question. A poor validity means that there is a systematic error inherent to the measurement.⁶¹ For example, in measuring the number of saved lives, a systematic error might be produced e.g. by wrongly determining which saved lives are attributed to which party.

Whereas validity refers to systematic error, **reliability** refers to random error. A reliable measure thus would report the same (valid or not) results on every measurement.⁶² An unreliable measure, on the other hand, would report varying results on every measurement even if the object of measurement remained unchanged.

The concept of **relevance** is used to describe how well the results of a measurement serve the purpose they are intended for.⁶³ The information on the lives saved at sea might be valid and reliable, but at the same time irrelevant in determining the effectiveness of Frontex's R&D activities.

Practicality refers to the cost-benefit ratio of the measurement. A measure might be valid, reliable and relevant, but extremely impractical (or expensive) to measure.⁶⁴ An impractical and expensive measure might be to determine the number of lives lost at sea by scanning the sea bottom for corpses.

2.3. Frontex and the new EBCG regulation

The EBCG regulation has been in place for a little over two years at the time of writing, due to which not a large body of literature exists. The problem is compounded with regard to the coast guard functions, which mostly seem to be neglected by researchers. In the following, I will introduce the reader to the notable contemporary research.

⁶⁰ Lönnqvist et al. (2006), p. 32-33.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

Firstly, a few words about my own previous research on the topic. In the spring of 2017, I finished a master's dissertation on the cooperation between Frontex, the EMSA and the EFCA. Among other topics, the dissertation forayed into the mandates of the respective agencies. Based on the statutory tasks of the agencies, as stated in their respective founding regulations and in comparison with the list of coast guard functions by the European Coast Guard Functions Forum⁶⁵, I drafted the below figure. As can be observed Frontex, despite it now being named a coast guard, is a junior partner compared to EMSA as for what comes to the number of coast guard functions covered. Even out of the three coast guard functions allocated to Frontex, only one (maritime border control) is in its core mandate. The prevention of trafficking and smuggling is a shared responsibility with Europol and maritime search and rescue is to be undertaken only when the situation arises in the context of maritime border surveillance.⁶⁶

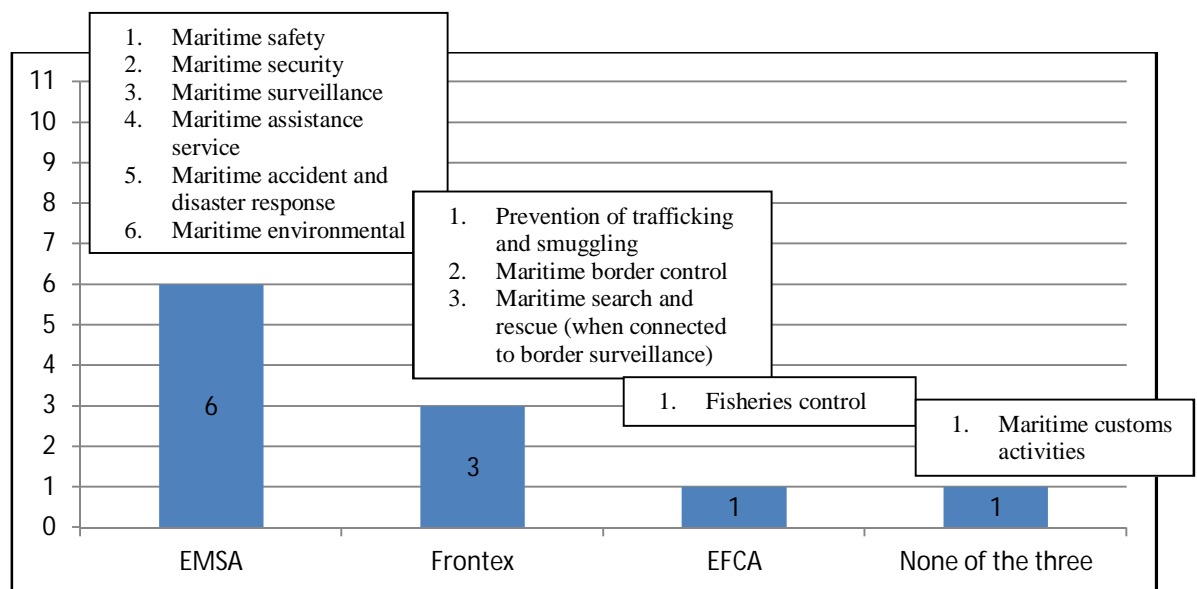


Figure 3: The number of coast guard functions mandated to EU Agencies.

Putting my own previous results aside, much more notable academics have discussed the issue of Frontex's mandate in their work. For example, Philippe de Bruycker, in an article for the journal *European Papers* in 2016 discussed the Frontex mandate reinforcement, which at the time was in the pipeline. Dr. de Bruycker did not go into the operational level details of the mandate or to the allocation of the tasks between the various EU agencies. Rather, he discussed the strategic level division of responsibilities between Frontex and the Member States. His core message was that in this regard, despite all the pomp and circumstance surrounding the new Regulation, not much changed in reality. His overall critique of the Regulation in this regard was rather harsh. Dr. de Bruycker stated that the EBCG is wrongly

⁶⁵ European Coast Guard Functions Forum (2015), p. 1.

⁶⁶ Iljina (2017), p. 39-43.

considered an ambitious solution and that it is based on highly questionable principles. He considered the EBCG to amount to legal fiction that only serves to add to the confusion of the already too numerous an assembly of concepts regarding European borders policy. His main concern was the pretension of a shared responsibility between the EU and the Member States with regard to external border control, when in reality the member states continue to carry the ultimate responsibility. He saw this responsibility as being in contradiction with the principle of solidarity in the Treaty on the Functioning of the European Union (TFEU). Dr. de Bruycker concluded that the EBCG could serve as a temporary solution in the short term, but that any longer term solution would require a centralized border agency, for which there is no legal basis in the Treaty.⁶⁷

As for what comes to Frontex, Dr. de Bruycker did acknowledge, that the reinforced mandate introduced several new powers that the member states now have to comply with. Some of the most notable of which, according to him are:

- an operational and technical strategy that Frontex will adopt and with which the Member States subsequently have to comply;
- the requirement for the Member States to take into account Frontex risk analysis when planning their activities;
- the requirement for the Member States to provide timely and accurate information to Frontex regarding their segment of the external border;
- the deployment of Liaison Officers by Frontex to the Member States who report directly to the Frontex Executive Director on the Member State capacity to deal with the situation at their borders and
- the vulnerability assessments that Frontex will undertake on the Member States' capacity to manage their borders. If the capacity is seen to be insufficient, a binding decision may be taken by the Frontex Executive Director on corrective measures.⁶⁸

While Dr. de Bruycker's article discussed the strategic level of responsibilities in European border management policy in great detail, it does not offer much assistance to the operational level implications, which are in the focus of this dissertation. By operational level herein, I refer to questions regarding the extent of Frontex's mandate in actual operational activities; i.e. what does the agency actually do to add value in the field of coast guard functions.

⁶⁷ de Bruycker, Philippe: The European Border and Coast Guard: A New Model Built on an Old Logic, *European Papers*, vol 1, NO 2, 2016, p. 559-569.

⁶⁸ Ibid.

Dr. Jorrit Rijpma conducted a study in 2016 for the Civil Liberties, Justice and Home Affairs (LIBE) Committee of the European Parliament on the implications of the EBCG regulation. His study, while mainly addressing the strategic level, touched upon operational aspects as well. His main notion, in line with Dr. de Bruycker's, was that the Regulation does not represent a major change in the state of affairs - evolution rather than revolution. He saw the Regulation mostly respecting the division of powers between the Member States and the Union as laid down in the Treaties, meaning that no true executive powers were - and indeed cannot be - granted to Frontex. However, Dr. Rijpma saw contravention to the Treaties in the unqualified obligation for the member states to contribute border guards for Frontex activities when requested. Since the member states, as per the Treaties, retain the ultimate responsibility for their internal security, it is not right, according to Rijpma, that the obligation to send border guards abroad should be unqualified, i.e. irrespective of any national needs potentially at hand.⁶⁹

As for the provisions on operational aspects related to coast guarding, Dr. Rijpma considered them to be the least developed part of the Regulation with very little change to the preexisting condition. He wrote that the Regulation functionally limits the European (Border and) Coast Guard to consist of national authorities competent in (maritime) border management, and as such they would have already been covered by the previous Frontex founding Regulation ((EC) 2004/2007). This makes the much advertised inclusion of coast guards into the new entity superfluous. Same goes, according to Rijpma, for the cooperation with other EU agencies in coast guard functions. Cooperation was already possible, and indeed a reality, with the old Regulation. Frontex already had working arrangements in place with both the EMSA and the EFCA in this regard.⁷⁰

In a significant departure from the train of logic that reduces coast guarding to mere maritime border guarding, as Dr. Rijpma argued, Frontex's mandate was expanded by the new Regulation to include provisions for supporting national authorities carrying out coast guard functions.⁷¹ The Regulation, however, leaves some doubt as to what exactly these coast guard functions are. Only a non-exhaustive description is given in the preamble. I personally tend to disagree with Dr. Rijpma on this point based on the wording of the Regulation that limits the support for national authorities to the respective mandates of the EU agencies participating in

⁶⁹ Rijpma, Jorrit.: *The proposal for a European Border and Coast Guard: evolution or revolution in external border management*. European Parliament 2016, p. 8.

⁷⁰ Ibid. p. 24.

⁷¹ Ibid.

the cooperation.⁷² However, the actual “cooperation article” (Article 53) in the Regulation does not mention this limitation and therefore interpretations may vary.⁷³ Dr. Rijpma also concludes that the cooperation as provided by the Regulation is mostly limited to an obligation to exchange information between the EU Agencies and the national coast guard authorities⁷⁴ - a finding also in my own previous research⁷⁵. Notwithstanding these previous findings, the truth looks to be more complicated as we will see later in this report.

The Centre for European Policy Studies (CEPS) published a report in February 2017 by Sergio Carrera et al. that discussed the European Border and Coast Guard alongside the report’s main theme of migration. The report also touched upon the Frontex mandate. With regard to coast guarding, Carrera et al. considered redundant the addition of search and rescue (when the need arises in connection with maritime border surveillance) into the mandate. They did not foresee a situation, where a member state would ask for a Frontex operation with SAR capabilities to patrol their coasts as the operation would only serve to increase the amount of asylum seekers the country has to process under the Dublin Regime.⁷⁶ I personally see another, and perhaps more important a reason, for the redundancy. International conventions compel anyone encountering a distress situation at sea to assist in the search and rescue by all available means unless the safety of the rescue vessel should thus be endangered.⁷⁷ Frontex mandate, or the lack of it, bears no relevance in this regard.

Overall the report by Carrera et al., much in line with the previously introduced scholars, is critical of Frontex. It states that the European Border and Coast Guard Agency is “just a (new) name” and that it will not ensure a permanent and stable institutional response to the implementation of the common EU border policy. Of note is that the report does not even mention the Agency’s impact towards EU maritime policy. The report justifies its criticism among other things by Frontex’s continuing dependency on the Member States with regard to assets and decision making as well as its lack of genuine executive capability.⁷⁸

Drs. Piwowarski and Wawrzusiszyn have also analyzed the European Border and Coast Guard in their article in the Polish publication *Science and Military* in January 2017. The

⁷² Regulation (EU) 2016/1624, article 8(t).

⁷³ Ibid. article 53.

⁷⁴ Rijpma (2016), p. 8.

⁷⁵ Iljina (2017), p. 48.

⁷⁶ Carrera, Sergio; Steven Blockmans, Jean-Pierre Cassarino, Daniel Gros & Elspeth Guild: *The European Border and Coast Guard: Addressing migration and asylum challenges in the Mediterranean*. CEPS, Brussels 2017.

⁷⁷ For example, see: United Nations Convention on the Law of the Sea (1982): Article 98.

⁷⁸ Carrera et al. (2017) passim.

conclusions are in line with the aforementioned studies, albeit with less poignant criticism. Piwowarski and Wawrzusiszyn also see the European Border and Coast Guard as a small step in the process towards a shared responsibility in managing the European external borders. In their analysis of competencies they descend onto a more concrete level than the previously discussed researchers. Piwowarski and Wawrzusiszyn point out to the tangible competencies that Frontex has, such as the Rapid Reserve Pool of 1500 border management experts, situation monitoring and risk analysis capabilities, information exchange through liaison officers, vulnerability assessments and the controversial “right-to-intervene”.⁷⁹ Again, it is worth noting that Piwowarski and Wawrzusiszyn discuss the topic in the border management context, leaving the implications on coast guard functions in the dark.

In sum, as for the division of responsibilities between Frontex and the Member States, the new Regulation is seen in literature as a step in the right direction, but falling significantly short of providing a sustainable long term solution to the European border policy in general and to the migrant problem in particular. With regard to coast guard functions, the lack of discussion in the literature suggests that despite its name, Frontex is not really considered to be a coast guard. This is evident by the clear border guard focus of the articles and the omission in them of the appraisal on the coast guard functions related implications. As for the post-EBCG Regulation era, there are no academic texts focused on the maritime aspects of Frontex activities. Frontex has itself published a document where it “reviews” its first year of activities under the new Regulation. As the document is put together by the Agency itself, it is biased by nature and reads more like an advertisement rather than a true review.⁸⁰ It does seem like my research is navigating into uncharted territory with the appraisal of Frontex’s public value generation towards the coast guard functions.

Prior to the mandate expansion, Jani Isometsä has discussed the results of Frontex’s coast guard competencies in his thesis “the Effect of the Southern Sea Borders on the Development of European Border Security” (author’s translation from Finnish). His results are interesting with regard to my research. Isometsä found that even prior to the new Regulation, Frontex

⁷⁹ Piwowarski, Juliusz & Andrzej Wawrzusiszyn: Towards more secure EU borders: European Border and Coast Guard, *Science & Military* 1/2017. Poland, p. 5-11.

⁸⁰ Frontex: *A Year in Review - First 12 months of the European Border and Coast Guard Agency*. EU Publications Office 2017.

had been carrying out non-border-management tasks under its maritime joint operations. According to Isometsä this was due to the neofunctionalist spillover effect.^{81 82}

The reasoning goes that: since the Frontex coordinated (border management) operation is anyway in place, and there are other related functions that the beneficiary Member States have an interest in, the existing operation might as well carry out these other functions. Isometsä found these related functions to be e.g. search and rescue, prevention of smuggling, fisheries control and environmental protection. It appears that, according to Isometsä, Frontex has been conducting coast guard functions related tasks all along, even though it was only recently mandated to do so. In that sense the new Regulation only legitimized what was already a reality. Isometsä's insights are important for the justification of my research. It points to the fact that the reality in the field might be different from what the regulations say or what the scholars write based on those regulations. Based on Isometsä's research more would seem to be going on with regard to Frontex and the coast guard functions than meets the eye at a first glance.⁸³

⁸¹ The neofunctionalist spillover effect refers to the idea by Ernst B. Haas that integration in one sector leads to "spillover" integration on other sectors. More on the topic: Wikipedia: Neofunctionalism [<https://en.wikipedia.org/wiki/Neofunctionalism>], accessed 18 December 2017.

⁸² Isometsä, Jani: *Eteläisten merirajojen vaikutus Euroopan unionin rajaturvallisuuden kehitykselle*. Staff Officer Course -thesis, National Defense University 2014, passim.

⁸³ Ibid.

3. Methodology

3.1. Frame of reference and research questions

The theoretical frame of reference for my research is derived from Mark Moore's Public Value Scorecard. Moore proposes devising a *strategic triangle* that directs attention to constituent factors of a non-profit organization's performance. On top of the triangle, as its capstone, one should position the mission (i.e. the ultimate purpose) of the organization. Whereas in the for-profit world the mission generally is the maximization of shareholder wealth, in the non-profit world it normally constitutes the reason for the establishment of the organization in the first place - its public value proposal.⁸⁴

Moore's Public Value Scorecard is fine tuned for non-governmental organizations (NGOs), but with some adjustments it is applicable for public entities as well. One of the necessary adjustments is regarding the mission statement of the organization. An NGO is relatively free to set its own mission, but a government (or an EU) agency is bound to its statutory tasks. Agencies do have mission statements written out in their various strategy documents, but their role is somewhat different as compared to for-profit companies or NGOs. Let's have a look at Frontex as a case in point.

The highest order strategic document for Frontex is the (Multiannual) Programming Document, which is updated each year to cover the upcoming three year period⁸⁵. As part of the document, there is a mission statement for Frontex, which in its most recent form (2019-2021) reads as:

*"Together with the Member States we control the EU external borders contributing to the internal security and free movement of people."*⁸⁶

This is a slight development in comparison to the mission statement in the 2018 - 2020 programming document:

*"Together with the Member States, we ensure safe and well-functioning external borders providing security."*⁸⁷

⁸⁴ Moore (2003), p 11-12.

⁸⁵ Regulation (EU) 2016/1624, article 64.

⁸⁶ Council of the European Union: *Frontex draft Programming Document 2019 - 2021*. General Secretariat of the Council 2018 (draft), p. 9.

In years prior to 2018 the mission statement followed a different format. First it described Frontex’s core task in technical manner, by stating that:

“Frontex supports, coordinates and develops European border management in line with the Treaties including the Charter of Fundamental Rights of the EU as well as other international obligations.”

This was followed by three paragraphs of how Frontex was to achieve the stated goal⁸⁸. It is useful to note that throughout these recent changes in the mission statement, the legislation governing Frontex’s tasks remained unchanged. It is doubtful, whether the activities in the field changed due to these adjustments to the mission statement. By saying this, I’m not denying the potential effects that adjustments in an organization’s mission statement might have on its members to adjust their focus. I’m merely pointing out that for a public agency; it appears to be more appropriate to derive the capstone for the strategic triangle from legislation rather than from the mission statement - which in itself is ultimately derived from the legislation. This is a departure from the NGO world that Moore focuses on in his work.

As for legislation, Frontex’s mission is best encapsulated in article 6 of the EBCG Regulation:

“To ensure a coherent European integrated border management, the Agency shall facilitate and render more effective the application of existing and future Union measures relating to the management of the external borders, in particular the Schengen Borders Code established by Regulation (EU) 2016/399.”

As we can see, the ultimate mission of Frontex is to be the patron of Union measures in ensuring coherent European integrated border management (IBM). In my research, however, I am only interested in the public value generated towards coast guard functions. I therefore needed to dig deeper into the Regulation to find a capstone for the strategic triangle suitable for my research. Indeed, there is a slight overlap between the elements of integrated border management and coast guard functions as can be observed in the table below.

⁸⁷ Frontex: *Programming Document 2018 - 2020*. Frontex 2017, p. 7.

⁸⁸ Ibid. p. 6.

Table 1: Cross-comparison between the overlapping elements of the concepts of IBM and CGF.

Integrated border management ⁸⁹	Coast guard functions ⁹⁰
Border control [...]	Maritime border control.
[...] the prevention and detection of cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism [...]	The prevention and suppression of trafficking and smuggling and connected maritime law enforcement.
Search and rescue operations for persons in distress at sea [...] taking place in situations which may arise during border surveillance operations at sea.	Maritime search and rescue.

More references to coast guard functions follow in article 8 of the Regulation, where the different components of IBM are translated as tasks for Frontex. In the first paragraph of the article it is made clear that all Frontex tasks are subject to the main objective of ensuring an efficient, high and uniform level of *border control* and return. Frontex is also tasked with providing the Member States and third countries with technical and operational assistance in support of *search and rescue* operations when they happen in conjunction with border surveillance at sea. Furthermore, SAR considerations are to be taken into account when launching joint operations and rapid border interventions. Frontex is also tasked to cooperate with Europol and Eurojust in order to support the Member States in the *fight against organized cross-border crime and terrorism* at the external borders. Three of the eleven functions are thus mentioned again, although border control is the only one that does not come with caveats.

Article 53 of the Regulation mandates Frontex, in cooperation with EFCA and EMSA, to support national authorities carrying out coast guard functions, while leaving it open what these coast guard functions are. The only reference in the Regulation to a definition of the concept of coast guard functions is in paragraph 44 of the preamble (see chapter 1.3), which lists seven of the eleven functions on the ECGFF list. The wording in the preamble indicates that the list of functions given therein is non-exhaustive. No further clues as for what the coast guard functions are is given elsewhere in the EU legislation either. However, the ECGFF list has achieved a semi-formal status in the EU as was discussed earlier. Also, the Regulation uses the same terminology as the ECGFF list in reference to coast guard functions. It can thus be deduced that the same content is likely being referenced.

⁸⁹ European Coast Guard Functions Forum (2015), p. 1.

⁹⁰ Regulation (EU) 2016/1624, article 4.

In sum, Frontex has a direct mandate over three of the eleven coast guard functions: (maritime) border control, (maritime) search and rescue and (maritime) law enforcement. In addition to these three, it is tasked to assist national authorities carrying out coast guard functions in cooperation with EMSA and EFCA. The search to find the capstone mission statement for Frontex coast guard functions provision and simultaneously for the frame of reference for my research, thus draws to a close. Based on what was said above, respecting the style and phrasing in the EBCG regulation, I propose the following:

With regard to coast guard functions, Frontex shall perform the following tasks:

- 1. contribute to an efficient, high and uniform level of maritime border control;*
- 2. provide technical and operational assistance to Member States and third countries in support of search and rescue operations for persons in distress at sea which may arise during border surveillance operations at sea;*
- 3. provide support to Member States in circumstances requiring increased technical and operational assistance at the external maritime borders in the fight against organized cross-border crime and terrorism and*
- 4. support national authorities carrying out coast guard functions.*

The performance of Frontex will thus be measured against all the coast guard functions with a special focus in the functions that are directly in its mandate.

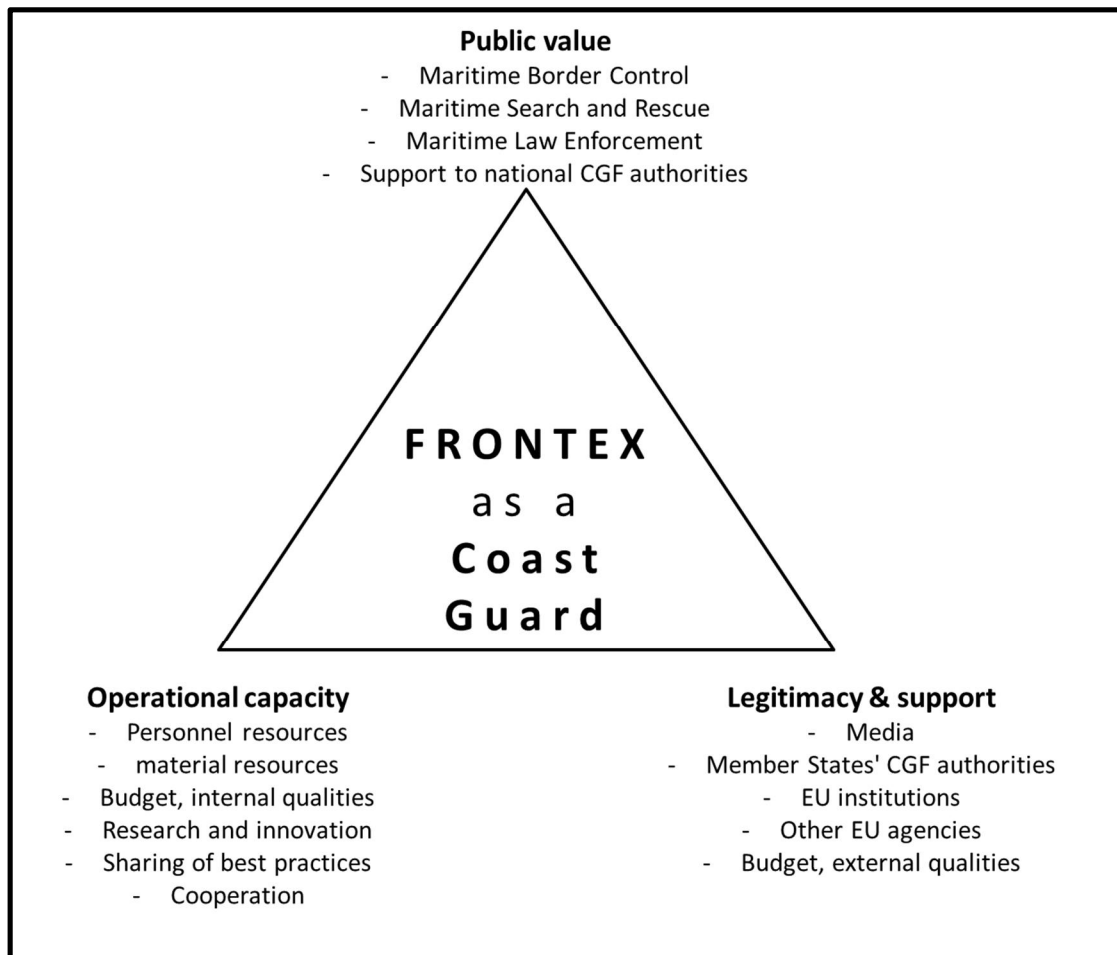


Figure 4: The theoretical frame of reference - Frontex as a coast guard from the perspective of the strategic triangle.⁹¹

The top vertex of the triangle also constitutes the primary research question: *How and to what extent does Frontex generate public value with regard to coast guard functions?* An important assumption has to be made here. In reference to the theoretical discussion highlighted in chapter 2.1 about the concept of *public value* as a conglomeration of what the public values, it is assumed for the purposes of this research that the democratic process in the EU and in the Member States is sufficiently efficient in translating the public's values with regard to coast guard functions into legislation and other actionable instruments.

By this I mean that the public, knowingly or unknowingly, has needs related to coast guard functions. The co-legislators then, through a complicated political process involving other political elements at the national, EU and international level, as well as a multitude of other interest groups, formulate these societal needs into legislation and into soft law instruments such as strategies and policies. The public herein is to be interpreted broadly to refer to the European populace. It is acknowledged that in reality different parts of the society (or maybe

⁹¹ Adapted from Moore (2003), p 11-13.

more accurately: European *societies*) have very different needs with regard to the provision of maritime security and other coast guard functions. Mapping out these varying needs and/or assessing the efficiency of the political process in translating them into legislation is outside of the scope of this research.

While the top vertex of the triangle refers to the public value that the organization is currently generating towards its ultimate goal, the balanced way of measuring requires the inclusion of two additional perspectives. The base of the triangle consists of *legitimacy and support* on the other vertex and *operational capacity* on the other. The prior addresses the fact that efficient operations of a non-profit require legitimation by and support from various stakeholders such as different branches of the government, peer organizations, customers upstream and downstream, etc.⁹²

In the case of Frontex the sources of legitimation are exceptionally complicated. Frontex needs to consider the legitimacy of its activities not only from the point of view of its hierarchical supervisors, the EU Institutions, but also from the point of view of the Member State governments and at least the border management and the coast guard authorities of the Member States. In addition, as the EU and the Member States both operate from democratic foundations, the legitimacy from the point of view of the public is of high importance. The Member States are represented directly, although by different individuals, in the EU Council and in the Frontex Management Board. The European parliament is directly elected by the electorates in EU countries, whereas the Commission is indirectly appointed by the same electorates. The Management Board members are appointed by the Member State officials, who are appointed through political processes in their respective home countries. All that amounts to a lot of sources of legitimation to consider.

In order to impose structure to this complex field and to break down the concept of legitimation into measurable bits, Moore proposes conceptualizing the different sources of legitimation as “accounts”. He also proposes keeping the ideas of legitimacy and support together as they both stem from the same sources and they contribute towards the same objective, which is to enable the organization to harvest funding, deference and trust that will facilitate its interaction with the world. Moore proposes the accounts concept both in material (e.g. financial) and in immaterial terms, making note of the fact that many non-profits receive not only financial resources from their owners and donors, but also “time and tissue”. By this

⁹² Moore (2003), p. 12.

he means time contributed to the organization by volunteers and potential material donations by the general public. While the terminology used by Moore refers more to the NGO world, parallels can be drawn to the operational environment of public agencies. Time devoted to the organization's cause by external actors matters for both. Each of the different types of input would then be considered an individual account, whose balance could be monitored over time much like in the case of financial accounts. Moore describes these abstract accounts of legitimation as "good will" towards the organization. Combined, these accounts can collectively be described as the "authorizing environment".⁹³

In this research the Frontex budget is identified as the sole concrete account, while multiple abstract goodwill accounts are identified and their balances analyzed. These different accounts are presented and discussed in detail in chapter 4.2. The pertinent research sub-question related to this vertex of the strategic triangle is: *Where does Frontex derive the legitimation and support that facilitate its provision of coast guard functions?*

The bottom left vertex in the strategic triangle is labeled operational capacity. It represents the apparatus that translates the input gained through the legitimacy and support accounts into outputs towards the ultimate public value outcomes. Whereas legitimacy and support are qualities of the operating environment, operational capacity is internal to the organization or right at its boundary. If the chain of public value generation is unbroken, the societal needs are first effectively and accurately translated into policy objectives and legislation. Second, through the organizational capacities of public agencies, these policy objectives are then translated into outputs that generate public value towards the intended outcomes. The internal processes, in the framework of my research, include elements like the suitability of Frontex's personnel and material resources as well as its operating procedures for the provision of coast guard functions. The research sub-question related to organizational capacity is: *How well do Frontex's organizational capacities support its provision of coast guard functions?*

3.2. Identifying the key performance indicators

In this chapter I identify the key performance indicators (KPIs) that constitute the Frontex coast guard functions scorecard. The Scorecard in its entirety is introduced in Annex 1. The key performance indicators are organized in three categories based on the three vertices of the strategic triangle. As was established in the previous chapter, legislation is of key importance

⁹³ Moore (2003), p. 16-18.

in defining the KPIs for a public agency, which is why I started the search for suitable KPIs by looking at the legislative framework governing Frontex. It is a complex set of international conventions as well as EU treaties, regulations, directives and Council decisions. The complete legal framework, as recognized by Frontex itself, is listed in Section I of the Multiannual Programming Document, i.e. the Frontex strategy.⁹⁴ The listing therein was used as the basis for identifying the statutes relevant for the Frontex coast guard functions scorecard. Only a fraction of the complete legal framework is relevant with regard to the scorecard. The majority of the legislation is either not directly related to coast guard functions, e.g. the Return Directive, or they are too broad in their scope to serve as a suitable basis for drafting performance measures specific to Frontex. An example of the latter would be the United Nations Convention on the Law of the Sea (UNCLOS).

The legal framework sets out the broad outlines within which Frontex must operate, but they leave room for applying guidance and direction by the political leadership as well as by the executive management. Not all the relevant performance measures can, therefore, be derived from legislation. This is where strategy comes in. The Multiannual Programming Document is the highest order strategic document for Frontex. It is annually drafted by the Frontex Executive Director and subsequently adopted by the Frontex Management Board by a two-thirds majority vote after consultations with the EU Parliament and after taking into account the opinion of the EU Commission.⁹⁵ It should therefore, on an annual basis, thoroughly encapsulate both the will of the political decision making bodies as well as that of the executive management. The Programming Document fills in many of the gaps left in by the legal framework as for what Frontex should be doing with regard to coast guard functions. According to many of the theoretical models on performance measurement, the measures should be based on the organization's strategy.^{96 97} The Programming Document was thus adopted as one of the sources for the scorecard. Two of the latest Programming Documents⁹⁸ were used for cross comparison purposes.

A more detailed plan for Frontex activities is laid out in the Annual Work Program (AWP). The Annual Work Program defines in detail the short term operational objectives, based on the strategic goals of the Programming Document. The AWP, as stipulated in the EBCG

⁹⁴ Frontex: *Programming Document 2018 - 2020*, p. 9.

⁹⁵ Regulation (EU) 2016/1624, article 64.

⁹⁶ Lönnqvist et al. (2006), p. 109.

⁹⁷ Moore (2003), p. 11.

⁹⁸ At the time of drafting the measures the Programming Document 2018-2020 was the latest one to have been approved, whereas the 2019-2021 Programming Document was available as a draft.

Regulation,⁹⁹ also contains indicators for the designated operational objectives, making it a useful resource in building a scorecard. The AWP for 2018 and for 2019 were used as a source in creating performance measures for the Frontex coast guard scorecard.

3.2.1. Key performance indicators directly related to public value generation

As an example of the process of the key performance indicator development process I applied in my research, in this sub-chapter I will describe the identification of some of the KPIs that contribute towards public value generation regarding coast guard functions. As discussed earlier in this report, public value is a highly abstract concept, wherefore assumptions have to be made regarding the contributing factors. Public value generation as a concept in a non-profit organization roughly equals the concept of revenue generation of a for-profit company. It is to be noted that the following examples were identified at the beginning of the iterative process of KPI development. While some of them survived all the way to the final version of the Frontex Coast Guard Functions Scorecard (Annex 1), many were refined along the way or scrapped altogether. Most often the refinement was necessary due to practicality or relevance reasons (see chapter 1.3).

Cooperation in coast guard functions with the EFCA and the EMSA. Cooperation in coast guard functions with the European Fisheries Control Agency (EFCA) and the European Maritime Security Agency (EMSA) is one of the new tasks for Frontex as per the EBCG Regulation. The planning and implementation of multipurpose operations between Frontex, the EFCA and the EMSA with the aim of assisting the Member States in carrying out coast guard functions are introduced in article 53 of the Regulation. Effective cooperation in this regard is reemphasized in section 2.2 of the Annual Work Program for 2018.¹⁰⁰ The Annual Work Program also sets a goal of cross-sectoral cooperation with the EFCA and the EMSA as well as other relevant stakeholders.¹⁰¹ Out of these statements the following general level performance indicators were derived:

- How many multipurpose operations with EMSA and/or EFCA and what coast guard functions did those multipurpose operations cover?
- What other forms of assistance did Frontex give to the Member State coast guard authorities in cooperation with the EMSA and the EFCA in the past calendar year?

⁹⁹ Regulation (EU) 2016/1624, article 64.

¹⁰⁰ Frontex: *Programming Document 2018 - 2020*. Frontex 2017, p. 65.

¹⁰¹ Ibid. p. 62.

Deployments from the rapid reaction pool and technical equipment pool. As a concrete operational measure, Frontex is prepared to deploy European Border and Coast Guard Teams (EBCGTs) from a rapid reaction pool of experts that was established by the Regulation. These teams are to be used in joint operations and rapid border interventions. The teams' operations are enabled by a technical equipment pool. This is one of the tasks described in the Annual Work Program, which also adds the task of operational coordination with third countries into the task palette.¹⁰² Key performance indicators related to the rapid reaction pool and the technical equipment pool with regard to their specific compositions and their suitability for coast guard functions will be introduced under the headline of operational capacity later on. From the point of view of direct public value generated, the following key performance indicators were derived from the source documents:

- How many coast guard teams and team members did Frontex deploy in the past calendar year?
- How many boats/ships/maritime patrol aircraft/RPAS did Frontex deploy in the past calendar year?

Cooperation with third countries. One of the new themes in the EBCG Regulation is the increased cooperation with third countries. In the Regulation, Frontex is tasked to assist third countries regarding e.g. maritime surveillance, search and rescue and technical and operational matters covered by the Regulation.¹⁰³ Assisting third countries in coast guard functions related issues can be seen as a direct indicator of public value created by Frontex that also serves the Member States. Therefore the following key performance indicators were derived:

- What concrete actions has Frontex taken to assist third countries in maritime surveillance in the past calendar year?
- What concrete actions has Frontex taken to assist third countries in search and rescue in the past calendar year?
- In what other concrete ways and related to which coast guard functions has Frontex provided assistance to third countries?
- With which third countries was coast guard functions related operational coordination carried out in the past calendar year?
- Regarding which coast guard functions was operational cooperation with third countries carried out in the past calendar year?

¹⁰² Frontex: *Programming Document 2018 - 2020*. Frontex 2017, p. 61-63.

¹⁰³ Regulation (EU) 2016/1624, article 8.

Search and rescue. The Annual Work Program reiterates Frontex's commitment to the search and rescue task it was mandated in the EBCG Regulation, albeit only in relation to maritime border surveillance.^{104 105} The following KPIs were identified related to direct public value generation with regard to search and rescue:

- How many people were rescued at sea by Frontex coordinated assets in the past calendar year?
- How many lives were lost at sea in the area of Frontex Joint Operations in the past calendar year?

Maritime law enforcement is one of the coast guard functions. It is also a component of European integrated border management, in whose scope it is to fight illegal immigration and its facilitation as well as other forms of cross-border crime. The above is to be done by Frontex only in relation to border control. Cross-border crime is also listed in the Regulation as one of the valid reasons for a Member State to request a Joint Operation to be initiated by Frontex. Frontex's ability to counter cross-border crime was significantly enhanced with the mandate in the new Regulation for processing information containing personal data. Anti-terrorism is also now in the scope of Frontex activities in cooperation with Europol and Eurojust.¹⁰⁶ The Annual Work Program also stresses the importance of inter-agency cooperation with regard to law enforcement activities.¹⁰⁷ The following KPIs were derived with regard to the public value generated in relation to maritime law enforcement:

- How many illegal immigration facilitators (people smugglers) were detained by Frontex maritime assets in the last calendar year?
- How many drug smugglers were detained by Frontex maritime assets in the last calendar year?
- How many kilograms of drugs were seized by Frontex maritime assets in the last calendar year?
- How many smugglers of other types of goods were detained by Frontex maritime assets in the last calendar year?
- What other types of cross-border crime were uncovered by Frontex maritime assets in the last calendar year?

¹⁰⁴ Frontex: *Programming Document 2018 - 2020*. Frontex 2017, p. 67.

¹⁰⁵ Regulation (EU) 2016/1624, articles 4, 8 and 14.

¹⁰⁶ Ibid. articles 4, 8 and 15.

¹⁰⁷ Frontex: *Programming Document 2018 - 2020*, p. 68, 74.

- How many terrorist suspects were detained by Frontex maritime assets in the last calendar year?

3.2.2. Key performance indicators related to legitimacy and support

As discussed earlier in this report, Moore proposes discussing the various sources of legitimacy and support as accounts. The accounts can have material content, such as funds, or they may be immaterial, such as goodwill and deference. For the purposes of this research, I identified five different accounts, four of which are immaterial and one material. The immaterial accounts (goodwill & deference) are 1) the general public, whose views by proxy are represented by the media, 2) Member State coast guard functions authorities, 3) other EU agencies and 4) EU institutions. The sole material account is the Frontex budget, as it is the only source of funding for the agency.

Public opinion, measured by a public poll in the EU and Schengen associated countries towards Frontex and different aspects of its activities would be an excellent measure of the overall legitimacy and support enjoyed by Frontex. Public opinion is probably the most important individual KPI under the category of legitimacy and support measures, since in a democratic system it is behind much of the goodwill generated in various levels of governance. Unfortunately public opinion cannot be directly measured with the resources available for this research. As a proxy to a poll, I decided to use media coverage on Frontex to gauge the prevailing sentiment. **Media coverage** within the reference year of 2018, as tracked by Frontex Situation Center, was analyzed for its general tone towards Frontex on a five point Likert-type scale. The following key performance indicators were identified in relation to gauging the media coverage:

- What percentage of articles in the media in the past calendar year related to Frontex coast guard functions cooperation were positive/neutral/negative in tone?
- Which were the prevailing narratives in the media about Frontex coast guard functions cooperation in the past calendar year?

Support for Frontex in Member State coast guard functions authorities is the second account, whose balance was identified as a key performance indicator. The good will of these authorities is of key importance for the operational activities of Frontex. The Member State authorities provide Frontex with the practical means to conduct operations e.g. by sharing intelligence and information as well as by providing personnel and material. The Member

State authorities' good will was measured by a questionnaire to representatives of the organizations. The following key performance indicator was identified in this regard:

- How significant is Frontex's assistance to the Member States in coast guard functions as assessed by representatives of the MS coast guard authorities?

The third and the fourth of the legitimacy and support accounts consists of the goodwill generated by **other EU agencies** and **institutions**. Article 52 of the Regulation names the Commission, the European External Action Service (EEAS), European Asylum Support Office (EASO), EU Fundamental Rights Agency (FRA), Eurojust, the EU Satellite Center (SatCen), the EMSA and the EFCA as cooperation partners for Frontex, while including also the blanket notion of "all other institutions, bodies, agencies and offices" as potential cooperation partners. For the purposes of this research, I narrowed down the list to include EMSA, EFCA and the EU Parliament. The EMSA and the EFCA qualified as they are separately mentioned in article 53 as the cooperation partners related to coast guard functions. The EU Parliament represents the legislator's point of view.

- How significant is Frontex's assistance to the MS in coast guard functions as assessed by the EMSA?
- How significant is Frontex's assistance to the MS in coast guard functions as assessed by the EFCA?
- How significant is Frontex's assistance to the MS in coast guard functions as assessed by the EU parliament?

Budget can be assessed from the point of view of its internal and external qualities. By external qualities I refer to the gross amount of money allocated for Frontex in the EU budget and by internal qualities I refer to the allocation of funds to different functions by Frontex. With regard to legitimacy and support the external qualities are what count as they are indicative of Frontex's appreciation within the EU institutions as well as within the Member States more generally. With regard to the legitimacy and support aspects of the budget, the following KPI was identified.

- How big was the Frontex budget for 2017?
- How much did the Frontex budget change for 2017 as compared to the previous year?
- How does Frontex's budget compare to other EU agencies?

3.2.3. Key performance indicators related to operational capacity

Operational capacity, in Moore’s strategic triangle, refers to the organization’s internal workings that translate inputs into outputs. These “workings” include elements like *personnel* (sufficiency and suitability), *material resources* (equipment), the *operating procedures* that bring the personnel and materiel to bear, investment in *research and innovation* so as to develop new processes and to enhance existing ones. Maybe most interestingly, operational capacity according to Moore should also include cooperation with other actors in the sector. This last point is a contrast to the for-profit sector, wherein the atmosphere is that of competition and other for-profit organizations are competitors - especially those that operate in the same sector. Non-profit organizations, on the other hand, are interested in advancing public value objectives and it is in their interest, through their activities, to build up and develop the whole sector. Other organizations with coalescing objectives are therefore seen as cooperating partners rather than competitors. It is with this justification that interagency cooperation is included under the category of operational capacity. Relations with other organizations were already covered under legitimacy and support.

Staffing with regard to coast guard functions. One fundamental aspect of organizational capacity is staffing that is sufficient in numbers and qualified with their tasks. Frontex is currently recruiting rapidly. The Annual Work Program for 2018 indicated that 240 new positions were created for Frontex in the course of 2017 and that there was a requirement for 120 new positions in 2018.¹⁰⁸ Potentially, at least some of this growth is the result of the inclusion of the coast guard functions in the mandate. Related to staffing, the following key performance indicators were developed:

- How many of the Frontex staff recruited in the past calendar year had a professional background in coast guard functions?
- How many of the Frontex staff dedicated the major part of their working hours to dealing with coast guard functions in the past calendar year?
- What percentage of the Frontex staff were coast guards by their background in the past calendar year?

Liaison officers’ coast guard credentials. Under the EBCG Regulation Frontex is authorized to deploy Liaison Officers to Member States and to third countries. In the Members States the liaison officers are to monitor the Member State’s border management

¹⁰⁸ Frontex: *Programming Document 2018 - 2020*, p. 64.

activities and to act as an interface between Frontex and the Member State's border management authorities including coast guards to the extent that they carry out border control tasks.¹⁰⁹ In third countries, based on the Regulation text, the role of the liaison officers is more inclined towards immigration liaising tasks and no direct link to coast guard functions is implied in the Regulation.¹¹⁰ The Annual Work Program for 2018, however, states that enhanced financial resources are required e.g. in order to deploy liaison officers to third countries for the purposes of cooperation on operational and technical assistance matters.¹¹¹ Assistance in coast guard functions appears not to be precluded. We can derive the following indirect key performance indicators related to the public value creation by the liaison officer function:

- How many of the deployed liaison officers were coast guards by their background in the past calendar year?

Operational capacity with regard to the rapid reaction pool and the technical equipment pool. Another important operational capacity tool introduced by the EBCG Regulation was the mandatory pooling of resources. Within its remit, Frontex is in the process of establishing and maintaining a *rapid reaction pool* of experts from the Member States' border management organizations to be deployed by Frontex where increased resources are required. The operations of the rapid reaction pool are enabled by a *technical equipment pool* of material. Frontex is, according to the Regulation, to develop technical standards for the equipment in order to facilitate interoperability.¹¹² Along the lines of this new task the Annual Work Program for 2018 tasks Frontex to establish the said pool.¹¹³ From this the following key performance indicators were derived:

- How many of the personnel designated to the rapid reaction pool were coast guards by their background in the past calendar year?
- What percentage of the personnel in the rapid reaction pool was designated for coast guard functions in the past calendar year?
- How many coast guards and coast guard teams is Frontex able to deploy annually with the current arrangements?
- How many boats/ships/MPAs/RPASs are there in the technical equipment pool?
- What other coast guard functions related materiel are there in the technical equipment pool?

¹⁰⁹ Regulation (EU) 2016/1624, article 12.

¹¹⁰ Ibid. article 55.

¹¹¹ Frontex: *Programming Document 2018 - 2020*, p. 63.

¹¹² Regulation (EU) 2016/1624, articles 8 and 39.

¹¹³ Frontex: *Programming Document 2018 - 2020*, p. 62.

- What was the total value of coast guard functions related material in the technical equipment pool in the last calendar year?
- What recognized capability gaps are there related to coast guard functions in the rapid reaction pool and/or the technical equipment pool?

Research and innovation. By article 37 of the EBCG Regulation, Frontex is tasked with participating in research and innovation activities. It is to proactively monitor and contribute to these activities and then use the results as it deems appropriate in its operations. This task is also reflected in the Annual Work Program.¹¹⁴ By extension of this task we can identify the following key performance indicators:

- What coast guard functions related research and/or innovation programs did Frontex identify in the last calendar year?
- What coast guard functions related research and/or innovation programs did Frontex finance in the last calendar year?
- What concrete results related to coast guard functions were reached by Frontex funded research and/or innovation programs in the past calendar year?
- What was the total value of funds Frontex invested in research and/or innovation programs related to coast guard functions in the past calendar year?

A tool for capacity building - a practical handbook in coast guard functions. As specific actions to be undertaken related to integrated border management, the Annual Work Program for 2018 sets out four broad categories for increased European cooperation on coast guard functions. Firstly, under the title of *capacity building* Frontex is tasked to contribute towards the development of a practical handbook in coast guard functions as well as to the implementation of joint training activities. This task is directly sourced from article 53 of the EBCG Regulation. More specifically, the Annual Work Program calls for a *best practices and guidelines handbook* to be developed regarding boarding in Frontex Joint Operations.¹¹⁵ Out of this information I derived the following key performance indicators:

- What are the current stage and the expected release date of the practical handbook on European cooperation on coast guard functions?
- What concrete steps have been taken by Frontex towards the implementation of joint training in coast guard functions?

¹¹⁴ Frontex: *Programming Document 2018 - 2020*, p. 63, 90-93.

¹¹⁵ Ibid. p. 65, 75.

- What are the status and the expected release date of the best practices and guidelines handbook on boarding?

Shared situational awareness and information exchange. The second category of specific actions in the Annual Work Program is under the title: *Joint European monitoring concept*. Its objectives include the provision of Eurosur Fusion Services¹¹⁶, Copernicus Services¹¹⁷ as well as communication and monitoring services in line with the operational needs of other EU agencies (EFCA, EMSA and Europol are given as examples) and of the Member States. The integration of the EMSA RPAS services into the maritime situational picture is a part of this process. The Annual Work Program also mandates the establishment of a Maritime Intelligence Community Risk Analysis Network for the “[sharing of] *in-depth knowledge and up-to-date situational awareness*”.¹¹⁸ It can be debated, whether these services are actual public value creation or, indeed, operational capacity accumulation - the latter being in the scope of this chapter. Since these services are produced internally, within and between the different agencies at the EU and at the Member State level, and thus the end product of these services contributes to the societal level only in an indirect manner, I decided to include under the operational capacity as opposed to public value creation. Therefore, in the context of operational capacity building, the following key performance indicators were derived:

- What types of information is shared between the EFCA, EMSA and Frontex related to operational and/or technical matters with regard to coast guard functions?
- How regular is this structured information exchange between EFCA, EMSA and Frontex?
- What types of coast guard functions related information shared between the Member States and Frontex through the aforementioned services?
- How regular is this structured information exchange between the Member States and Frontex?
- What is the status of the Maritime Intelligence Community Risk Analysis Network?
- What is the status of the European Situational Picture (ESP)?

The third and the fourth title in the Annual Work Program regarding specific actions to be undertaken with regard to the coast guard aspects of the IBM concept deal with **European cooperation on coast guard functions concept**. The objective of the task is to support the

¹¹⁶ The European Union border management related situational awareness system and framework. For more information see: [<https://frontex.europa.eu/intelligence/eurosur/>] and Regulation (EU) 2013/1052.

¹¹⁷ The European Union satellite based earth observation program. For more information see: [<http://www.copernicus.eu/main/overview>]

¹¹⁸ Frontex: *Programming Document 2018 - 2020*, p. 65, 78, 93-96, 236-237.

conceptualization and the coherent implementation of European cooperation in coast guard functions both within Frontex and with partner organizations at the EU and on the Member State level. Also in the text it says that a framework of working arrangements, service level agreements and operational guidelines is to be established with the various partners.¹¹⁹ Frontex, EFCA and EMSA signed a Tripartite Working Arrangement in 2017 regarding enhanced cooperation in coast guard functions. Under the framework of the Arrangement, EMSA and Frontex are working on a joint concept of common surveillance services for multipurpose operations. It is in the scope of the concept to combine sensor data from Frontex fixed-wing aircraft, EMSA remotely piloted aircraft and all seaborne assets into a joint maritime situational picture. The communication services of Frontex, EFCA and EMSA are also to be mutually coordinated.¹²⁰ The following key performance indicators for European cooperation in coast guard functions were identified in the framework of operational capacity building:

- Does Frontex currently have a sufficient framework of working arrangements, service level agreements and operational guidelines for carrying out multipurpose operations regarding coast guard functions? - if not, what agreements are left to be made?
- What are the coast guard functions related services that can be provided to the Member States by the three agencies?
- What is the status of the common interagency (Frontex, EFCA, EMSA) platform dedicated to Member State authorities carrying out coast guard functions?
- Are the Member States provided with up-to-date information on the various services that can be provided by the three agencies?
- Has the concept for multipurpose operations been established, tested and applied?
- Do the three agencies share information exchange platforms that enable effective communication in operational scenarios?
- What best practices regarding coast guard functions have so far been identified, shared and applied in practice?
- Are there any legal obstacles to the cooperation in coast guard functions between the three agencies?

The **search and rescue** (SAR) mandate was already discussed with regard to public value creation KPIs in the respective sub-chapter. However, there is an operational capacity aspect

¹¹⁹ Frontex: *Programming Document 2018 - 2020*, p. 65-67, 236-237.

¹²⁰ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Tripartite Working Arrangement*, 2017.

to Frontex SAR activities as well. The EBCG Regulation mandates Frontex to take into account that Joint Operations and Rapid Border Interventions may involve SAR and that Frontex should give operational and technical assistance to Member States and third countries in support of SAR. The Programming Document for 2018-2020 establishes a strategic objective for Frontex to cooperate with the states neighboring the areas of Joint Operations regarding SAR. Mutual assistance plans are to be developed with those states where applicable. The document also calls for a workshop to be held in order to foster mutual understanding and cooperation. As a final measure related to operational capacity building the Programming Document establishes a need for cooperation and training between SAR units and law enforcement units in order to prosecute migrant smugglers and human traffickers.¹²¹ With regard to operational capacity building, some further KPIs are useful in assessing Frontex's potential in this regard:

- How many small surface SAR assets of various types were there under Frontex coordination at the end of the last calendar year?
- How many airborne SAR assets of various types were there under Frontex coordination at the end of the last calendar year?
- Has Frontex established plans for search and rescue in the areas of Joint Operations?
- Does Frontex have agreements regarding search and rescue with the national authorities in the areas of Joint Operations?
- What is the status of the envisioned workshop for SAR partners?
- What technical and/or operational assistance has Frontex given to Member States or to third countries in support of SAR?

Since the introduction of the coast guard role to its mandate, Frontex has been required to adjust its **training** programs accordingly. Chapter 2.7 in the Annual Work Program introduces the various types of training that Frontex was to arrange in 2018. The most significant fields of training with regard to coast guard functions were identified as: [maritime] situational awareness, law of the sea and joint interactions and exercises. Frontex has also taken upon itself to promote a common European coast guard culture.¹²² The following KPIs, based on the training objectives in the Annual Work Program, were identified as relevant for the appraisal of Frontex's operational capacity as a coast guard functions training organizer:

- How many person-days of coast guard functions training did Frontex provide in the last calendar year?

¹²¹ Frontex: *Programming Document 2018 - 2020*, p. 20-21.

¹²² Ibid. p. 88-90, 148-150, 236.

- How much funds were directed at coast guard functions training in the last calendar year?
- How many student exchanges were conducted for the purpose of coast guard functions learning in the last calendar year?
- What is the status of creating quality standards for training in coast guard functions training?
- What measures did Frontex take to promote a European coast guard culture in the last calendar year?
- What training courses does Frontex currently have in place for teaching or training coast guard functions?
- What is the status of the envisioned common training event on coast guard functions?
- What is the status of the Sectoral Qualifications Framework (SQF) for coast guarding?
- What is the status of the planned annual coast guarding event?

In order to gauge the operational capacity of Frontex, **budget** needs to be included in the scope of enquiry. The amount of financial resources an organization has at its disposal is an important indicator of its overall clout. Within the framework of my research, it is necessary to look into the share of coast guard functions related expenses in the budget. The comparison between the total budget and the share of operational expenses in it is also a measure of efficiency. The pertinent KPIs therefore are:

- What was the total amount of money directed at coast guard functions related operational expenses in the Frontex 2017 budget?
- What was the share of coast guard functions related operational expenses of the total operational expenses in the Frontex 2017 budget?
- What was the share of operational expenses in the Frontex 2017 budget?

3.3. Data collection

3.3.1. Data collection related to public value measures

The data collection for the performance measures related to public value generation proved to be the easiest of the three categories. As has been introduced in the previous chapters, these performance measures are related to the concrete value generation towards the ultimate goal(s) of an organization. In the framework of my research the ultimate goal was assigned to

be coast guard functions provision by Frontex. My task in the data collection phase therefore was to locate and collect information about concrete results achieved in this regard.

As I started planning for the data collection, I soon realized that coast guard functions provision by Frontex is inseparable from the coast guard functions provision in the framework of the tripartite cooperation. The cooperation article in the Regulation is formulated so as to make the assistance in coast guard functions to the Member State authorities a unified whole provided by the cooperation partners EFCA, EMSA and Frontex. The ensuing forms and modalities of the cooperation have been carried out in close coordination between the three agencies. Most notably, the three agencies have signed a tripartite working arrangement and carried out a pilot project titled “the creation of a European coast guard function”, both of which underscore the joint assistance to the member state coast guard authorities by the three agencies.¹²³ ¹²⁴ Furthermore, as Mark Moore described in his article on the public value scorecard, one of the features distinguishing public sector organizations from their private sector counterparts, is the will to build up the whole sector instead of focusing on intra-organizational value generation. Moore speaks of “partners” and “co-producers” in this regard. For these reasons, I deemed it necessary to measure the public value generation of the tripartite cooperation as a whole, rather than just Frontex by itself.¹²⁵

The aforementioned decision had some implications with regard to data collection. I had originally planned to collect and analyze the statistical information that Frontex produces of its annual activities - mainly the Annual Activity Report - and derive answers from therein to the questions in the scorecard. Upon changing the scope, I needed to expand my inquiry into the corresponding documents produced by the EFCA and the EMSA - the Annual Report (AR) and the Consolidated Annual Activity Report (CAAR) respectively. The expansion of the scope proved to be an excellent decision, not least from the point of view of data collection. The AR and the CAAR proved to be of very high quality, providing deep insight into the forms and the extent of the tripartite cooperation. Their inclusion in the data analysis enriched the final product significantly.

My second line of advance in collecting data for the public value measures was to include questions regarding the various forms of cooperation that had taken place into the

¹²³ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Tripartite Working Arrangement*, 2017.

¹²⁴ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Pilot Project - “Creation of a European Coast Guard Function”*, 2017.

¹²⁵ Moore (2003), p. 19.

questionnaires that were sent out to the tripartite partners as well as to Member State coast guard functions authorities. This did not go over very well. The respondents were relatively unaware of the forms of cooperation taking place, or they were not interested in providing information in them. It is to be noted that the number of respondents remained low (~20%) and did not include major recipients of assistance such as Greece or Spain. The EU agencies to which the questionnaires were sent referred back to their annual reports for details on the forms of cooperation, which admittedly were good sources in this regard.

As it became obvious, that there was little added value to be gained from the questionnaires with regard to the public value measures, I decided to enrich my data by officially requesting a number of documents from Frontex through their Public Access to Documents (PAD) service. The requested documents were:

- the Strategic Plan for 2018 of the Steering Committee of the tripartite coast guard cooperation,
- documentation on multipurpose coast guard functions documentations that had been carried out,
- documentation on major coast guard functions exercises, such as the COASTEX 2017 exercise,
- plans and/or agreements with national authorities made by Frontex regarding maritime search and rescue in areas of Joint Operations.

The request was answered favorably by Frontex and the documents were duly delivered, which significantly enriched my data.

3.3.2. Data collection related to legitimacy and support measures

Performance measures related to legitimacy and support refer to how the organization is perceived by various external stakeholders as well as to how it is supported by financial resources. With regard to external stakeholders, legitimation and support can, according to Mark Moore, be conceptualized as good will accounts. The good will of these external stakeholders enables the organization to carry out its activities and to ultimately generate public value.¹²⁶ Four broad categories of good will sources were identified: 1) the media, 2) the Member State coast guard functions authorities, 3) EU institutions and 4) EU agencies.

¹²⁶ Moore (2003), p. 16.

There are over 300 national authorities in the EU that operate in the field of coast guard functions. It would have been too large a group to issue a questionnaire to. Moreover, many of these 300+ authorities only represent a minor fragment of the total field of coast guard functions. For this reason, I deemed the members of the European Coast Guard Functions Forum (ECGFF)¹²⁷ to be the most representative group in this regard. This decision reduced the number of respondents to a manageable 31.

As for the EU agencies I also debated about the width of the inquiry. The obvious selections for respondents were Frontex's partners in the tripartite cooperation: the EFCA and the EMSA. The Regulation also mentions other EU agencies, such as Europol and Eurojust as cooperation partners for Frontex. Cooperation with these agencies, however, is narrower in scope and mostly unrelated to coast guard functions provision. I therefore decided to concentrate on the tripartite cooperation. As for other EU institutions, I deemed the participation of both the Commission and of the Parliament to likely be beneficial. With regard to the Commission, I approached the directorates general HOME, MARE and MOVE with a questionnaire. None of the three showed any interest in answering. A subject matter expert from the Parliament, however, was available for an interview.

After identifying the appropriate stakeholders and their representatives, the question was how to measure the good will and support that those stakeholders project toward Frontex and the coast guard functions cooperation so as to enable and facilitate activities. A direct question seemed not to be the best approach. A question along the lines of: "how much do you support the concept of Frontex assisting Member State coast guard functions authorities?" would likely have provided overly favorable answers, unless the question was first grounded to the concrete activity it was referring to. I therefore decided to advance with a less direct approach and devised a questionnaire, where the respondent first had to think about the actual forms of cooperation taking place in their respective country and then assess the significance of this assistance. The idea behind this type of construction was that if the respondent, after having first thought about the concrete forms of assistance taking place, assessed the assistance to their respective country as significant, it was likely that they were also supportive of it and vice versa. Unfortunately the number of respondents remained low, despite attempts to encourage answering through follow-up emails. The low number of respondents undermines the generalizability of the results.

¹²⁷ See the ECGFF home page at: www.ecgff.eu

Media coverage was measured as a proxy to public opinion on Frontex. It is admittedly debatable, whether public opinion is accurately translated into corresponding media coverage. For the lack of a better proxy, and with having the need to in some way measure the general perception towards Frontex as a coast guard and its coast guard functions activities, I had to assume so. The reference year for media coverage was selected to be 2018 as it was the only full calendar year within the time span of my research and I was thus able to collect a complete record of media coverage for the year. Media coverage was tracked through the Daily Newsletter published by Frontex Situation Center (FSC). The publication supposedly tracks all European media coverage on Frontex. Its actual success in achieving full coverage was not assessed in this research. Also, any potential biases by the editors for emphasizing positive media reports and/or leaving out negative ones were not assessed. These potential biases should be kept in mind however, when appraising the reliability and validity of the results.

3.3.3. Data collection related to operational capacity measures.

Performance measures related to operational capacity refer to the internal capacity of Frontex to carry out its mission - the coast guard functions provision in this instance. These proved to be the hardest to measure. The plan for data collection herein was to collect statistical information about Frontex as an organization and its “inclination” toward coast guard functions as opposed to border guard activities. This inclination (or potentially the lack of it) would have been shown by various organizational competencies related to coast guard functions.

However, in the process of collecting the said statistical data, it became evident that (understandably) Frontex’s statistics do not support the collection of data from coast guard functions as separate from border guarding. The original set of measures designed under the operational capacity headline, was mostly left without answers due to this. My separate request for more data through the Frontex Public Access to Documents service and the resulting data, especially the documentation related to major coast guard functions exercises, served to fill this gap to a degree. Also, I sent some further direct questions to the Frontex press office to cover specific details. Furthermore, the inclusion of the tripartite cooperation into the scope of the scorecard and therefore the inclusion of the EFCA and the EMSA operational capacities as well, served to enrich the data with regard to operational capacity.

Ultimately, though, the questions needed to be rethought and tweaked so as to be more answerable.

4. Analysis and results

Chapter 3.2 lays out the framework of key performance indicators (KPIs), into which answers were sought for in the data collection phase of the research. As the data collection phase progressed, it became obvious that many of the initial KPIs were unanswerable, insignificant in relation to the big picture, or they focused attention on the wrong place. Also, better KPIs were discovered throughout the process. The original KPIs were therefore constantly fine-tuned as the work progressed. When commencing the research I set myself out on a quest to find tangible results to the question about the added public value that Frontex is generating by assisting the member state authorities in coast guard functions. The key word therein was *tangible*, so as to prove or disprove by concrete numbers whether the work Frontex is doing in the field of coast guard functions was bearing fruit or not. What I discovered in the process was that adding too much tangibility - concrete numbers - sometimes dilutes the big picture. In digging out more and more numbers, I was fast “losing the sight of the forest because of so many trees”, to paraphrase the old adage. Getting the place right in the tree-forest-continuum turned out to be a balancing act.

To address the issue, I decided to group the individual KPIs under functional headlines. The original idea had been to discuss each KPI individually through its various sources. However, grouping the KPIs under larger categories proved to be of assistance in preserving the big picture. In this chapter, the results to all the KPIs are discussed in narrative form, while also presenting numerical data where available. The results are summarized in the Frontex Coast Guard Functions Scorecard, which is presented in annex 1.

4.1. Public value

As for the KPIs related directly to public value generation, I decided to use the coast guard functions as the functional categories. This makes it easier for the reader to get a clear picture of the direct contribution of Frontex into each of the various coast guard functions - or the lack thereof. An important note indeed herein is that Frontex does *not* directly contribute to several of the coast guard functions. It is however a member of the tripartite coast guard cooperation with EMSA and EFCA and the three agencies combined contribute to almost all of the functions. The agencies share information and assets in the framework of the cooperation as well as conduct multipurpose operations. Frontex is an integral part of this joint effort. It can therefore be deducted that Frontex *does* after all contribute to majority of the coast guard functions, albeit indirectly. This contribution cannot be omitted in a research

about Frontex’s public value generation towards coast guard functions. It was my decision therefore to include those results of the tripartite coast guard cooperation in which Frontex could be interpreted as playing a significant part in.

Statements about concrete results are bolded in the text in order to give the reader a quick overview of the results under each headline. Also bolded are statements about Frontex not having a direct contribution to a certain coast guard function. The bolded statements are collected in numerical format the Frontex coast guard functions scorecard in annex 1.

4.1.1. Maritime safety, including vessel traffic management

There is no direct contribution by Frontex toward the coast guard function of *maritime safety, including vessel traffic management*; activities under the function fall largely under Member State jurisdiction. The maritime safety regime is based on the enforcement by national authorities of international, EU and national norms, rules, laws and regulations. At the EU level, EMSA is the agency responsible for “*ensuring a high, uniform and effective level of maritime safety*”.¹²⁸ Towards this end, EMSA offers a variety of services for the national authorities’ disposal.

Perhaps the most important framework of enforcement in ensuring that ships comply with maritime safety rules and regulations is the port state control (PSC) regime. The regime was originally established in 1978 as the “Hague Memorandum” between a number of western European maritime authorities to enforce shipborne living and working conditions as required by the relevant ILO Convention. Subsequently, in 1982 with the Paris Memorandum of Understanding (commonly referred to as the Paris MoU) the regime was expanded to also cover the supervision regulations related to safety of life at sea (SOLAS) and the prevention of pollution by ships (MARPOL). The memoranda were a reaction to flag states’ failure to enforce compliance with regulations. By the PSC regime, the responsibility of enforcement is delegated to the maritime authorities of a ship’s port of call, regardless of the flag state.¹²⁹ After the signing of the Paris MoU and the establishment of the Paris MoU Organization, the model has spread around the globe. Almost every state with a coastline is currently a signatory to a regional MoU on PSC. Arguably, the PSC regime is the single most effective measure to have been taken internationally in ensuring maritime safety. According to the

¹²⁸ Regulation (EC) No 2002/1406, article 1.

¹²⁹ Paris Memorandum of Understanding Organization: *A short history of the Paris MoU on PSC*. [<https://www.parismou.org/about-us/history>], accessed 7 November 2018.

International Maritime Organization (IMO), the development of international regulations is the best way of improving safety of life at sea.¹³⁰ Port state controls are an effective means to ensuring that the regulations are abided by.

EMSA has developed and maintains an information system, THETIS, which is available for all EU Member States and other Paris MoU countries (Canada, Iceland, Norway and Russia). THETIS facilitates the management of PSC inspections and the exchange information by storing all inspection data as well as data derived from other sources and by providing alerts and targeting information based on predefined criteria. THETIS supports all international and EU regulations enforced by the PSC regime. Some 18 000 PSC inspections were carried out in 2017 by authorities in the Paris MoU countries.^{131 132}

EMSA also maintains another large scale information system important for maritime safety. The EQUASIS was launched in 2000 and is currently the world's largest database on ship safety and quality related information. It holds data for more than 85 000 ships - practically all the ships in the world above 100 GT. The database is regularly updated with information from the IMO, seven different PSC Organizations, EMSA itself, Classification societies, Protection and Indemnity (P&I) clubs, industry associations and numerous private information and data suppliers. The data is available free of charge upon registration in the internet to qualified users.¹³³

In addition to PSC, other means of enhancing safety at sea are *aids to navigation* (ATON - lights, buoys, signals, etc.) and *vessel traffic management* (more commonly known as Vessel Traffic Service (VTS)). Both fall under the mandate of coast guard authorities in some countries and under various maritime or traffic authorities in others. **Frontex has no direct contribution to either.** EMSA on the other hand has been involved in organizing training for VTS operators.¹³⁴ Aids to navigation are a prerogative of national authorities with no contribution from EU bodies.

¹³⁰ International Maritime Organization: *Maritime Safety*. [http://www.imo.org/en/OurWork/Safety/Pages/Default.aspx], accessed 7 November 2018.

¹³¹ European Maritime Safety Agency: *Consolidated Annual Activity Report 2017*, EMSA 2018, p. 17.

¹³² European Maritime Safety Agency: *Facts & Figures 2017*, EMSA 2018, p. 14.

¹³³ European Maritime Safety Agency: *Equasis*. [http://www.emsa.europa.eu/equasis-statistics.html], accessed 7 November 2018.

¹³⁴ European Maritime Safety Agency: *Training for VTS Operators*. [http://www.emsa.europa.eu/safemed-iv-project/361-safemed-iv-component-3/3341-training-for-vts-operators.html], accessed 7 November 2018.

An ex post means of maritime safety work conducted by EMSA is its contribution to accident investigation. EMSA maintains the European Marine Casualty Information Platform (EMCIP), which is a database, where the relevant Member State authorities store and analyze information on marine casualties and incidents. Based on the information in the database, EMSA produces an annual report with thorough analysis on the incidents.¹³⁵ Figures in the EMCIP for 2017 include for example: a total of 3169 accidents and incidents, 36 ships lost, 51 pollution events, 982 sailors injured, 59 fatalities and 108 investigations launched.¹³⁶

Finally, EMSA is actively involved in developing safety standards for ships. The work is done by conducting safety studies, providing data and analyses for legislative work, consulting appropriate bodies at the EU level and internationally and by drafting guides on safety measures.¹³⁷

With the above examples, I wanted to introduce the basic framework of maritime safety at the EU level. It is not to emphasize the importance of EMSA as an organization over Frontex. Rather, it is in the scope of this research to find out the concrete added value that Frontex is generating towards each of the coast guard functions. Therefore it is also important to research the activities at the EU level towards each of functions to find out whether such contribution exists. Maritime safety is one of the functions where no direct Frontex contribution exists. The reason why the role of EMSA is brought out is to shed light on the fact that added public value nevertheless is generated towards maritime safety and vessel traffic management at the EU level.

4.1.2. Maritime, ship and port security

Maritime security has been defined in Regulation (EC) 2004/725 as “*the combination of preventive measures intended to protect shipping and port facilities against threats of international unlawful acts*”. In the same Regulation an international unlawful act is defined as “*a deliberate act, which ... could harm the vessels used for ... maritime traffic, their passengers or their cargos, or the port facilities connected therewith.*”¹³⁸ **Frontex has no statutory mandate for maritime, ship and port security.**

¹³⁵ You can find the 2017 report at: https://www.isesassociation.com/wp-content/uploads/2017/11/Annual-overview-of-marine-casualties-and-incidents-2017_final.pdf.

¹³⁶ European Maritime Safety Agency: *Facts & Figures 2017*, p. 21.

¹³⁷ European Maritime Safety Agency: *Facts & Figures 2017*, p. 22.

¹³⁸ Regulation (EC) 2004/725 on enhancing ship and port facility security.

The EMSA does, however. The EMSA draws its mandate from the provision in article 2(b) of its founding regulation to provide technical assistance to the Commission in the performance of the inspection tasks assigned to it pursuant to the Ship and Port Facility Security Regulation. These inspection tasks and the relevant powers are laid out in Regulations (EC) 2005/884 and (EC) 2008/324. Combined the two Regulations give the Commission power to monitor the Member States' application of and compliance with the Ship and Port Facility Security Regulation ((EC) 2004/725) as well as the Port Security Directive ((EC) 2005/65). The said Regulation and the Directive implement at Union level the two keystone documents laying out the modern framework of maritime security; namely the International Ship and Port Facility Security (ISPS) Code and Chapter XI-2 of the SOLAS Convention.¹³⁹

EMSA uses its maritime security related mandate by assisting the Commission in its monitoring task based on a Working Arrangement between the EMSA and the Commission. In practice, EMSA officials conduct inspection visits to Member States and report in detail on their maritime security measures, procedures and structures. The inspections result in recommendations for improving safety. The state in question then proposes corrective measures to the Commission. Ten such inspection missions took place in 2017, during which 36 individual inspections took place, resulting in 17 inspection reports.^{140 141}

Additionally, in 2017 EMSA delivered training courses in port facility security (two courses) and ship security (one course). It also initiated the development of distance learning courses for maritime security and cyber security awareness for maritime administration officials. Further, under the framework of the German chairmanship of the ECGFF, EMSA organized a workshop focused on raising awareness on the cyber threat in the maritime domain.¹⁴²

To summarize, **Frontex holds no direct role in the provision of the coast guard function of maritime, ship and port security.** Nevertheless, briefly outlining the maritime security framework at the Union level was necessary in answering the research question regarding Frontex's role in generating added public value towards each of the coast guard functions. Even though no direct contribution is present, Frontex's role in the fields of maritime law enforcement (including anti-terrorism) and maritime surveillance indirectly contribute towards maritime security as well.

¹³⁹ European Maritime Safety Agency: *Inspection of Member States on Maritime Security*. [<http://www.emsa.europa.eu/visits-a-inspections/maritime-security.html>], accessed 8 November 2018.

¹⁴⁰ European Maritime Safety Agency: *Facts & Figures 2017*, p. 19.

¹⁴¹ European Maritime Safety Agency: *Consolidated Annual Activity Report 2017*, p. 55.

¹⁴² *Ibid.*

4.1.3. Maritime customs activities

Customs activities traditionally go hand in hand with border control functions. The operational activities regarding both normally take place at or near a border. Border control refers to the enforcement of regulations related to the movement of people across a border, whereas customs control refers to the enforcement of regulations related to the movement of goods across a border. Both are thus subsets of the concept of law enforcement, for which there is a separate subchapter later on. Concrete results related to law enforcement efforts are presented therein. In the following paragraphs I will discuss Frontex's relation to customs activities and thus its contribution toward the coast guard function of maritime customs activities on a more general level.

Customs activities are not included in the concept of integrated border management (IBM). Nor are there any customs related tasks mandated to Frontex. The EBCG Regulation, in its preamble, specifies that the IBM *“does not alter the respective competences of the Commission and Member States in the customs area in particular regarding controls, risk management and the exchange of information.”* **No authority to apply operational measures related to customs activities can therefore be delegated to Frontex.** The national authorities remain fully in charge as specified in the Union Customs Code (UCC).¹⁴³ This is a difference as compared to border control which, under the IBM concept, is designated as a shared responsibility between Frontex and the national border management authorities.¹⁴⁴ Although customs activities are outside of its scope, the EBCG Regulation does mandate Frontex to cooperate with the Commission and with the Member States in activities related to the customs area, where Frontex's activities might be in support of customs activities.¹⁴⁵

As per the mandate, Frontex regularly engages in cooperation in the area of customs. It contributes (with Europol and OLAF¹⁴⁶) to the Customs Cooperation Working Party (CCWP) of the Council, which is a working group for enhancing operational cooperation among national customs administrations.¹⁴⁷ The CCWP has operational relevance inasmuch that it

¹⁴³ Regulation (EU) 2013/952, article 3.

¹⁴⁴ Regulation (EU) 2016/1624, article 4-5.

¹⁴⁵ Ibid. article 52.

¹⁴⁶ European Anti-Fraud Office

¹⁴⁷ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 38.

sets the strategic and tactical objectives for Joint Customs Operations (JCO).¹⁴⁸ The JCOs are joint, coordinated and targeted actions by the Member States' customs authorities and OLAF with the aim of enhancing customs related law enforcement for a limited duration in a geographical area.¹⁴⁹ **Through the CCWP, Frontex thus indirectly contributes to operational customs activities at the European level.**

Frontex also holds, and is in the process of strengthening, the dialogue on the international level with the World Customs Organization (WCO). The WCO is an intergovernmental organization, which works on creating international conventions, instruments and tools in the area of customs. On the regional level, Frontex participates in the work of Customs Eastern and South-Eastern Land Border Expert Team (CELBET).¹⁵⁰ The CELBET is a working group with the aim of e.g. establishing common performance indicators for border crossing points (BCP) and making recommendations for improvement of control methods and equipment.¹⁵¹ Neither the WCO nor the CELBET has any operational role, however. Therefore, **Frontex's contribution to the work of these entities only very indirectly adds public value towards the coast guard function on maritime customs control.**

As part of the tripartite cooperation in coast guard functions, in 2017, Frontex participated in the COASTEX 2017 exercise. The exercise tested a wide scope of coast guard functions including customs control. The Frontex team in the exercise was composed of various units, with the role of supporting the Portuguese Navy in 12 scenarios involving various coast guard functions. The full description of the set-up of the exercise can be read in annex 6. Exercises such as the COASTEX - a one of its kind event at the time of writing - contribute towards increased competency of the participants in carrying out the practiced functions. Considering, however, the one-off nature of the exercise and its limited duration and scope, **Frontex's effective contribution towards generating added public value with regard to maritime customs control by participating in the exercise is assessed as very limited.**

¹⁴⁸ Council of the European Union: *Customs Cooperation Working Party (CCWP)*. [<https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/customs-cooperation-working-party/>], accessed 24.11.2018.

¹⁴⁹ European Anti-Fraud Office (OLAF): *Joint Customs Operations (JCO)*. [https://ec.europa.eu/anti-fraud/policy/joint-customs-operations-jco_en], accessed 24 November 2018.

¹⁵⁰ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 37.

¹⁵¹ Kutti, Ants: *Customs Eastern Land Border Expert Team (CELBET)*. [<https://slideplayer.com/slide/9300443/>], accessed 24 November 2018.

4.1.4. The prevention and suppression of trafficking and smuggling and connected maritime law enforcement

The prevention of trafficking and smuggling, as well as the prevention of other types of cross-border crime, is a coast guard function, where Frontex does hold a statutory mandate. Based on article 6 of the EBCG Regulation, Frontex is to ensure a coherent *European integrated border management* (IBM). The concept of IBM is defined in article 4 of the Regulation, where it is stated that “*European integrated border management shall consist of the following components: (a) border control, including ... measures related to the prevention and detection of cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism...*”. Further, in article 8(1)(m) Frontex is tasked with cooperating with Europol and Eurojust and to provide support to Member States in circumstances requiring increased technical and operational assistance at the external borders in the fight against organized cross-border crime and terrorism. Cross-border crime is defined in article 2(16) of the regulation in a broad manner as “*any serious crime with a cross-border dimension committed at or along, or which is related to, the external borders*”¹⁵²

Cross-border crime prevention is a mandate shared with the competent national authorities of the Member States, but also at the EU level with Europol. Article 3 of the Europol founding regulation (as amended) states that “*Europol shall support and strengthen action by the competent authorities of the Member States ... in preventing and combating serious crime, ... terrorism and forms of crime which affect a common interest covered by a Union policy, as listed in Annex I.*” Annex I of the Europol regulation lists cross-border crime related titles such as: terrorism; drug trafficking; immigrant smuggling; trafficking in human beings; illicit trafficking in cultural goods; forgery of administrative documents and trafficking therein; illicit trafficking in arms, ammunition and explosives; illicit trafficking in endangered plant and animal species and illicit trafficking in hormonal substances and other growth promoters.¹⁵³

Frontex and Europol cooperate in fighting cross-border crime. The agencies have signed a number of mutual cooperation agreements with regard to fighting cross-border crime - the most recent one is from 2015. In the 2015 agreement the agencies committed to exchanging

¹⁵² Regulation (EU) 2016/1624.

¹⁵³ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

strategic and operational information as well as information on cross-border crime, including personal data of suspected criminals. Under the agreement, the agencies also take part in each other's operational planning and the implementation of operations thereof.¹⁵⁴ As the most recent development the directors of the agencies signed in October 2018 a Statement of Principles for Collaboration document, which explicitly expands the scope of cooperation to cover areas beyond migrant smuggling, to include crimes such as weapons trafficking, drug smuggling and terrorism.¹⁵⁵

In a practical application of the cooperation Frontex transfers the data gathered in irregular migrant “debrief” interviews into the Europol’s criminal information hub. Frontex has been carrying out these interviews for years as part of the Joint Operations it coordinates. Until 2016, before the new EBCG Regulation, the interviews were confined to discussion on a general level about the routes used by the migrants and to the money they had spent on their journey. The regulation change made it possible for Frontex to collect personal data as well. Personal data is key to conducting criminal investigations and the subsequent prosecution of suspected criminals. After the regulation change, Frontex has been transferring the personal data collected on smugglers to Europol to facilitate criminal investigations. **In 2017 Frontex conducted 3525 interviews of migrants arriving in Italy, Greece and Spain.**^{156 157}

At the maritime border (and elsewhere), Frontex’s role in anti-terrorism is focused on filtering out foreign terrorist fighters (FTF) from the migrant and traveler flows. This is done by screening, registration, document checks and/or debriefing activities. The data from these activities is regularly transferred to the Europol database. According to Frontex, these **transferred information packages are “mainly in relation to migrant smuggling, but could possibly include information on terrorists”.**¹⁵⁸ When asked for this research about apprehensions of terrorist suspects, a Frontex official stated that **Frontex as such does not**

¹⁵⁴ European Union Agency for Law Enforcement Cooperation and European Border and Coast Guard Agency: *Agreement on Operational Cooperation between the European Police Office (“EUROPOL”) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (“FRONTEX”)*. Brussels 2015.

¹⁵⁵ European Union Agency for Law Enforcement Cooperation: *Europol and Frontex strengthen cooperation to tackle cross border crime*, press release 05 December 2015. [<https://www.europol.europa.eu/newsroom/news/europol-and-frontex-strengthen-cooperation-to-tackle-cross-border-crime>], accessed 7 November 2018

¹⁵⁶ European Border and Coast Guard Agency: *Risk Analysis for 2018*. Frontex, Warsaw 2018, p. 31, 34.

¹⁵⁷ Valero, Jorge: *Migrants become informants to provide valuable ‘intel’ against mafia*. EURACTIV, 30 August 2018. [<https://www.euractiv.com/section/justice-home-affairs/news/thurs-migrants-become-informants-to-provide-valuable-intel-against-mafia/>], accessed 7 November 2018.

¹⁵⁸ European Border and Coast Guard Agency: *Risk Analysis for 2018*, p. 31.

apprehend terrorist suspects, but can pass information to national authorities and to Europol.¹⁵⁹

In addition to migrant smuggling and the infiltration and exfiltration of terrorists, the (southern) maritime borders of Europe are marred with several other types of crime. Cocaine is smuggled from Latin America both through transatlantic routes and via West Africa in shipping containers and in concealed compartments in ships. Total cocaine consumption in Europe is estimated at 125 tonnes annually - worth EUR 27 billion. Approximately 80 tonnes of heroin from Afghanistan is smuggled among other routes through East Africa and Turkey. Cannabis herb is produced in large quantities especially in Albania, from where it is smuggled via the neighboring Balkan countries to Europe on speed boats and ferries via the Adriatic Sea. Cannabis resin is produced in Morocco and transported to Europe (especially Spain) by speedboats across the Mediterranean. Cigarette smuggling is an important source of revenue for international organized crime and terrorism. 3.8 billion illicit cigarettes were seized in Europe in 2015, approximately half of which at the sea borders (including ports). Smuggling of firearms and explosives mirrors the patterns of trafficking in other illicit goods.¹⁶⁰

Frontex is supporting the fight against cross-border crime with the joint operations under its coordination. In concrete numbers, in 2017, Frontex coordinated maritime assets seized:¹⁶¹

- **744 suspected illegal immigration facilitators,**
- **282 drug smugglers,**
- **137 tonnes of drugs,**¹⁶²
- **1088 smugglers of other types of goods and**¹⁶³
- **108 million contraband cigarettes.**

As an example on how a typical Frontex-coordinated anti-smuggling operation unfolds, please see two case descriptions in Annex 5.

In addition to the seizures mentioned above, other results in the field of law enforcement by Frontex maritime assets included the detections and reporting of **19 cases of suspected sea pollution and 5 cases of illegal fishing.**¹⁶⁴ Regardless of the impressive numbers presented

¹⁵⁹ Questionnaire to Frontex.

¹⁶⁰ European Border and Coast Guard Agency: *Risk Analysis for 2018*, p. 33.

¹⁶¹ Questionnaire to Frontex.

¹⁶² Consisting of: 90tn of hashish, 46tn of marijuana, 1.2tn of cocaine and small amounts of heroin and other types of drugs.

¹⁶³ Consisting among others of: 646 cigarette smugglers, 268 smugglers of stolen vehicles and 21 weapon smugglers.

¹⁶⁴ Questionnaire to Frontex.

above, however, according to Frontex’s own estimates, only a fraction of the cross-border crime that actually takes place is detected and prosecuted.¹⁶⁵

The inclusion of cross-border crime in the concept of IBM has made Frontex a significant actor in the field of law enforcement. Due to geographical factors, maritime borders (and especially the Mediterranean) serve as the venue of a significant share of the crime affecting the external borders, thus putting coast guards in the center of attention. To put the concrete achievements presented above into perspective, let us compare them with overall numbers for the respective phenomena on the European scale. No data for 2017 for EU-wide drug seizures exists as of yet, so the most recent available figures are used instead.

Table 1: Seizures of contraband by Frontex coordinated assets as compared to the EU total

Contraband good	Frontex 2017 ¹⁶⁶	EU total	Frontex seizures as % of EU total
Hashish	90 tonnes	536 tonnes*	16.8 %
Marijuana	46 tonnes	89 tonnes*	51.7 %
Cocaine	1.2 tonnes	69 tonnes*	1.7 %
Cigarettes	108 million pieces	3100 million pieces**	3.5 %
* 2015 (Source: European Drug Report 2017 ¹⁶⁷)			
** 2013 (Source: OLAF Q&A on illicit tobacco trade ¹⁶⁸)			

The 744 illegal immigration facilitators apprehended by Frontex maritime assets in 2017 can be compared to the EU total of 10 213. Frontex’s share thus amounts to 7.3%. The above numbers, both absolute and relative, tell a story of Frontex as a significant actor and a public value generator towards the coast guard function of *prevention and suppression of trafficking and smuggling and connected maritime law enforcement*.

4.1.5. Maritime border control

Maritime border control appears to be at the very core of Frontex’s coast guard functions provision. Frontex is the Border and Coast Guard Agency of the Union, so maritime border

¹⁶⁵ European Border and Coast Guard Agency: *Risk Analysis for 2018*, p. 33.

¹⁶⁶ Ibid.

¹⁶⁷ European Monitoring Centre for Drugs and Drug Addiction: *European Drug Report 2017: Trends and Developments 2017*, Publications Office of the European Union, Luxembourg 2017, p. 21, 26.

¹⁶⁸ European Anti-Fraud Office (OLAF): *Questions and Answers on: Fighting the illicit trade of tobacco products 14 August 2015*. [https://ec.europa.eu/anti-fraud/sites/antifraud/files/docs/body/q_and_a_en.pdf], accessed 8 November 2018.

control as a concept is almost eponymous to the agency's name. In order to code the data properly under the various coast guard functions, I first had to define what maritime border control actually is. The European Coast Guard Functions Forum, although providing us with a list of coast guard functions, offers no definition or even an open-ended description of the functions' content. Therefore I had to turn to other sources.

Border control is defined in article 2 of the Schengen Borders Code (SBC) (Regulation (EU) 2016/399 (codification)) as the activity carried out at a border, in accordance with and for the purposes of the Schengen Borders Code, in response exclusively to an intention to cross or the act of crossing that border regardless of any other considerations, consisting of border checks and border surveillance. In layman language, border control is the enforcement of the SBC at a border by the means of *border checks* and *border surveillance*. Border checks, according to the same article, refer to checks carried out at border crossing points, to ensure that persons, including their means of transport and the objects in their possession, may be authorized to enter the territory of the Member States or authorized to leave it. The carrying out of border checks is tied to *border crossing points*. It is an activity that takes place on land as no border crossing points at sea exist.

Maritime border checks as a term is not defined, but can be inferred to refer to border checks that take place in ports, which often are border crossing points. The activity in and of itself is similar as on land border crossing points. The only defining characteristic in this case is that the targets of the border checks are seafarers and ships. It is debatable, whether this makes it a coast guard activity. In order to construe a generous definition for the coast guard function of maritime border control let us include border checks at ports under the concept. Border surveillance, according to article 2 of the SBC, means the surveillance of borders between border crossing points and the surveillance of border crossing points outside of fixed opening hours, in order to prevent persons from circumventing border checks. Maritime border surveillance therefore logically consists of the said activity at sea borders.

The concept of *maritime surveillance* (another coast guard function - chapter 4.1.7), on the other hand, consists of surveillance activities at sea for all purposes.¹⁶⁹ The relationship between maritime surveillance and maritime border surveillance can be described by a syllogism: all surveillance at sea is maritime surveillance; maritime border surveillance is

¹⁶⁹ See for example the description of the term in: Communication from the Commission to the European Parliament and the Council (COM/2014/0451 final), *Better situational awareness by enhanced cooperation across maritime surveillance authorities: next steps within the Common Information Sharing Environment for the EU maritime domain*.

surveillance at sea; therefore maritime border surveillance is maritime surveillance. This leaves the coast guard function of maritime border control to be a subset of the broader concept of maritime surveillance with the (tentative) addition of border checks at ports. Furthermore, surveillance activities at sea related to border control do not functionally differ from other maritime surveillance conducted for other purposes such as defense, customs, law enforcement, fisheries control, marine environment protection/ pollution response and maritime safety and security.¹⁷⁰ The same surveillance assets can be used for all these purposes. This leaves the conceptual delineations between these different aims for surveillance vague under the umbrella concept of maritime surveillance. There are sure to be overlaps. For this reason I will discuss the majority of surveillance related generation of public value under the coast guard function of maritime monitoring and surveillance.

As for public value generated specifically towards maritime border surveillance, we need to look into surveillance efforts made by Frontex as well as to the surveillance related support Frontex is receiving from the other two agencies of the tripartite coast guard functions cooperation. Based on articles 6 and 8 of the EBCG Regulation ((EU) 2016/1624), all Frontex activity is (or should be) ultimately aimed at border control. Therefore all maritime surveillance by Frontex contributes to maritime border surveillance. About Frontex maritime surveillance efforts there are some data available.

Frontex has been using aircraft for maritime surveillance since 2015. By mid-2018 the aerial surveillance assets had clocked “more than 4000 flight hours during more than 1000 operational days”.¹⁷¹ Divided evenly for the three year time period this means roughly that there has been daily surveillance sorties by Frontex aerial assets since the inception of the activity in 2015 with approximately **1 330 flight hours a year or 3 hours and 40 minutes per day**. This is a significant input, but it pales in comparison to surveillance by surface assets, which in 2017 amounted to a total of roughly **64 100 hours or 175 hours per day**.¹⁷²

The aforementioned surveillance hours were comprised by the joint effort of a mix of surface and aerial assets. In 2017 Frontex deployed **1311 asset-days of operational Offshore Patrol Vessel (OPV) performance** (on average 3.6 assets at disposal per day), **1777 asset-days of Coastal Patrol Vessel (CPV) performance** (4.9 assets per day) and **3437 asset-days of Coastal Patrol Boat performance** (9,4 assets per day). In sum, in 2017 Frontex deployed

¹⁷⁰ Communication from the Commission to the European Parliament and the Council (COM/2014/0451 final)

¹⁷¹ European Border and Coast Guard Agency: *The role of Frontex in European Coast Guard Functions*, EU Publications Office 2018, p. 4.

¹⁷² European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 16.

6525 asset-days of surface asset performance. In other words, on an average day, Frontex had at its disposal the capabilities and performance of 17.9 surface assets. As for aerial assets the corresponding numbers were **1237 asset-days of Fixed Wing Aircraft (FWA) performance** (3.4 assets per day) and **983 asset-days of Rotary Wing Aircraft (RWA) performance** (2.7 assets per day).¹⁷³ That is, Frontex had 2220 asset-days of aircraft performance and capabilities at its disposal in 2017, or 6.1 assets per day. These figures are poised to increase as the surveillance cooperation with the EMSA and the EFCA continues to develop. The surveillance assets of all the agencies will be jointly used to include border surveillance purposes. As a precursor, in 2017 two fisheries patrol vessels were jointly contracted between the EFCA and Frontex.¹⁷⁴

Frontex Aerial Surveillance Services (FASS) is a concept that was launched through a framework contract in 2015 to enhance Frontex's situational awareness and to facilitate response to operational requests at short notice as well as to complement the surveillance asset contributions of Member States and Schengen Associated Countries (SAC). Under the FASS concept Frontex awards contracts to private service providers for the provision of aerial surveillance services. In 2017 the framework contract was extended by an additional two years. **As of May 2018, 14 individual contracts had been awarded with the combined value of EUR 7.89 million, yielding 748 operational days of aerial surveillance.** In 2018 the FASS concept evolved into an inter-institutional endeavor in cooperation with EFCA.¹⁷⁵

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In addition to the eyes on the surface and in the air, through the tripartite coast guard cooperation, starting from 2016 Frontex has also had access to EMSA's Copernicus Maritime Surveillance (CMS) service. The CMS is a satellite based maritime surveillance service corroborated with terrestrial observation.¹⁷⁷ The CMS collects data from LRIT, Satellite AIS, Satellite VHR images, Satellite SAR images as well as terrestrial AIS.¹⁷⁸ The data from the CMS is incorporated into the situation picture of the European Border Surveillance System (EUROSUR) operated by Frontex. Under the framework of a service level agreement

¹⁷³ Questionnaire to Frontex.

¹⁷⁴ European Fisheries Control Agency: *Annual Report of the EFCA for Year 2017*, p. 6, 54.

¹⁷⁵ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 31-32

¹⁷⁶ European Border and Coast Guard Agency: *Framework Contract for Aerial Surveillance Services Assets and Expert Support*. Frontex/OP/166/2015/JL. Frontex 2015.

¹⁷⁷ For an excellent overview, see: European Maritime Safety Agency: *Copernicus Maritime Surveillance Product Catalogue*, EMSA 2018. Available at: [<http://www.emsa.europa.eu/news-a-press-centre/external-news/download/5227/3025/23.html>].

¹⁷⁸ AIS: Automatic Identification System; LRIT: Long-Range Identification and Tracking system; VHR: Very High Resolution; SAR: Synthetic Aperture Radar.

between the agencies, Frontex receives specific border surveillance related services from EMSA through the CMS. Based on behavioral patterns, the CMS can target, track and provide imagery of vessels suspected of smuggling or other criminal activities. It is also able to track small boats that do not transmit position data.¹⁷⁹ These suspect vessels can then be followed up on by Frontex or Member State assets. For an overview of the amount of data transferred, see the table below. Individual bits of transferred data do not equate to effectiveness of course, but they present a picture of, at least, **a functioning information transfer scheme related to maritime (border) surveillance.**

Table 2: Data delivered to Frontex in the period January 2016 - June 2017.¹⁸⁰

Data/Service	Terrestrial AIS	LRIT	Sat-AIS	Earth Observation Products ADS	Earth Observation Products VDS	Anomaly Alerts
Time period	No. of Messages	No. of Messages	No. of Messages	No. of Optical VHR images	No. of SAR images	No. of Alerts
Jan - Dec 2016	1 563 257 040	5 942 787	586 192 093	395	636	205 740
Jan - June 2017	997 914 763	1 348 870	325 142 046	388	442	115 153
Jan 2016 - June 2017	2 561 171 803	7 291 657	911 334 139	783	1 078	320 893

Another concrete example of generation of added public value with regard to (maritime) border surveillance is the European Border Surveillance System (EUROSUR), of whose development and operation Frontex is in charge of.^{181 182} The EUROSUR is a multipurpose border control information and situational awareness system established by Regulation (EU) 2013/1052. Its stated aims are the prevention of cross-border crime and irregular migration as well as the protection of migrants' lives. The EUROSUR framework consists of National Coordination Centers (NCC), maintained by all Schengen countries and Bulgaria, Romania and Croatia and the Frontex Situation Center. The NCCs maintain their individual national situational pictures, which are (with discretion) fed to the European situational picture maintained by Frontex. Frontex further enriches the European situational picture by its own collection efforts and then distributes it back to the NCCs.¹⁸³ Owing to the method of how the situational picture is mainly comprised of the national situational pictures provided by the NCCs, the quality of the picture is highly dependent of the information shared. At the

¹⁷⁹ For more information on Automated Behavior Monitoring see: European Maritime Safety Agency: *Facts & Figures 2017*, EMSA 2018, p. 12.

¹⁸⁰ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Pilot Project - "Creation of a European Coast Guard Function"*, 2017, p. 9.

¹⁸¹ Regulation (EU) 2016/1624, article 8(s).

¹⁸² Regulation (EU) 2013/1052, article 6.

¹⁸³ *Ibid.* articles 4-11.

moment, five years into the operation of the EUROSUR, not all the partaking countries have fully implemented the system. The situational picture therefore is significantly more accurate in the external border segments of some countries than for others. Despite its deficiencies **the EUROSUR represents a form of structured information exchange between Schengen countries** that is a significant improvement to preceding times. Before EUROSUR border control related information exchange between individual countries was based on bilateral and regional arrangements and, more often than not, ad hoc phone calls or meetings between officials.

Eurosur Fusion Services (EFS) is the collective term used for all the services provided to the Member States under the EUROSUR framework. There are some maritime specific statistics available from the EFS. The number of **vessel-detection satellite images for 2017 was 1230** (a 96% rise to the previous year). The number of satellite images for other purposes was 809, indicating a maritime focus in the EFS usage. **The number of tracked vessels of interest for 2017 was 60** (86% rise) and the **total number of reports on these vessels was 123**. **A vessel anomaly search was activated in the EFS 341 times**. Total number of incidents reported in the EFS in 2017 was 42 890 (or 118 per day). The EFS is contributed to by 29 countries and Frontex, which puts the number of daily reports per country at slightly less than 4. The number can be assessed to indicate moderate or low usage of the system across the EU and SAC. To put the incident numbers into perspective it can be noted that in 2017 there were 204 700 illegal border crossings detected at the external borders, 439 505 denials of entry and approximately 600 000 detections of illegal stay.¹⁸⁴ The number of regular border crossings at the external borders is estimated approximately at 2 000 000 daily.

Frontex is also in the preliminary stages of generating added public value towards the coast guard function of maritime border control through intelligence collection and analysis activities. Frontex already has a strong tradition of providing intelligence products for land borders through its Risk Analysis Unit (RAU). The RAU collects data and drafts analyses, among other frameworks, through Risk Analysis Networks (RAN). Currently there are RANs for the geographical areas of Eastern Partnership nations (EB-RAN)^{185 186} and for the Western Balkans nations (WB-RAN)^{187 188}. There is also a thematic RAN specialized in document

¹⁸⁴ European Parliament: *EU migrant crisis: facts and figures*. [<http://www.europarl.europa.eu/news/en/headlines/society/20170629STO78630/eu-migrant-crisis-facts-and-figures>], accessed 6 November 2018.

¹⁸⁵ Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

¹⁸⁶ European Border and Coast Guard Agency: *Eastern Partnership Annual Risk Analysis 2017*, p. 6-7.

¹⁸⁷ Albania, Bosnia and Hercegovina, FYROM, Kosovo, Montenegro and Serbia.

¹⁸⁸ European Border and Coast Guard Agency: *Western Balkans Quarterly, Quarter 2, April-June 2017*, p. 3.

fraud (EDF-RAN)¹⁸⁹. As a forum akin to a RAN there is also an Africa-Frontex Intelligence Community (AFIC) for the facilitation of border control intelligence collection and analysis related to Africa.¹⁹⁰ The newest addition to the framework of RANs, and directly related to maritime border control, is the Maritime Intelligence Community Risk Analysis Network (MIC-RAN). The participants in the MIC-RAN include all the EU Member States with a coastline, the EU Commission (DG Home), Frontex, EFCA, EMSA and the Europol. The MIC-RAN held its inaugural meeting on 8 October 2018. The cooperation is still in its initial stages of development and as of the time of writing is yet to publish any products.¹⁹¹ Despite the lack of any actual production at this stage, the **establishment of the MIC-RAN is an indication of development towards added public value generation in the field of maritime border control.**

In the beginning of this sub-chapter I inferred that maritime border control to consist of maritime border surveillance and maritime border checks. Any possible added public value that Frontex might have generated towards maritime border checks is not supported in any of the data. The added public value generated towards maritime border control is therefore exhausted in the description of the added public value generated towards maritime border surveillance, which I have done above. Let it be borne in mind that the conceptual border between the coast guard functions of *maritime border control* and *maritime monitoring and surveillance* is not clear cut. The topic of surveillance is elaborated in the next sub-chapter, focused on surveillance.

4.1.6. Maritime monitoring and surveillance

The European maritime monitoring and surveillance infrastructure is built around services provided by EMSA. The central information exchange platform therein is called the SafeSeaNet Ecosystem Graphical user interface (SEG), which was launched to end users in 2017. The SEG combines in one user interface the information services of SafeSeaNet (SSN), Long Range Identification and Tracking (LRIT), Integrated Maritime Services (IMS) and CleanSeaNet (CSN). The SSN is a system that tracks ships' locations based on AIS data and into which users can manually add maritime safety and security related information.¹⁹² The LRIT is an International Maritime Organization (IMO) mandated globally operational

¹⁸⁹ European union Document Fraud Risk Analysis Network

¹⁹⁰ European Border and Coast Guard Agency: *Africa-Frontex Intelligence Community Joint Report 2016*, p. 8.

¹⁹¹ Questionnaire to Frontex.

¹⁹² European Maritime Safety Agency: Vessel traffic monitoring in EU waters (SafeSeaNet). [<http://www.emsa.europa.eu/ssn-main.html>], accessed 5 November 2018.

satellite-based vessel tracking system.¹⁹³ The IMS integrates surveillance and monitoring data from numerous sources such as terrestrial and satellite AIS, LRIT, safety and security data from the SSN, synthetic aperture radar (SAR) and optical satellite images. Upcoming updates will incorporate meteorological-oceanographic data, Vessel Monitoring System (VMS)¹⁹⁴ and coastal radar data as well as other user specific data sources into the IMS.^{195 196}

Concrete output statistics are available for the EMSA operated Copernicus Maritime Surveillance services. In 2017 altogether just below 2000 separate services were delivered to end users consisting of satellite images and value added products. These were divided between different user communities as follows: *fisheries control* 725, *customs* 509, *law enforcement* 453, *maritime safety and security* 159 and *defense and support to international organizations* 18. The user communities overlap the list of coast guard functions, which implies that earth observation and adjacent analysis generates significant added value for coast guard functions.

While discussing the topic in high level of technical detail is outside of the scope of this research, the point above was to show the multisource nature of the (global) maritime situational picture available to end users in Europe through EMSA's SEG. In addition to Union agencies, the situational picture can be directly accessed by the Member States as well. As for Frontex, the situational picture is incorporated directly into the EUROSUR picture.¹⁹⁷

In a near future development, all the services now offered in the SEG and EUROSUR plus several others will be incorporated into a wide ranging maritime information sharing platform called the Common Information Sharing Environment (CISE). The CISE will incorporate into a single user interface a multitude of existing European and national level information and situational awareness systems. It is designated to serve seven maritime surveillance related functions: 1) defense, 2) customs, 3) border control, 4) fisheries control, 5) safety, security and pollution prevention from shipping, 6) environmental protection and 7) general law

¹⁹³ International Maritime Organization: *Long-range identification and tracking (LRIT)*.

[<http://www.imo.org/en/ourwork/safety/navigation/pages/lrit.aspx>], accessed 5 November 2018.

¹⁹⁴ The VMS is a satellite based tracking system for commercial fishing vessels, based on Regulation (EC) 2009/1223. The VMS service is provided by the Member States and transmitted collectively by the EFCA to the EMSA, which then incorporates it into the IMS. The VMS data is also directly transmitted to Frontex for inclusion into the EUROSUR situation picture.

¹⁹⁵ European Maritime Safety Agency: *Data sources*. [<http://www.emsa.europa.eu/combined-maritime-data-menu/data-sources.html>], accessed 5 November 2018.

¹⁹⁶ European Maritime Safety Agency: *Facts & Figures 2017*, EMSA 2018, p. 9

¹⁹⁷ European Maritime Safety Agency: *Integrated Maritime Services*.

[<http://www.emsa.europa.eu/operations/maritime-monitoring.html>], accessed 6 November 2018.

enforcement.¹⁹⁸ As is clear from the above list, there is significant overlap between the functions included in the CISE and the 11 coast guard functions. The CISE, once operational, will likely generate significant added public value towards coast guard functions in Europe by improving the situational awareness of all participating actors as well as facilitating the sharing of information between the actors. It is to be noted, considering the scope of this research, that the CISE is not a Frontex owned system. Therefore it cannot be counted towards the public value generated by Frontex. Frontex's role with regard to the CISE is limited to being one of the information contributors as well as one of the end users.

EMSA's services to Frontex are based on a service level agreement (SLA) signed in 2013. On the basis of the SLA, EMSA provides Frontex with maritime surveillance services tailored for maritime border control purposes. The SLA defines the specific services to be provided and the level of their availability to the end user. These specific services currently are:^{199 200}

- *Vessel Monitoring and Tracking*: Integrated real-time, multisource maritime picture
- *Vessel Detection Service*: Satellite based detection and imaging including position data
- *Anomaly Detection Service*: Algorithm based (end-user specified) vessel behavior monitoring with alert tools
- *Activity Detection Service*: Satellite based sea and shoreline monitoring, which alerts on activity
- *Vessel Reporting Service*: Monitoring service for vessels of interest

For an overview of the level of output under the SLAs specific services, see the table below:

Table 3: The scope and status of the services provided to Frontex in the framework of the tripartite cooperation in the period January 2016 - June 2017.²⁰¹

Services	Activity Detection Service		Anomaly Detection Service			Vessel Detection Service		Vessel Monitoring & Tracking	Vessel Reporting Service		
	Number delivered optical satellite images	Percentage delivered vs. ordered	Number of sea areas activated	Number of anomaly types activated	Number of alerts delivered	Number of delivered radar satellite images	Percentage delivered vs. ordered		Percentage delivered weekly reports	Average of vessels in weekly report	Number of vessels of interest activated
Monthly performance indicators								-			
Monthly average 2016	33	95,57 %	3	8	18704	53	92,34 %	Operational 24/7	100	132	1
Monthly average 2017	65	97 %	6	21	19192	74	98 %	Operational 24/7	100	118	3

¹⁹⁸ EUCISE 2020 Project: *EUropean test bed for the maritime Common Information Sharing Environment in the 2020 perspective*. [<http://www.eucise2020.eu/>], accessed 6 November 2018.

¹⁹⁹ European Maritime Safety Agency: *Consolidated Annual Activity Report 2017*, p. 46

²⁰⁰ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Pilot Project - "Creation of a European Coast Guard Function"*, 2017, p. 8.

²⁰¹ *Ibid.* p. 9.

As the most recent development in the field of maritime surveillance under the tripartite coast guard cooperation, and as agreed under the framework of the pilot project on the creation of a European coastguard function, EMSA now operates a fleet of Remotely Piloted Aerial Systems (RPAS). The RPAS are a complementary tool for enhancing the situational picture provided by the means described above. The intended uses for the RPASs are: 1) maritime patrol and general surveillance, 2) marine pollution and emissions monitoring, 3) law enforcement related monitoring (illegal fishing, drug trafficking, illegal immigration) and 4) search and rescue.²⁰² There are currently three different types of RPAS in EMSA's fleet fitted for the above missions ranging in weight from 25kg to 235kg and in operational endurance from 6 to 12 hours. There is also currently an active tender for purchasing a lightweight RPAS for shipborne use.²⁰³ All the EMSA RPAS services are offered free of charge to EU and EFTA Member States as well as to candidate countries and EU bodies.²⁰⁴

Under the same pilot project that brought the RPAS to EMSA, Frontex was in charge of incorporating its aerial surveillance services (FASS) into the tripartite coast guard cooperation framework. In 2017 Frontex launched a new concept for multipurpose aerial surveillance (MAS) to underline the inter-institutional nature of the activity. **The MAS and FASS aircraft**, both concepts based on the same framework contract, **complement the EUROSUR Fusion Services by airborne Full Motion Video (FMV), radar and AIS sensors**. The accrued data also produces inputs to other organizations' (EMSA, EFCA, Member States authorities) proprietary systems (e.g. the IMS and various Member State databases). As of 2017, one MAS contract has been awarded to a private contractor in addition to the 14 FASS contracts discussed in the previous sub-chapter.²⁰⁵ ²⁰⁶ In concrete results, **in 2017 altogether 53 MAS flights were conducted** from Malta and Lampedusa (Italy). During those flights, the **MAS aircraft reported 425 sightings of interest**.²⁰⁷

To sum up, Frontex forms a part of an intricate and extensive network of maritime surveillance related sensors, systems and actors. Frontex contributes to this network mainly

²⁰² European Maritime Safety Agency: *Possible operational scenarios for RPAS use*. [<http://www.emsa.europa.eu/operational-scenarios.html>], accessed 6 November 2018.

²⁰³ Tenders Electronic Daily - eTendering: *Lightweight RPAS to support operations from vessels*. Tender reference number: EMSA/OP/12/2018. [<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=3725>], accessed 6 November 2018.

²⁰⁴ European Maritime Safety Agency: *Remotely Piloted Aircraft Systems (RPAS)*. [<http://www.emsa.europa.eu/operations/rpas.html>], accessed 6 November 2018.

²⁰⁵ European Border and Coast Guard Agency: *Framework Contract for Aerial Surveillance Services Assets and Expert Support*. Frontex/OP/166/2015/JL. Frontex 2015.

²⁰⁶ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Pilot Project - "Creation of a European Coast Guard Function"*, 2017, p. 14-17.

²⁰⁷ European Fisheries Control Agency: *Annual Report of the EFCA for Year 2017*, EFCA 2017, p. 54.

by collecting data through its aerial surveillance assets and by distributing situational picture through the EUROSUR Fusion Services. Surveillance in and of itself is deeply intertwined with several coast guard functions as almost nothing can be accomplished without first establishing an awareness of what is going on in the area of interest.

My research task involved delineating the contribution of Frontex as compared to other actors in an effort to assess the added public value generated by Frontex. As the discussion above has shown, however, the provision of a situational picture for the purposes of coast guard functions providers is more of a joint effort. More important than who provides what information is that all the relevant actors share the same picture - tailored to their specific needs. If having a situational picture comprehensive enough for carrying out one's mission is used as a measure of the effectiveness of surveillance, then Frontex would seem to be fairing rather well. Its EU partners provide it with a comprehensive maritime surface picture. For the border control related surface picture Frontex, on the other hand, is dependent on the input of the Member State border control authorities. As was discussed above, some of them are fully implementing the EUROSUR regulation and feeding the system with relevant data - others not so much.

The whole field of maritime surveillance in Europe is developing at lightning speed with many of the current services only having been made available to end users during the last year. Within the next decade, with ever more services being rolled out and especially with the harmonization achieved through CISE, it is possible that more and more Member States are starting to question, whether it makes sense to hold on to duplicate national systems any longer. Even with the currently existing European services, there appears to be significant redundancy.

4.1.7. Maritime environmental protection and response

At the international level, maritime environmental protection is based on the International Convention for the Prevention of Pollution from Ships (MARPOL), adopted originally in 1973. The MARPOL regulations cover the prevention of pollution of marine environment by ships due to operational or accidental causes. The MARPOL establishes an obligation to the flag state of a ship, as well as to any state in whose jurisdiction a ship violates any of the requirements of the regulation, to carry out proceedings in accordance with their respective national law. The penalties for violations, according to the MARPOL, shall be adequate to

discourage violations of the treaty. The MARPOL does not recognize supranational actors such as the EU or its subordinate bodies such as Frontex.^{208 209}

The EU for its part has adopted a set of regulations and directives to ensure the environmental sustainability of shipping. The most notable ones of these are the Port Reception Facilities Directive ((EC) 2000/59)²¹⁰; the MRV Regulation ((EU) 2015/757)²¹¹; the Sulphur Directive ((EU) 2016/802)²¹² and the Anti-Fouling Regulation ((EC) 2003/782)²¹³. **Frontex has no direct statutory role with regard to any of these regulations and directives.** EMSA is the EU Agency tasked with providing technical assistance to the Commission with regard to implementing and supervising the acts. The prevention of and the response to pollution caused by ships is also listed in the founding Regulation of EMSA as one of the objectives and core tasks of the organization.²¹⁴

In line with its role of giving technical assistance to the Commission with regard to the aforementioned acts, EMSA e.g. develops guidelines and best practices, assists in legislative work and provides training for national authorities.²¹⁵ The Port State Control (PSC) regime, discussed in chapter 4.1.1, plays an important role in supervising ships' compliance with environmental regulations. EMSA's THETIS information system supports this aspect of the PSC as well.²¹⁶ Part of maritime environmental protection and response is the identification, tracing and tracking of illegal discharges from ships. EMSA's satellite imagery based CleanSeaNet service supports this function. In 2017, 4066 analyzed satellite images were delivered through the CleanSeaNet to end users in 28 coastal states.²¹⁷ In these images, a total of 4899 potential spills were detected, half of which in the highest category of confidence.²¹⁸ In detecting oil spills, Frontex has served an ancillary role. **In 2017, as part of the**

²⁰⁸ International Convention for the Prevention of Pollution from Ships (1973) (as amended), article 4.

²⁰⁹ International Maritime Organization: *International Convention for the Prevention of Pollution from Ships* (MARPOL). [[http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-\(marpol\).aspx](http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx)], accessed 9 November 2018.

²¹⁰ Directive (EC) 2000/59 of the European Parliament and of the Council of 27 November 2000 *on port reception facilities for ship-generated waste and cargo residues*.

²¹¹ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 *on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport*, and amending Directive 2009/16/EC.

²¹² Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 *relating to a reduction in the sulphur content of certain liquid fuels* (codification).

²¹³ Regulation (EC) 2003/782 of the European Parliament and of the Council of 14 April 2003 *on the prohibition of organotin compounds on ships*.

²¹⁴ Regulation (EC) 2002/1406 of the European Parliament and of the Council of 27 June 2002 *establishing a European Maritime Safety Agency*, articles 1 and 2 (as amended).

²¹⁵ European Maritime Safety Agency: *Consolidated Annual Activity Report 2017*, p. 72.

²¹⁶ European Maritime Safety Agency: *Implementation tasks > Environment*. [<http://www.emsa.europa.eu/implementation-tasks/environment.html>], accessed 9 November 2018.

²¹⁷ All the 23 EU coastal states, Iceland, Norway, Albania, Montenegro and Turkey.

²¹⁸ European Maritime Safety Agency: *Facts & Figures 2017*, p. 28.

developing multipurpose scope of Frontex’s maritime operations, Frontex coordinated maritime assets detected and reported to the appropriate officials a total of 17 sea-pollution cases.²¹⁹ Frontex’s detections represent 0.3% of the detections of the CleanSeaNet service. It is to be noted that Frontex assets do not actively search for illegal discharges, but rather come to observe them as a side product of maritime border surveillance.

As with several other coast guard functions, due to the lack of definitions for the exact content of each function, there is potential overlap between the functions of *maritime environmental protection and response* and *maritime accident and disaster response*. One area of possible overlap therein is oil and chemical spill response. For the purposes of this report, I decided to discuss the tasks and roles related to spill response under the latter headline. This is because spills requiring active response more often are caused by accidents than by willfulness or negligence. **Frontex’s public value generation towards the coast guard function of maritime environmental protection and response can, without much danger of underestimation, be described as negligible.**

4.1.8. Maritime search and rescue

The legal basis and the organization of international maritime Search and Rescue (SAR) is ultimately based on the 1979 International Convention on Maritime Search and Rescue (commonly known as the Hamburg Convention) with its later amendments. The Hamburg Convention, for the first time, established a global regime for SAR. The Convention divided the world’s oceans into SAR Regions in a way that no matter where an accident might occur, a national SAR organization was always responsible for the rescue operation. The Convention obliged countries to ensure arrangements for the provision of adequate SAR services in their respective SAR Regions by establishing maritime rescue coordination centers (MRCC) and sub-centers (MRSC). The convention also outlined the operating procedures to be followed during emergencies, alerts and SAR operations. It further encouraged states to cooperate with neighboring states involving the establishment of SAR Regions, to pool facilities and to establish common procedures, training and liaison visits.²²⁰ Other international conventions establishing responsibilities to states regarding SAR are the International Convention for the Safety of Life at Sea (SOLAS aka the London Convention (1974)) and the United Nations Convention on the Law of the Sea (UNCLOS aka the Montego Bay Convention (1982)). Thus,

²¹⁹ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 20.

²²⁰ International Maritime Organization: *International Convention on Maritime Search and Rescue (SAR)*. [[http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-\(SAR\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-(SAR).aspx)], accessed 8 November 2018.

by international law, the mandate regarding SAR rests strongly with the state. The conventions do not recognize supranational actors such as the EU or its subordinate agencies.

For the above reasons, **there is no room in the legal framework for Frontex to hold an explicit SAR mandate.** Frontex as an organization can serve in an ancillary role, however. In the EBCG Regulation, in article 8, Frontex is tasked to “provide technical and operational assistance to Member States and third countries ... in support of search and rescue operations for persons in distress at sea *which may arise during border surveillance operations at sea.*”²²¹ Providing SAR related support is thus subject to the situation occurring in relation to border surveillance. It is worthy of notice, however, that considering the nature of border surveillance at the maritime borders (especially in the Mediterranean), border surveillance is in practice often indistinguishable from SAR. Thus, despite its nonexistent role in the framework of international conventions on SAR and the constraints imposed in EU legislation, Frontex is heavily involved in SAR activities in relation to the joint operations it coordinates in the Mediterranean.

In 2017 Frontex coordinated surface assets **registered 2233 search and rescue cases** and in the ensuing rescue operations **rescued more than 34 500 people.**²²² In addition, Frontex aerial assets **contributed to the rescue of nearly 2000 people** through surveillance efforts.²²³ Stemming from the division of legal responsibilities related to SAR, Frontex is not in charge of the SAR operation after the situation arises. Under normal circumstances, when conducting maritime border surveillance, Frontex coordinated units report to the International Coordination Center of the respective joint operation, which is responsible for operational coordination. However, when the units have reason to believe that they are encountered with a phase of uncertainty, alert or distress²²⁴, they report to the Rescue Coordination Center responsible for the SAR Region and place themselves at the disposal of that Rescue Coordination Center.²²⁵

In an effort to put the number of people rescued by Frontex coordinated assets into context, we can look at the total number of migrant arrivals across the Mediterranean which in 2017

²²¹ Regulation (EU) 2016/1624.

²²² Questionnaire to Frontex.

²²³ European Border and Coast Guard Agency: *The role of Frontex in European Coast Guard Functions*, EU Publications Office 2017, p. 3.

²²⁴ These are terms used in the text of the Hamburg Convention related to the different phases of a SAR situation.

²²⁵ This principle is based on international law and is reiterated in Regulation (EU) 2014/656 as well as in the operational plans of Frontex Joint Operations.

stood at 200 795²²⁶. **Thus Frontex was responsible for the rescue of 17 % of the migrants arriving by boats.** The number of recorded migrant deaths while attempting the crossing for the same time period is 2996²²⁷, which amounts to 1.5% of the total. Unrecorded deaths add significantly to the number of total lives lost in the Mediterranean. In the same time period, in 2017, European Union's Naval Force Mediterranean (aka EUNAVFORMED or Operation Sophia) is recorded to have saved 11 617 people, putting it at 6% of the total. **At 17 % of the total rescue effort, Frontex can be assessed as a significant generator of public value towards the coast guard function of search and rescue in the areas of its joint operations in the Mediterranean.**

4.1.9. Ship casualty and maritime assistance service

The term ship casualty (interpreted herein to be synonymous with the more common term *marine casualty*) is defined, among other instruments of international law, in the SOLAS regulation and refers to the total loss of a ship, a death [onboard a ship] or severe damage to the environment [caused by a ship]. Procedures related to dealing with the immediate consequences of ship casualties, i.e. *maritime SAR* and *accident and disaster response*, are discussed in their respective sub-chapters 4.1.8 and 4.1.10. This sub-chapter discusses the procedures laid out in the international and European legal framework regarding the investigation into and the measures for the prevention of ship casualties. **Frontex has no mandate or responsibilities related to ship casualties.** EMSA has a supporting role, which is described below.

By the international conventions UNCLOS²²⁸, SOLAS²²⁹, MARPOL²³⁰ and as elaborated in several IMO resolutions²³¹, a duty is placed upon the flag state to conduct an investigation in the event of a casualty involving one of its vessels.²³² The EU has passed legislation (Directive (EC) 2009/18) expanding this responsibility to cover investigations into casualties involving ships traversing through the territorial waters of the Member States regardless of the flag state as well as investigations into casualties by any other ships involving substantial

²²⁶ Missing Migrants Project: *Regions: Mediterranean*. [<https://missingmigrants.iom.int/region/mediterranean>], accessed 8 November 2018.

²²⁷ Ibid.

²²⁸ United Nations Convention on the Law of the Sea, article 94.

²²⁹ International Convention for the Safety of Life at Sea, regulation I/21.

²³⁰ International Convention for the Prevention of Pollution from Ships, articles 8 and 12.

²³¹ Most notably: Resolution MSC.255(84) (adopted on 16 May 2008) Adoption of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code).

²³² International Maritime Organization: *Casualties*. [<http://www.imo.org/en/OurWork/MSAS/Casualties/Pages/Default.aspx>], accessed 7 December 2018.

interest to a Member State. By the Directive, the Member States were to establish an independent, impartial and permanent accident investigation body.²³³ As per the aforementioned legislation, ship casualty investigations are a national prerogative.

EMSA assists the Member States in this task by maintaining a database called the European Marine Casualty Information Platform (EMCIP). The Member States are obliged to notify the Commission of marine casualties and incidents via the EMCIP, which automatically then feeds information to the IMO Global Integrated Shipping Information System (GISIS), which includes a module for maritime casualties and incidents. Both the IMO and the EMSA conduct analyses of the reported casualties and incidents, which are released to the Member States with the aim of preventing such casualties and incidents in the future. The Member States' investigation bodies have a direct access to the information contained in the said databases. The EMCIP also makes anonymized casualty and incident reports available to the public.^{234 235}

In order to outline the scale of the activities on the European level regarding ship casualties, the following key figures from the EMCIP should be considered. Reporting casualties and incidents to the EMCIP became compulsory to the Member States in 2011. Since then, by the end of 2017, a total of 20 616 casualties and incidents involving 23 264 ships have been reported in the system. Out of those incidents 603 were classified as very serious, resulting in the death of 683 individuals and in the injury of 6 812 individuals. In the same time frame, 1 070 investigations were carried out by the national authorities. 2017 saw 3 301 casualties and incidents, 61 fatalities, 1 018 persons injured, 12 ships lost, 3 647 ships involved and 122 investigations conducted.²³⁶ EMSA publishes a thorough, high quality annual overview of the casualties and incidents describing the trends with pertinent analysis.

Maritime assistance service (MAS) refers to the responsibility of the coastal state to provide assistance to a ship with difficulties, other than those involving a threat to human life or major harm to the environment, passing through its waters.²³⁷ The duty is based on several

²³³ European Maritime Safety Agency: *About Investigation of Marine Casualty*.

[<http://www.emsa.europa.eu/about-investigation-of-marine-casualties.html>], accessed 7 December 2018.

²³⁴ Ibid.

²³⁵ International Maritime Organization: *Casualties*.

[<http://www.imo.org/en/OurWork/MSAS/Casualties/Pages/Default.aspx>], accessed 7 December 2018.

²³⁶ European Maritime Safety Agency: *Annual Overview of Marine Casualties and Incidents 2018*, EMSA 2018.

²³⁷ Swedish Coast Guard (Kustbevakningen): *Maritime Assistance Service (MAS)*.

[<https://www.kustbevakningen.se/en/safety-at-sea/maritime-assistance-service-mas/>], accessed 7 December 2018.

regulations and articles in the SOLAS Convention²³⁸, the MARPOL Convention²³⁹ as well as those in other international conventions, codes and resolutions.²⁴⁰ All of the above are amalgamated in the IMO resolution A.950(23), which calls for coastal states to establish a maritime assistance service, which receives the reports, consultations and notifications stipulated in the aforementioned legal instruments.²⁴¹ The provision of the MAS service is a traditional coast guard function. It is completely in the jurisdiction of national authorities with no direct contribution by EU bodies or agencies.

In sum, **Frontex does not contribute towards the coast guard function of ship casualty and maritime assistance service.** EMSA is assessed to be of assistance to the Member States with regard to the prevention of ship casualties through its provision of the European Marine Casualty Information Platform and the analysis services pertaining to the information in the database.

4.1.10. Maritime accident and disaster response

As maritime accidents go, there are normally present the elements of both saving human lives and of protecting the environment from damage caused by oil or chemical spills. The prior element has already been covered in sub-chapter 4.1.8. The response to an accident with regard to the protection of the environment is in the scope of this sub-chapter. Environmental protection in general and unrelated to an accident was covered in sub-chapter 4.1.7. The salvage function is not covered in this report as it is generally not conducted by vessels owned by public entities such as national coast guard authorities or EU agencies such as Frontex.²⁴²

Frontex has no statutory mandate as regards maritime accident and disaster response. EMSA, as the maritime safety agency of the EU, does. In the EMSA founding Regulation providing technical and operational assistance to Member States is stated as one of the objectives of the Agency. In line with this role, EMSA maintains a network of stand-by oil spill response vessels through contracts with private operators. There are currently 17 such

²³⁸ International Convention for the Safety of Life at Sea, regulations V/31, VII/6 and VIII/12

²³⁹ International Convention for the Prevention of Pollution from Ships, article 8

²⁴⁰ Namely the: *International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties*, 1969 (Intervention Convention); *International Convention on Oil Pollution Preparedness, Response and Co-operation*, 1990 (OPRC Convention); *International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships* (INF Code) and IMO Resolution A.851(20): *General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants*.

²⁴¹ International Maritime Organization: Resolution A.950(23) Adopted on 5 December 2003, *Maritime Assistance Service (MAS)*.

²⁴² International Convention on Salvage (1989), articles 4 and 5.

vessels in ports around Europe. The vessels stand ready to sail at all times within 24 hours of request fully equipped and specially fitted for oil spill response operations.²⁴³ In addition to the network of oil response vessels, EMSA maintains high readiness stockpiles of oil spill response equipment in three locations around Europe.²⁴⁴ The stockpiles stand ready to be shipped to any location in Europe within 12 hours of request.²⁴⁵

With regard to chemical spills or incidents involving hazardous or noxious substances (HNS), EMSA maintains an arrangement called Marine Intervention in Chemical Emergencies Network (MAR-ICE). It is an information service that provides rapid expert advice to assist the requesting party's decision making process upon a chemical spill or an HNS incident.²⁴⁶ In 2017, the assistance service was activated five times by four different Member States.²⁴⁷ In parallel, EMSA maintains an online service called Marine Chemical Information Sheets (MAR-CIS), which holds datasheets containing relevant information on responding to various types of HNS marine spills.²⁴⁸

EMSA is the central actor at the Union level dealing with maritime accidents and disaster response. Its services to Member States can be assessed to provide significant public value. Some of the ships contracted or coordinated by Frontex might have the ability to assist in oil or chemical spill operations and might be summoned to do so if nearby the affected area, but Frontex holds no direct responsibilities with regard to the coast guard function in question. In sum, **Frontex's role in generating public value towards maritime accident and disaster response is negligible.**

4.1.11. Fisheries inspection and control

The EU established a Common Fisheries Policy (CFP) in the 1970's in order to overcome the problem of overfishing. The CFP Regulation has since been periodically updated with new and amended features. The latest amended version²⁴⁹ took effect in 2014. The CFP aims at

²⁴³ European Maritime Safety Agency: *Oil Spill Response Services*. [<http://www.emsa.europa.eu/oil-spill-response/oil-recovery-vessels.html>], accessed 9 November 2018.

²⁴⁴ Aberdeen, UK; Gdansk, Poland; Ravenna, Italy.

²⁴⁵ European Maritime Safety Agency: *Equipment Assistance Service*. [<http://www.emsa.europa.eu/oil-spill-response/eas-inventory.html>], accessed 9 November 2018.

²⁴⁶ European Maritime Safety Agency: *Consolidated Annual Activity Report 2017*, EMSA 2018, p. 18.

²⁴⁷ European Maritime Safety Agency: *Marine Intervention in Chemical Agencies Network*. [<http://www.emsa.europa.eu/chemical-spill-response/mar-ice-network.html>], accessed 9 November 2018.

²⁴⁸ European Maritime Safety Agency: *What is MAR-CIS?* [<http://www.emsa.europa.eu/opr-documents/faq-pollution/300-hazardous-noxious-substances-hns-operational-support/2166-what-is-mar-cis.html>], accessed 9 November 2018.

²⁴⁹ Regulation (EU) 2013/1380.

ensuring the environmental, economic and social sustainability of fishing and aquaculture in the long term.²⁵⁰ The gradual development of the CFP was ultimately seen to necessitate the establishment of an EU Agency to coordinate operational action as well as to coordinate inspection and control activities - namely the EFCA, established by Regulation (EC) 2005/768.²⁵¹

The Member States withhold the executive responsibility to ensure control, inspections and enforcement of the CFP. The Commission's role is to assess and to reinforce the implementation of the obligations under the CFP. The EFCA's key operational responsibilities are to coordinate the control and inspection efforts of the Member States, to coordinate the deployment of pooled resources, to assist the Member States in fulfilling their tasks and obligations under the CFP and to coordinate operations to combat illegal, unreported and unregulated (IUU) fishing.^{252 253} **Frontex has no direct mandate in the coast guard function of fisheries control and inspection.**

EFCA implements its mandate by coordinating control activities in Union and international waters and on land through Joint Deployment Plans (JDP). The JDP is effectively an operational fisheries control plan, which pools human and material resources in a geographical area in order to conduct fisheries control activities. The JDPs are currently applied in four geographical areas as seen in the picture below.²⁵⁴

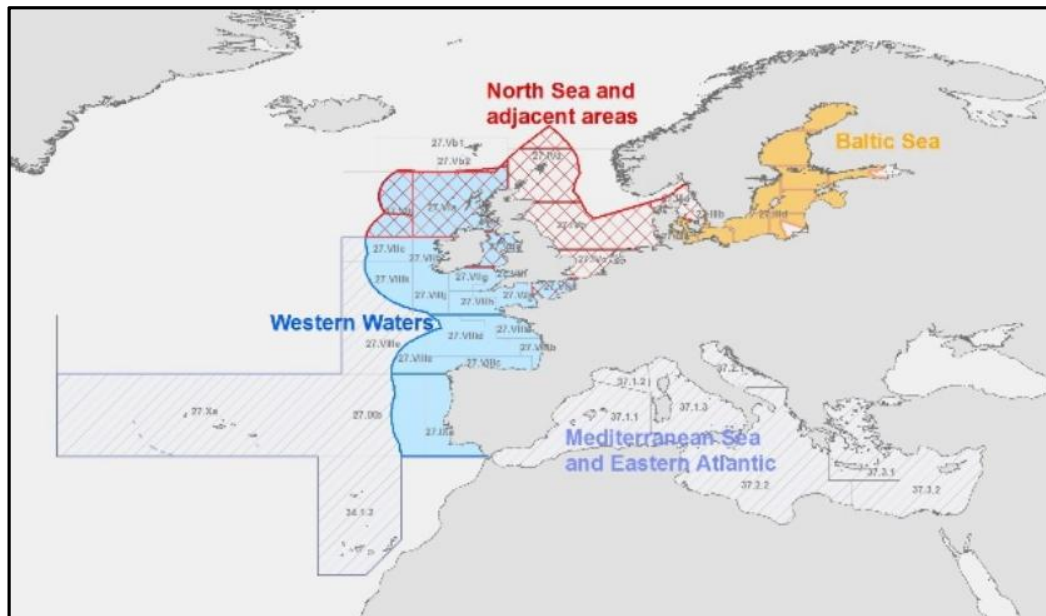
²⁵⁰ European Commission: *The Common Fisheries Policy (CFP)*. [https://ec.europa.eu/fisheries/cfp_en], accessed 16.11.2018.

²⁵¹ European Fisheries Control Agency: *Legal Basis*. [<https://www.efca.europa.eu/en/content/legal-basis>], accessed 16.11.2018.

²⁵² Regulation (EC) 2005/768, article 3.

²⁵³ Regulation (EU) 2013/1380, article 36

²⁵⁴ European Fisheries Control Agency, Unit 1 - Operations: *Joint Deployment Plan North Sea 2017*. [<https://www.efca.europa.eu/sites/default/files/atoms/files/2017%20-%20NORTH%20SEA%20CAMPAIGN%20-%209M%20WEB%20REP.pdf>], accessed 23 November 2018.



Picture 1: Joint Deployment Plan Areas.²⁵⁵

As a representative example of a JDP, we can take a look into the results of the North Sea JDP under which, during the first three quarters of 2017, the following results were achieved. At shore a total of 68 349 tonnes of fish was inspected in 5955 individual inspections resulting in 86 reported infringements. At sea a total of 25 771 tonnes of fish was inspected in 954 individual inspections resulting in 99 infringements reported. The deployed control means included 1198 days at sea by Fisheries Patrol Vessels (FPV) and 258 fisheries control flights by various aircraft. The FPVs and the aircraft reported a total of 3938 sightings of fishing vessels, out of which the aforementioned 954 were inspected, yielding an inspection percentage of 24 % out of all sightings. Infringements were reported in 9.7 % of the fishing vessels inspected at sea and in 1.4 % of the fishing vessels inspected at shore. The leading infringement type was non-fulfillment of reporting obligations (39 % of all infringements).²⁵⁶

Under the tripartite cooperation in coast guard functions, Frontex contributes to fisheries control. Frontex, EFCA and EMSA jointly chartered two fisheries patrol vessels in 2017. Some of Frontex's aerial surveillance assets are also jointly contracted with EFCA.²⁵⁷ In conjunction with their maritime border surveillance activities and as per a mutually developed standard operating procedure (SOP) between the agencies, Frontex coordinated assets also report sightings of fishing vessels to EFCA and to national authorities. **Over 1000 such**

²⁵⁵ Picture source: EFCA.

²⁵⁶ European Fisheries Control Agency, Unit 1 - Operations: *Joint Deployment Plan North Sea 2017*. [<https://www.efca.europa.eu/sites/default/files/atoms/files/2017%20-%20NORTH%20SEA%20CAMPAIGN%20-%20209M%20WEB%20REP.pdf>], accessed 23 November 2018.

²⁵⁷ European Fisheries Control Agency: *Annual Report of the EFCA for Year 2017*, p. 6.

sightings were reported in 2017.²⁵⁸ Starting in 2017, EFCA inspectors have also embarked on Frontex aerial and surface assets for fisheries control purposes. Also, in 2017, a Frontex liaison officer was deployed in EFCA's operational center during a fisheries control operation.²⁵⁹ The two agencies are engaged in continuous real time information exchange, as Frontex's situational awareness system, the EFS, was in 2017 upgraded with the data on the positions of fishing vessels from the EFCA's vessel monitoring and tracking system (VMS).²⁶⁰

In sum, to some degree Frontex does contribute towards the coast guard function of fisheries control and inspection. The main vehicle for this contribution is assessed to be the joint chartering of surveillance assets and the multipurpose operations that take place in the form of EFCA deploying inspectors and liaison officers into Frontex's assets and command centers. The provision by Frontex of the fishing vessel sighting report forms is considered to be a small scale activity of minor significance when put into the context of the parallel fisheries control operations coordinated by EFCA under the JDP.

4.2. Legitimacy and support

Key performance indicators related to legitimacy and support measure the acceptability of an organization and its activities as viewed by external entities. Mark Moore proposes treating the various sources of acceptability as "accounts" with a balance to attend to. In the framework of this research, the acceptability of Frontex as a coast guard and its coast guard functions activities was measured along four different accounts - media coverage, member state coast guard functions authorities, other EU bodies and budget - with varying results. The discussion in this sub-chapter is organized by the said accounts.

4.2.1. Media coverage

During the sample time period a total of 73 articles were published in European media about Frontex providing or contributing to coast guard functions. When coded by coast guard functions covered, all the media reports fell within three categories based on the coast guard functions covered. These were:

²⁵⁸ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 20.

²⁵⁹ Questionnaire to Frontex.

²⁶⁰ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 36.

- 1) maritime search and rescue (47 hits),
- 2) maritime border control (28 hits) and
- 3) the prevention and suppression of trafficking and smuggling and connected maritime law enforcement (19 hits).²⁶¹

The total number of hits exceeds the total amount of news stories analyzed as some of the stories were coded in more than one category. The rest of the 11 coast guard functions remained without any hits. Unsurprisingly, stories in the media only covered the three coast guard functions Frontex has a direct mandate over. The results further compound the limitedness of Frontex's mandate as a coast guard. Frontex, as we learned in chapter 4.1, indirectly contributes to a broader scope of coast guard functions, but based on the results of the media analysis it is *perceived*, to focus on the three aforementioned functions.

Majority of Frontex's activities are geographically focused on the Mediterranean Sea due to the constant flow of migrants across the sea from Africa. The phenomenon is heavily characterized by the search and rescue aspect, as it is within the illegal immigration facilitators' modus operandi to send migrants on their journey in unseaworthy watercraft. The likely consequence therein being that the migrants are either rescued by Europeans or they drown. For this reason, it is not always easy to distinguish where maritime border surveillance ends and where search and rescue begins. Most of these cases involving Frontex coordinated assets are publicized in the media as simply search and rescue, although the original impetus for the units' presence is always border surveillance. This can be inferred from the fact that Frontex does not have a direct mandate for search and rescue. Frontex assets only conduct SAR when the situation arises during border surveillance operations at sea.²⁶²

For the aforementioned reasons, it is not surprising that the majority of the news coverage of Frontex coast guard functions would focus on SAR. The expectation was reconfirmed by the media analysis conducted for this research. 47 out of the 73 (64%) media stories analyzed were coded as having to do with the search and rescue function. These news stories were separated from those focusing on the surveillance and detection aspect (and thus contributing towards the coast guard function of maritime border control), by a linguistic analysis assessing the choice of words in the article. Those articles that mostly used vocabulary emphasizing the rescue aspect were coded under the SAR category. It is to be noted that the

²⁶¹ The full media analysis is included in this research report as annex 2.

²⁶² Regulation (EU) 2016/1624, article 4(b).

same events, when reported by using vocabulary emphasizing the surveillance and detection aspect, could also be coded under the maritime border control category.

28 out of the 73 news stories (38%) were coded as having to do with maritime border control and 19 stories (26%) under the law enforcement category. The results do not strike out as differing from justified expectations based on the extent of Frontex's mandate related to the various coast guard functions, adjusting for the nature of the migrant flow in the Mediterranean. Perhaps a story on the tripartite coast guard cooperation and Frontex's contribution to other coast guard functions might have been expected based on the extent of effort by Frontex thereto. The lack of such news coverage testifies to the said cooperation not having reached in significance the level at which it would have breached the news threshold. This notion corroborates the results gained during the analysis for public value generation towards each of the coast guard functions as discussed in sub-chapter 4.1.

Table 4: The number of articles in the media about Frontex by coast guard function during the reference year.

Coast guard function	Number of articles
Maritime SAR	47 (64 %)
Maritime border control	28 (38 %)
Maritime law enforcement	19 (26 %)
Other coast guard functions	0 (0 %)
TOTAL	73

The overall tone of the media stories towards Frontex as a coast guard and its activities was very neutral. On a five point Likert scale, where a story given a five is highly positive towards Frontex and a story given a one is highly negative, the average of all the ratings given was 3.13. This consisted of the following ratings:

Table 5: Rating of the tone of the articles about Frontex over the reference year.

Rating	Number of ratings
1 (highly negative)	0
2	1
3	63
4	5
5 (highly positive)	2

From the above table it can be seen that not one of the articles supported a highly negative view of Frontex as a coast guard functions provider. Only one article could be interpreted as

slightly negative. Also it can be seen that from the total of 72 ratings given²⁶³ 63 (88 percent) were neutral. This is indicative of the expressly dispassionate and neutral tone of almost all the analyzed news articles. Furthermore, it is to be noted that all the scores are based on a subjective qualitative analysis by the author.

The first one of two stories that received the rating five was by the Spanish online newspaper *eldiario.es*, which caters to the academic Left.²⁶⁴ The story covered the handling of the so called *cayucos crisis* by the Frontex coordinated operation Hera starting in 2006. It was rated five for its positive handling of Frontex, while the overall tone of the story is rather skeptical of the Spanish Government's success in handling the migrant crisis. The story documents how the migrant flow to the Canary Islands was brought to a halt with the help of Frontex in 2006-2010.²⁶⁵

The second story to receive a five was by the Croatian online tabloid *Vijesti.hr*. The story was written in an apparent effort, true to the publication's tabloid style, to puff up the maritime border surveillance conducted by Frontex in the Croatian waters, containing very little in the way of actual substantive content.²⁶⁶ The positive coverage of Frontex in this instance seems to have more to do with the overall style of the publication rather than the content of the actual activities conducted or the editorial opinion of Frontex as an entity. However, the story is indicative that tabloid style media is potentially interested in Frontex's work and can thus push forward a positive narrative of Frontex to their target audiences, which might differ from the target audiences of more fact based media outlets.

In sum, it can be said that the media covers Frontex's efforts in the provision of coast guard functions in a very neutral manner. In a rather surprising outcome of this analysis, regardless of all its dealings with matters of life and death, such as with regard to maritime SAR or the handling of the migrants, the media appears to have a very dispassionate outlook towards Frontex. The other explanation for the results is that the media follows well the journalistic

²⁶³ One of the 73 articles reviewed in total was left without a rating, because of its lack of substance (just a headline).

²⁶⁴ Wikipedia: *eldiario.es*. [<https://en.wikipedia.org/wiki/Eldiario.es>], accessed 8 December 2018.

²⁶⁵ Hernandez, Ivan A.: La gestión de la crisis de los cayucos en Canarias, paradigma para frenar la inmigración, *eldiario.es*, 06/08/2018. English translation available at: [http://translate.google.com/translate?hl=en&sl=auto&tl=en&u=https%3A%2F%2Fwww.eldiario.es%2Fcanaria-sahora%2Fsociedad%2Fgestion-cayucos-Canarias-paradigma-inmigracion_0_799670800.html&anno=2&sandbox=1], accessed 8 December 2018.

²⁶⁶ Radic, Nikolina: RTL ekskluzivno s Frontexom u nadzoru morske granice: Kamere jasno snimaju čak i ribe u moru!, *Vijesti.hr*, 06.08.2018. English translation available at: [<http://translate.google.com/translate?hl=en&sl=auto&tl=en&u=https%3A%2F%2Fvijesti.rtl.hr%2Fnovosti%2Fhrvatska%2F3237591%2Frtl-ekskluzivno-s-frontexom-u-nadzoru-morske-granice-kamere-jasno-snimaju-cak-i-ribe-u-moru%2F>], accessed 8 December 2018.

ethos of neutrality in coverage and lets the audience make their own conclusions on the events covered. One can also speculate whether the Frontex Situation Center includes in its Daily Newsletter news stories that would display Frontex in a negative light. The amplitude of media coverage of Frontex coast guard functions was small in scale. 38 mentions in the European media within a time period of five months equals to less than two mentions per week. Considering that the media tracked by the FSC caters to an audience of over 500 million, two mentions per week borders trivial.

4.2.2. Member State coast guard functions authorities

Over 300 authorities in the Member States have been identified by the EU commission to carry out or contribute to one or more of the coast guard functions. As previously discussed in the sub-chapter on data collection, I decided to narrow down the scope of potential respondent authorities to the 31 members of the European Coast Guard Functions Forum.²⁶⁷ The simple fact of their membership indicates both the organizations' self-identification as coast guard authorities as well as the national recognition of them as such. Therefore they can be assessed to form the hard core of European coast guard functions providers and as such the appropriate framework for polling national views on the coast guard functions provision by Frontex.

I used a two way tactic in approaching the various coast guard authorities. Primarily I approached each of the authorities through their official online contact form or a general inquiries email address as provided on their official websites. Secondly I reached out to my professional contacts in these organizations and asked them to provide direct contact details for a person who would be able to provide an organizational opinion on the subject of cooperation in coast guard functions with Frontex.

In seven occasions out of the 31, neither of the approaches worked. In these cases a contact form or an email address for general inquiries was not available online and direct contacts did not exist. This left 24 authorities potentially available to answer my questionnaire. Out of these, ultimately nine authorities provided an answer to the questionnaire - some only after

²⁶⁷ Belgium: Coast Guard; Bulgaria: Chief Directorate "Border Police"; Croatia: Coast Guard; Cyprus: Police Border Marine; **Denmark: Navy**; Estonia: Police and Border Guard; **Finland: Border Guard**; France: Secrétariat général de la mer; **Germany: Federal Police**; Greece: Coast Guard; Iceland: Coast Guard; Ireland: Coast Guard; **Italy: Coast Guard**, Navy and Guardia di Finanza; Latvia: State Border Guard and Naval Forces Coast Guard Service; **Lithuania: State Border Guard Service**; Malta: Armed Forces; **The Netherlands: Coast Guard**; **Norway: The Royal Norwegian Navy and Coast Guard**; Poland: Border Guard; **Portugal: Navy**, Guarda Nacional Republicana and Autoridade Marítima Nacional; Sweden: Coast Guard; **Romania: Border Police**; Slovenia: Police; Spain: Navy and Civil Guard.

two rounds of kind reminders. Generally, the direct contacts were much more efficient in providing an answer than general inquiries: 5 out of 7 occasions for direct contacts (71%) versus 4 out of 17 for general inquiries (24%). Overall the response percentage was 38% or 29% depending on the reference number. The prior figure refers to the number of respondents I was able to reach (24), the latter refers to the number of respondents I intended to reach (31). The percentage is rather low either way. This can be assessed as an indicator of only a lukewarm interest in the national authorities on the topic. This assessment is corroborated by the fact that the majority (5 out of 9) of the responses were accumulated through personal professional contacts, wherein they can at least partly be attributed to personal favors rather than as being done purely out of professional interest.²⁶⁸

The questionnaire was organized around the cooperation areas for the tripartite assistance to national authorities carrying out coast guard functions as set out in the EBCG Regulation and in the EFCA and EMSA founding Regulations. The Regulations set out five distinct areas of assistance to be provided for the Member State coast guard functions authorities through the tripartite cooperation:

(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform;

(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;

(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;

²⁶⁸ The authorities that responded to the questionnaire are bolded in the list in the previous footnote. Those responses that were received through personal contacts are also underlined.

*(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities, to the extent that these activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned.*²⁶⁹

My questionnaire provided the respondents an excerpt of the text of the regulation so as to refresh their memory on the topic. The questionnaire then went on to ask for each of the five functional areas for the specific ways in which Frontex has provided assistance to the respondent's home organization in that particular field. The intention therein was to encourage the respondent to review and to refresh their knowledge on the actual cooperation that is taking place between their home organization and Frontex. This was followed by multiple choice questions that asked the respondents to evaluate the significance of the cooperation identified in the preceding question to their respective organization. The answers were recorded in a six-point Likert-type scale, where the possible answers ranged from *essential* to *harmful*.²⁷⁰ Thus the goodwill of the respondent organization towards Frontex's coast guard functions provision was measured through the proxy of the perception of the significance of cooperation with Frontex. The reasoning therein was that a respondent, who would perceive the cooperation with Frontex as significant to their organization, would likely also have goodwill towards Frontex, thus contributing to the respective legitimacy and support account.

The first question pertained to Frontex's assistance to the respondent's organization related to *sharing, fusing and analyzing information available in ship reporting systems and other information systems*, following the provisions in article 53.1(a) of the EBCG Regulation. In their answers, the respondents pointed to Frontex providing situational picture through the Eurosur Fusion Services (EFS) and the risk analysis services. Alternatively, the respondents pointed to their organization not needing assistance in this field (3 respondents out of 9). Also two respondents pointed to better quality situational picture services being available through EMSA's SEG²⁷¹ and thus opting out of receiving situational picture through the EFS. It was also noted in the responses that Frontex's services are focused in the southern sea areas, which makes them less applicable and useful for coast guard organizations in northern Member States. Some pertinent direct quotes from the respondents below:

²⁶⁹ Regulation (EU) 2016/1624, article 53.

²⁷⁰ The full set of options in descending order was: essential - important - helpful - almost irrelevant/irrelevant - harmful - I do not know/no answer.

²⁷¹ SafeSeaNet Ecosystem Graphical user interface, see chapter 4.1.8.

“Frontex products, such as Eurosur fusion services, risk analysis and NCC's situational picture are available. [Organization name] is only learning and studying the possibilities to fully utilise all the possibilities, such as satellite imaging. Full potential of the existing services is not yet fully in use. On the other hand, services of the agencies and their utilization, is under development. [Organization name] has not yet used surveillance services, such as Frontex surveillance airplane or drones. The main emphasis of the assets has been in the Southern Europe.”

“So far, the [Organization name] has not yet requested the services offered by the EUROSUR Fusion Service, as illegal immigration, cross-border crime and distress issues with migrants are very rare [...] All other safety and security (including general law enforcement and customs) fields are covered by EMSA [...] EMSA's SEG free maritime application offers far more options for Coast Guard duties than the service offered by FX.”

As for the significance of these services the majority (56%) of the respondents appraised the services of Frontex in this field as helpful. Only one respondent considered this type of cooperation or assistance to be important to their organization. The results possibly reflect the notion made in the respondents' comments about Frontex's services being focused on a specific geographical area, leaving the majority of the respondents' respective organizations outside of the scope of this type of assistance.

Table 6: "How significant has the assistance by Frontex or the cooperation with Frontex been to your organization in the field of sharing, fusing and analyzing information available in ship reporting systems and other information systems?"

	N	Percentage
Essential	0	0 %
Important	1	11 %
Helpful	5	56 %
Almost irrelevant/ Irrelevant	1	11 %
Harmful	0	0 %
I do not know/ no answer	2	22 %
TOTAL	9	100 %

The second question pertained to article 53.1(b) of the EBCG Regulation and asked the respondents to first identify the concrete ways in which Frontex had assisted their organization by providing *surveillance and communication services*. In their answers two

respondents pointed to Frontex’s MAS and FASS services (fixed wing aerial surveillance) and that these services were provided in conjunction with the joint operations. The respondents also recognized the Eurosur system to be part of the surveillance package offered by Frontex. One respondent saw the staff exchange program to contribute to improved surveillance and communication through the sharing of best practices.

“Eurosur/ NCC services portfolio has been the most essential issue. It must be noted that Frontex risk analysis, situational reports and vulnerability assessment related information can be seen also as part of this situational awareness product package.”

As for the significance of assistance and cooperation in this field, the majority of the respondents considered it to be helpful to their organizations.

Table 7: “How significant has the assistance by Frontex or the cooperation with Frontex been to your organization in the field of *surveillance and communication services*?”

	N	Percentage
Essential	0	0%
Important	2	22%
Helpful	3	33%
Almost irrelevant/ Irrelevant	1	11%
Harmful	0	0%
I do not know/ no answer	3	33%
TOTAL	9	100%

The third question, following the provisions in article 53.1(c) of the EBCG Regulation asked the respondents to identify the concrete ways in which Frontex assisted or cooperated with their respective organizations by *drawing up guidelines and recommendations or by establishing best practices or by providing training or exchange of staff*. The respondents pointed to multiple training packages for all types of borders, including maritime, provided by Frontex. They also referenced the (potentially) upcoming coast guard functions handbook. Trainings and guidelines provided for and related to the various joint operations were also seen as part of this category. One respondent took a rather negative stance to cooperation in this field:

“The FRONTEX guidelines and other recommendations are usually very abstract and therefore concrete measures are very difficult to deduce. For this

reason, a concrete added value for the [organization name] cannot be quantified.

FRONTEX should try not only to impose unconscionable political, diplomatic guidelines, but also to define clear objectives and measures, which should, however, first be agreed with the Member States. For this reason, a concrete added value can currently not be described."

When assessing significance, the respondents overall tone, however, was that cooperation and assistance in this field was *more* important than with regard to information sharing, surveillance and communications that were discussed above. The majority of the respondents saw cooperation in this field important.

Table 8: "How significant has the assistance by Frontex or the cooperation with Frontex been to your organization in *the field of drawing up guidelines and recommendations or by establishing best practices or by providing training or exchange of staff?*"

	N	Percentage
Essential	0	0%
Important	5	56%
Helpful	2	22%
Almost irrelevant/ Irrelevant	1	11%
Harmful	0	0%
I do not know/ no answer	1	11%
TOTAL	9	100%

The next question, following article 53.1(d) of the EBCG Regulation, asked the respondents to identify the concrete ways in which their respective organizations had been assisted by or cooperated with Frontex in *enhancing the exchange of information or cooperation in coast guard functions including by analyzing operational challenges and emerging risks in the maritime domain*. Only one of the respondents pointed to the establishment of the Maritime Intelligence Community Risk Analysis Network (MIC-RAN, see chapter 4.1.5), the establishment of which is arguably the biggest concrete step that Frontex has taken with regard to enhancing the analysis of operational challenges and risks in the maritime domain. It is to be noted however, that the network only held its inaugural meeting in 8 October 2018, which is *after* the majority of the responses were given. Thus it might have escaped notice by the respondent coast guard experts even though they are otherwise familiar with the topic of cooperation with Frontex. Overall, Frontex was seen to be fairly successful in fostering cooperation among coast guard functions authorities. Some respondents cited the reporting

tools provided by Frontex with regard to joint operations. The three quotes below offer a representative sample:

“FRONTEX it is from the [organization name] perspective a key enabler through the national and international interagency cooperation.”

“...Frontex has established several working groups with EFCA and EMSA to develop capacity building, situational awareness, risk analysis etc., but the concrete results have been less than expected from the MS point of view.”

“The establishment of a maritime network [MIC-RAN] by FRONTEX seems fundamentally comprehensible and suitable in order to eliminate or minimise the information deficit identified there with regard to the Coast Guard functions with a focus on CBC²⁷² and thus to create the desired added value.”

From the point of view of significance, 6 out of 9 respondents assessed cooperation or assistance in this field as either important or helpful.

Table 9: “How significant has the assistance by Frontex or the cooperation with Frontex been to your organization in *enhancing the exchange of information or cooperation on coast guard functions including by analyzing operational challenges and emerging risks?*”

	N	Percentage
Essential	0	0%
Important	3	33%
Helpful	3	33%
Almost irrelevant/ Irrelevant	1	11%
Harmful	0	0%
I do not know/ no answer	2	22%
TOTAL	9	100%

The next question, pursuant to article 53.1(e) of the EBCG Regulation, asked the respondents to identify the concrete ways of assistance or cooperation with Frontex *in planning or implementing multipurpose operations or by sharing assets or other capabilities*. The respondents pointed in four occasions the positive experiences accrued by their personnel in joint operations (JO). These experiences were seen to amount to better international interoperability in the future. One respondent also saw the gained experience to improve national capability in conducting multi-agency operations as well.

²⁷² Presumably “Cross-Border Cooperation”.

“[...] through the project "MERIKAHRU" [sic], our maritime forces were able to experience both personal and, above all, tactical experiences such as SAR missions, navigate in international sea areas and collaborate with other European forces. These experiences can be used both personally and by our organization.”

“Received experience in Frontex JO, workshops and seminars was used in planning and implementation of national multi-agency operations.”

As for significance there was a slight spread in the responses as compared to the previous questions, as four respondents saw this type of cooperation or assistance as important and two saw it as almost irrelevant or relevant.

Table 10: “How significant has the assistance by Frontex or the cooperation with Frontex been to your organization in *planning and implementing multipurpose operations or by sharing assets or other capabilities?*”

	N	Percentage
Essential	0	0%
Important	4	44%
Helpful	1	11%
Almost irrelevant/ Irrelevant	2	22%
Harmful	0	0%
I do not know/ no answer	2	22%
TOTAL	9	100%

In the last question of the questionnaire, the respondents were given an opportunity to “freewheel” by describing, without limitations, the forms of assistance their organization would like to receive from Frontex in the future in order to optimize added value in coast guard functions. An open-ended question was bound to produce a wide range of answers - which it did. The most support was given to increased pooling and sharing of resources and for the harmonization and optimization of their use. The respondents recognized that the current system of coast guarding in Europe is not very efficient because of the multitude of actors. Overlaps exist nationally and on the European level. In addition to pooling and sharing, one respondent called for Frontex coordinated planning and coordination of multifunction multiagency operations (MMO) involving the three EU coast guard agencies as well as Member State CG authorities bi- or multilaterally. A respondent also saw room for further standardization of the MMO concept. Furthermore, it was mentioned that the MMOs

should be implemented outside of the current focus areas in the south. One respondent also called for third countries to be involved, under Frontex coordination, into these operations.

The improvement of the current joint situational picture services was also called for, especially in the pre-frontier area, wherein some Member States only have a limited capability of gathering information from. Harmonization of the situational picture services provided by the EMSA (SEG) and Frontex (EFS) was also recognized as an area where improvement is needed. Joint capacity building, such as joint training for MS authorities and EU agencies in coast guard functions, along with coordinated innovation and research were called for by two respondents. The need for a European sectoral qualifications framework for coast guard functions (CGFSQF) was also identified by one respondent.²⁷³ One respondent saw the need for coordination by Frontex over the various channels of funding from the EU to the MS authorities in order to optimize spending at the European level and thus to avoid sub-optimization.

“Better planning of operations and coordination during operations. Avoiding overlapping of resources and optimising operations impact on the sea. This goes to the European funded capacities and especially Frontex - EMSA - EFCA operations but also to the bilateral and multilateral cooperation between MS, and possibly to the national operations of MS.”

“FRONTEX is a key stakeholder for the security within the European external borders and a partner to all European organizations and entities undertaking coast guard functions. This partnership can be stressed by creating programmes for the financial acquisition of assets, equipment, and even HR contracts to work on coast guard functions. FRONTEX can also take advantage at the operational level to create a reasonable ground of best practices within the coast guard functions by stressing synergies among member states.”

As a whole the results of the questionnaire on the views of MS CG authorities on the assistance by and cooperation with Frontex indicate optimism and, for the majority of the respondents, clearly identified benefits in the cooperation. A table combined of the answers to

²⁷³ The CGFSQF project was conducted multilaterally between the Member States and under the coordination of the ECGFF during 2015 - 2017. The project is now finished. For more information, see: [<http://ecgff-trainingportal.eu/pages/37-background>]

the individual questions about the significance of the cooperation with or assistance by Frontex looks as follows:

Table 11: Accumulated answers to the questions about the significance of assistance by or cooperation with Frontex.

	N	Percentage
Essential	0	0%
Important	15	33%
Helpful	14	31%
Almost irrelevant/ Irrelevant	6	13%
Harmful	0	0%
I do not know/ no answer	10	22%
TOTAL	45	100%

64% of the responses indicate that the activities are either helpful or beneficial to the respondent's organization. None of the activities is seen as harmful to the respondents' organizations - as might be the case e.g. if Frontex was seen to draw on the national resources and thus hinder operational effectivity at home. Alternatively Frontex could be interpreted to add a layer of complexity in the form of norms and regulations. This seems not to be the case based on the questionnaire. At worst, Frontex activities in the field of coast guard functions, as seen by the MS CG authorities, are almost or completely irrelevant - as it was in 13% of the total cases. **It is therefore justified to say that Frontex is a significant actor in field of coast guard functions from the point of view of Member State coast guard authorities.** It is to be noted herein that Frontex is only two years into assisting the Member States in coast guard functions and the activities are at this point still developing fast as the cooperation is finding its forms. It is therefore reasonable to expect that that Frontex's significance as a coast guard actor is poised to rise in the future.

Upon reaching the conclusion described in the previous paragraph, some caveats have to be made. The sample size is rather small. It includes only 9 out of the 31 members of the ECGFF (29%). When compared to the total number of coast guard functions authorities in Europe (approximately 315) the response percentage amounts to an abysmal 2.9%. Also, even if the respondents put on their most objective goggles and tried their best to represent their organization as a whole, the subjectivity of the responses cannot be precluded. Furthermore, as the main effort of Frontex's activities is heavily geographically focused on the southern sea borders, the views on its significance are bound to be effected by the geographical area of jurisdiction of the responding organization. Southern Member States are the clear beneficiaries of Frontex's activities, especially regarding coast guard functions, and thus are

likely to appraise the significance of Frontex in this regard higher than northern Member States. This presumption was confirmed by the results of the questionnaire as can be seen from the table below. The Member States in the table are arranged from left to right in the order of their mean latitude from south to north. The main concentration of answers from each Member State is highlighted and color coded. There is a visible trend that shows the southern Member States assessing the significance of Frontex's coast guard activities higher than their northern counterparts.

Table 12: An accumulation of the respondents' answers by country. The highest concentration of answers for each country highlighted.

	PT	IT	RO	DE	NL	LT	DK	NO	FI
Essential									
Important	3	4	3	2		2		1	
Helpful		1	2	3		3	2		3
Irrelevant								4	2
Harmful									
No answer	2				5		3		
TOTAL	5	5	5	5	5	5	5	5	5

The table also shows that discussing the EU coast guard functions organizations as a unified whole is problematic. Considering the purpose of the examination in this chapter, i.e. to find out the legitimacy and support account balance with regard to the MS CGF authorities, it can be argued that Frontex needs to attend to the "sub-balances" of the northern Member States whereas the southern ones are doing just fine as it is. Sub-balances are, however, more of a matter of Frontex's operational decision making. The point of the examination in this chapter was to simplify the complex matter of goodwill in the eyes of the Member State coast guard authorities towards Frontex to the point where it can be more easily understood. For the purposes of the Frontex coast guard functions scorecard, it is thus sufficient to discuss the account balance as a whole.

4.2.3. Other EU agencies

In order to assess the legitimacy and support Frontex as a coast guard functions provider is enjoying among its peer agencies, I approached the EMSA and the EFCA through a questionnaire similar to the one used with the Member States authorities. Unfortunately only representatives from the EFCA decided to answer the questionnaire. Due to the lack of insight to the EMSA on the matter, I decided to use interview material gathered in 2017 for my previous thesis as supporting data. With this combination, I was able to assess the benefits that the agencies see in the cooperation as well as their views on the underlying need for the

cooperation. Also the agencies' perspective on the medium term outlook of the cooperation as well as the sources for its legitimization was assessed. Through these topics, the overall legitimacy and support account balance could reasonably be assessed, albeit only in qualitative terms.

As for EMSA, I had the privilege to interview through email two high level representatives: Mr. Leendert Bal, Head of Operations and Mrs. Manuela Tomassini, Head of Safety & Standards. When asked about the benefits of the cooperation in coast guard functions with Frontex and the EFCA, they emphasized the centrality of EMSA in the framework of coast guard functions at the European level. They remarked that six of the 11 coast guard functions were mandated directly to EMSA by the co-legislators in addition to which EMSA assists Frontex and the EFCA as well as other EU bodies in carrying out the other five. They further noted that EMSA's heavy involvement had predated the coast guard functions cooperation article in the agencies' respective founding regulations. Mr. Bal and Mrs. Tomassini see making use of the synergies in the three agencies' activities as one of the main benefits to the cooperation. These synergies could manifest as e.g. tools used for one coast guard function providing added value for another coast guard function. They also see the cooperation at the European level as a catalyst for enhanced cooperation at the national level.²⁷⁴

“Through the tasks assigned by its Founding Regulation and the acquis communautaire [...] EMSA has under its direct mandate 6 Coast Guard functions [...] and supports 5 other functions [...] This is independent and pre-existing the common article in the three Agencies' Founding Regulation [...] This means that EMSA is a fundamental component of the cooperation on Coast Guard functions.”²⁷⁵

A representative from the EFCA, Mr. Pedro Galache, Head of Programmes and Assistance, weighed in on the same question and corroborated the notions made by the EMSA representatives on the main benefits of the cooperation. He specifically refers to surveillance flights as having potential for simultaneously serving all the agencies, with no extra cost. He also notes that the cooperation predated the updated regulations, but that the new common article on cooperation makes the goals more specific.²⁷⁶

²⁷⁴ Bal, Leendert, Head of Operations, EMSA; Tomassini, Manuela, Head of Safety & Standards, EMSA: joint email interview January 2017.

²⁷⁵ Ibid.

²⁷⁶ Galache, Pedro, Head of Programmes and Assistance, EFCA: telephone interview January 2017.

“In practice, this will mean that the three agencies will maximize the synergies of their activities [and this will result in] the best use of the European taxpayer money.”²⁷⁷

The representatives from the EMSA and the EFCA see the cooperation with Frontex in coast guard functions beneficial in that it has the potential to reduce the duplication of effort and to provide synergic benefits. The agencies are naturally first and foremost interested in providing added value within their respective mandates. Especially the representatives from EMSA emphasized how acting within the agencies’ mandates was to be respected in all cases. This is of course understandable, as there are no legal grounds for breaching the mandate, but it also begs the question of whether any entity, at the European level, is responsible for the entire field of coast guard functions. Frontex, by its name, claims responsibility, but the EMSA, by its extensive mandate in the field appears to be better positioned to be the central agency. The fundamental nature of the EMSA in the field of coast guard functions was also emphasized by the EMSA’s representatives.

My next question was with regard to the need to have cooperation at the European level in the field of coast guard functions in the first place. The question has obvious overlaps with the recognized benefits of the cooperation that were discussed above. EMSA’s representatives, in addition to the synergies that the cooperation provides, point to the vast number of coast guard functions authorities in the Member States and argued that the cooperation at the European level might bring about consolidation in the field especially by helping to conceptualize the “coast guard tasks”.²⁷⁸ Mr. Galache from the EFCA sees the cooperation as a “must” for the benefit of the citizens as the agencies all have competences in the maritime domain and also have complementary objectives. He sees the cooperation ultimately serving the European maritime policy implementation.²⁷⁹ Viewpoints from both of the agencies clearly recognize value in the cooperation with Frontex.

As for my question on the medium term (specified as five years) outlook for the cooperation, the representatives from EMSA saw the consolidation of service portfolios for the agencies as being in the pipeline. They also mentioned the continued implementation of new technologies to include shared tools with no duplication of effort therein.²⁸⁰ EFCA’s representative saw the cooperation yielding increased cooperation between the Member States’ competent

²⁷⁷ Galache interview (2017).

²⁷⁸ Bal and Tomassini interview (2017).

²⁷⁹ Galache interview (2017).

²⁸⁰ Bal and Tomassini interview (2017).

authorities as well as with the authorities in other Member States.²⁸¹ All in all, the representatives shared a positive outlook for the cooperation and saw avenues for its development. This can be interpreted as indicating a positive stance towards the cooperation in general.

As for the sources of legitimacy for the tripartite cooperation, Mr. Bal and Mrs. Tomassini point out to the increased quality of services to the MS authorities. With regard to the general public the cooperation is legitimized, according to them by the end results, i.e. safer, securer and greener seas. Furthermore, amongst the cooperation partners themselves, legitimacy is gained through equal partnership and mutual respect.²⁸² Mr. Galache remarks that the cooperation has already gained legitimacy through the successful pilot project (see chapter 4.1.6) and that clear, recognized benefits gained through the cooperation will take care of the legitimization in the future.²⁸³

In my questionnaire, into which only a representative from the EFCA replied, the respondents were asked to list the various forms of cooperation that their organization is participating in with regard to each of the coast guard functions. The respondents were then asked to assess the significance of the cooperation to their organization under each of the functions. The answers provided by the representative from the EFCA support the analysis based on the interviews that the cooperation is seen in positive light and that it is considered significant by the organizations. The sole respondent from EFCA assessed the overall significance, which is calculated as an average of the individual assessments for each of the functions to be 4.1, on a scale from 1 to 5. A 1 on the scale corresponds to the verbal description of “irrelevant/superfluous” and a 5 corresponds to “essential/very important”. The obvious caveat herein is that the assessment is based on the views of a single respondent. At least the single respondent’s opinion does not contradict with the qualitative analysis based on the interviews.

In sum, the analysis for the legitimacy and support for the coast guard functions provision by Frontex in the eyes of its cooperation partners indicates that there is significant goodwill towards the cooperation. The only *potential* source of friction is related to the EMSA’s extensive mandate in the field of coast guard functions, which is in contravention to Frontex being designated as the European coast guard. As the namesake, Frontex might be expected to

²⁸¹ Galache interview (2017).

²⁸² Bal and Tomassini interview (2017).

²⁸³ Galache interview (2017).

lead developments in the field, although it lacks the mandate. In the light of the scarcity of data, this amounts to mere speculation, however. A single interview answer does not support the claim, nor does the data in general support a deeper analysis into the topic. Unfortunately the quantitative analysis was left rather weak due to the data collection partly failing. For this reason I deem it appropriate to only make a vague notion in the scorecard of the **two agencies having a “positive outlook” on the coast guard functions cooperation with Frontex**, instead of concrete numbers.

4.2.4. European Parliament

The European Parliament is a political body that represents the European electorate as a whole. Any stance that the Parliament takes on Frontex or its coast guard functions, therefore masks behind it the wide spread of political positions of the individual members and the political groups within the parliament. For example, the capstone achievement by the Parliament with regard to Frontex’s coast guard functions provision is considered to be the inclusion of Search and Rescue into its mandate. This was a delicate balancing act, however, where the Left wing of the Parliament pushed for a strong SAR mandate and the Right pushed for an emphasis on (hard) border security.²⁸⁴ The resulting phrasing in the Regulation allows for SAR activities, but only if the situation arises in conjunction with maritime border surveillance. As the above example shows, discussing about any uniform “legitimacy and support” by the Parliament towards Frontex is problematic.

In general, the Parliament has a positive stance towards any interagency cooperation within the EU framework. A significant demonstration of this support was the pilot project for the creation of a European coast guard function (see for example chapter 4.1.6), which was conducted by Parliament initiative and with Parliament funding. The overall aim of the interagency cooperation from the point of view of the Parliament is to provide “EU added value” to the Member States efficiently and effectively.²⁸⁵ The said end state - i.e. the concept of added value through cooperation is not far from what I am aiming to concretely demonstrate through this research.

Somewhat unsurprisingly the Parliament has recognized information exchange, surveillance technology and the pooling of resources as the most significant synergy factors regarding the tripartite coast guard functions cooperation. The development of a culture of cooperation

²⁸⁴ Järäinen, Jani, National Expert, European Parliament: email interview February 2019.

²⁸⁵ Ibid.

between the agencies and the Member States is also seen as an aim in and of itself. The Parliament has recognized some tension between the agencies with regard to their self-perceived “turfs” as a result of the reallocation of responsibilities by the new Regulation. Overall, however, the inclusion of maritime environmental protection, fisheries control and anti-smuggling activities were relatively uncomplicated to include in operational plans with regard to Frontex joint operations.²⁸⁶

I included some numerical questions to my interview with the Parliament representative; the results are to be taken with a grain of salt as they are based on the opinion of a single person. The numbers are more about giving a rough idea of the view of the Parliament on certain topics rather than the whole truth. When asked about the general level of support that Frontex is enjoying in the Parliament, the representative reiterated the wide spread of political opinions. The left side of the Parliament in general is highly critical of the Agency. On the right there are sections as well, which resist the potential infringements to national sovereignty that Frontex and its activities might represent. Notwithstanding the above, the representative still assesses the overall support for Frontex in the Parliament to be around 3 or 4 on a scale from one to five. The support for the tripartite cooperation in coast guard functions appears to be in the same ballpark or slightly higher, with a score of 4. The figures are only to be taken as a rough indicator of the general aggregate opinion in the Parliament, which seems to be moderately in support.

4.2.5. Budget, external qualities

Following the logic of Mark Moore’s strategic triangle, as introduced in chapter 3.1, the budget can be categorized under both the Legitimacy & Support measures and Operational Capacity measures. On the one hand, the amount of funds that are allocated for Frontex in the EU budget is indicative of the legitimacy and support that the organization enjoys within the bodies deciding on the Union expenditure i.e. the Commission, the Council and the Parliament. On the other hand the budget is an integral variable in the apparatus with which Frontex translates inputs into outputs, which would make it an operational capacity measure. Due to the dichotomy, the discussion on the budget is split in two. In this sub-chapter, I will discuss the external qualities of the budget, i.e. the development of the gross amount over time as well as its relation to other headings in the EU financial framework. Under Operational Capacity, in sub-chapter 4.3.1, I will discuss the internal qualities of the budget

²⁸⁶ Järäinen interview (2019).

such as how the expenditures are divided within the budget and e.g. the share of coast guard functions within the budget.

The EU budget for 2017 totaled €37 billion, which represents (only) about 1% of the wealth generated by the EU economies.^{287 288} Major headings in the budget include, among others, *smart and inclusive growth* (€7.0 billion), *sustainable growth: natural resources* (€6.7 billion) and *security and citizenship* (€2.8 billion). The above three main headings all include funds for decentralized agencies, one of which Frontex is - at the moment there are 32 altogether.²⁸⁹ The total funds allocated for the decentralized agencies in 2017 were €185 million - less than 1% of the total budget. The budget allocated for Frontex in 2017 was €280 million, making it the biggest decentralized agency in financial terms. In comparison, the funds allocated for Europol, EMSA and EFCA were €19 million, €65 million and €17 million respectively.^{290 291 292} **The figures indicate that Frontex is large compared to its peer EU agencies, but at the same time tiny compared to the combined strength of the national border management agencies.** I have no exact figures for the budgets of each of the Member States' border management agencies, but it suffices to say that at €280 million in 2017, the Frontex budget was roughly comparable to the budget of the Finnish Border Guard (€228 million).²⁹³ Finland represents approximately 1.4% of the EU economy. Therefore the total funds allocated for Member State border management agencies are bound to be larger than the Frontex budget by multiples of ten.

However, the 2017 budget represents only a snapshot of the Frontex budget. Historical inspection shows significant development in the budget (see figure 5). Since 2014, mainly due to the effect of the 2015-2016 migrant crisis, the Frontex budget has grown from €89 million to €20 million in 2018 - a 360% increase. Furthermore, in the Commission's proposal for the multiannual financial framework 2021-2027, Frontex budget is planned to be increased to approximately €1 600 million annually - up 500% from 2018. The significant increase in the budget is to enable the agency to maintain a standing corps of 10 000 border guards by

²⁸⁷ European Union: *Budget*. [https://europa.eu/european-union/topics/budget_en], accessed 7 January 2019.

²⁸⁸ European Commission: *EU expenditure and revenue 2014-2020*.

[http://ec.europa.eu/budget/figures/interactive/index_en.cfm], accessed 7 January 2019.

²⁸⁹ European Union: *Decentralized agencies*. [https://europa.eu/european-union/about-eu/agencies/decentralised-agencies_en], accessed 7 January 2019.

²⁹⁰ European Union: Statement of revenue and expenditure of the European Police Office for the financial year 2017 — amending budget No 2. *Official Journal of the European Union C 108*, 22.3.2018.

²⁹¹ European Maritime Safety Agency: *Consolidated Annual Activity Report 2017*, EMSA 2018, p. 102.

²⁹² European Fisheries Control Agency: *Annual Report of the EFCA for Year 2017*, EFCA 2017, p. 154.

²⁹³ Valtiovarainministeriö: *Valtion talousarvioesitys 2017 > 26. Sisäministeriön hallinnonala > 20. Rajavartiolaitos*.

[<http://budjetti.vm.fi/indox/sisalto.jsp?year=2017&lang=fi&maindoc=/2017/tae/valtiovarainministerionKanta/valtiovarainministerionKanta.xml&opennode=0:1:241:435:465:>], accessed 7 January 2019.

2027.²⁹⁴ ²⁹⁵ The rapidly growing budget can be interpreted as significant political goodwill towards Frontex. **Based on the entrustment of significant funds - close to 1% of the total EU budget for the next multiannual financial framework - it is likely that Frontex is seen as a reliable agency that is ultimately able to solve at least some of Europe's standing issues related to external border management.**

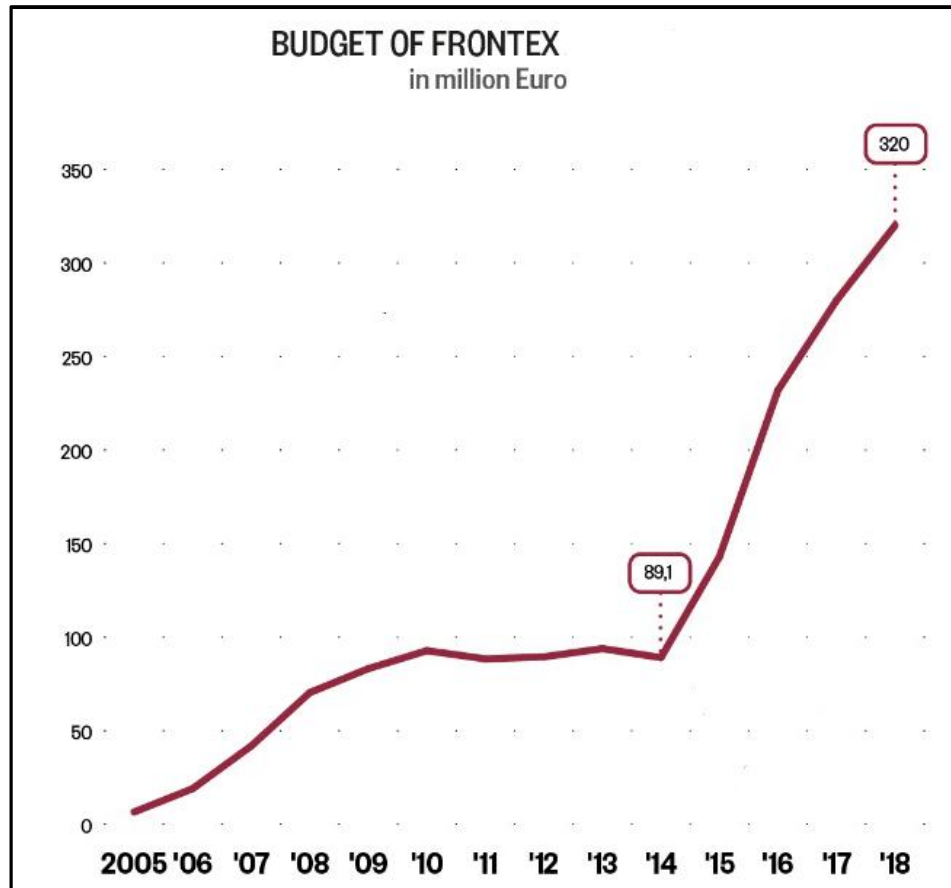


Figure 5: The development of the Frontex budget over time.²⁹⁶

4.3. Operational capacity

Operational capacity, as defined in Mark Moore's proposition for a public value scorecard, refers to the internal processes of an organization as well as the cooperation the organization conducts with other organizations that share some of its goals. For the purposes of my research, organizational capacity was interpreted as referring to Frontex's capacity to conduct coast guard functions by itself and with its cooperation partners. The concrete results of those

²⁹⁴ European Commission: *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: A Modern Budget for a Union that Protects, Empowers and Defends The Multiannual Financial Framework for 2021-2027*. COM(2018) 321 final, 2018.

²⁹⁵ Angelescu, Irina & Florian Trauner: *10,000 border guards for Frontex: Why the EU risks conflated expectations*, European Policy Centre 2018, p. 2.

²⁹⁶ The graph is adapted from Angelescu & Trauner (2018), p. 2.

actions were already covered in chapter 4.1. In this chapter I analyze the “tools” with which those results are achieved. The chapter is divided in five sub-chapters according to the main factors that arguably influence a (non-profit) organization’s output: budget, personnel resources, material resources and investment in research and innovation efforts. Also, a discussion on training, cooperation and best practices is included. This is in line with Moore’s observation that the non-profit sector lives off of cooperation rather than competition. Therefore non-profit organizations should and generally do strive to develop the whole sector rather than just their individual capacity.

4.3.1. Budget

Frontex’s budget for 2017, as discussed in chapter 4.2.5, totaled €80 million. This was divided between staff expenditure (€34 million), other administrative expenditure (€10 million) and operational expenditure (€26 million). The figures show that ~81% of Frontex expenditure is channeled into operational activities, which is an extremely good ratio as compared to many national agencies, whose budgets tend to be heavy on the personnel expenditure side. For example in the Finnish Border Guard personnel expenditures amounted to 66% of total expenditures in 2017. The corresponding percentage for Frontex was only 4.3%.

The difference is largely explained by the personnel structure. A significant part of personnel working for Frontex are seconded national experts and personnel deployed by the Member States who take part in Frontex’s joint operations. Their base pay is covered by their home Member State and their operational expenditures by Frontex. The budget for joint operations on the other hand takes up the majority of Frontex’s operational budget (57% in 2017).²⁹⁷ A significant part of Frontex’s operational expenditures are thus in fact personnel expenditures, but they are not counted as such since the money does not go to Frontex staff but to seconded national experts or deployed personnel. This comment is not to downplay the significant amount of funds that Frontex is able to direct to operational activities, but rather to explain the considerably low portion of personnel expenditure in its budget. In essence, due to its special nature as an EU agency, Frontex *operates* largely with the personnel of national agencies.

The share of the Frontex budget directed into operational coast guard functions activities in 2017 was €107 million - 48% of total operational expenditures. The figure includes costs

²⁹⁷ European Border and Coast Guard Agency: *Amended Budget 2017 N3*.

incurred at shore that were directly related to coast guard functions.²⁹⁸ The amount was constituted mainly by the long running maritime joint operations at the southern sea borders as well as the pilot project on coast guard functions which was completed in 2017 in cooperation with EMSA and EFCA. In 2017, Frontex also conducted its first ever joint exercise related to coast guard functions - the COASTEX 2017 (see annex 6).²⁹⁹ The figure indicates a rough 50/50 balance between coast guard and other border management related activities. The share of coast guard functions is rather large therein, considering that coast guard functions have only explicitly been in the task palette for a couple years. It is explained, however, to a large degree by the nature of the immigration phenomenon focusing on the southern sea borders rather than a strategic pivot towards coast guard functions after the application of the new Regulation.

In sum, annual amount of funds directed at coast guard functions by Frontex, €107 million in 2017, can be assessed as significant even by strict standards. The assessment is corroborated by the fact that the money can be directed where it is most needed, while the national authorities take care of the day-to-day coast guard functions. It has to be kept in mind however that Frontex is only focused on a narrow segment of the coast guard functions and it is left for the national authorities with the assistance of other EU agencies to take care of the rest.

4.3.2. Personnel resources

Along with the growth of its budget, Frontex is rapidly recruiting more staff. **At the end of 2017 the number of Frontex's own staff stood at 600** and is planned to be increased to approximately 1500 by 2020.^{300 301} In the Frontex organizational structure (see annex 3), the staff is divided between five divisions roughly as follows:³⁰²

- Operational Response Division: 160
- Situational Awareness and Monitoring Division: 140
- Capacity Building Division: 90
- Corporate Governance Division: 160
- International and European Cooperation Division: 50

²⁹⁸ Questionnaire to Frontex

²⁹⁹ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 19-25.

³⁰⁰ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 8.

³⁰¹ Angelescu & Trauner (2018), p. 3.

³⁰² Höjjer, Tuukka, Coordinating Officer, Operational Implementation Sector, Frontex: telephone interview January 2019.

While several branches of the staff contribute towards coast guard functions through involvement in maritime joint operations and the tripartite coast guard functions cooperation, only a small part of the organization is dedicated to them. The Operational Response Division (ORD) is divided into two units as well as what is called a European Centre for Returns. Coast guard functions are housed in the Coast Guard Sector (CGS) of the Coast Guard and Law Enforcement Unit (25 people altogether). **In October 2018 there were six people working in the CGS**, including the head of sector.³⁰³ These are the only people in the Frontex organization who are dedicated to coast guard functions related tasks other than maritime border control or its adjacent SAR. They are responsible for the horizontal cooperation with national coast guard functions authorities and the other two EU agencies that participate in the tripartite cooperation. It is useful to note that there is staff in the various divisions, sectors and units of the Frontex organization with coast guard backgrounds, but for these Frontex was unable to provide specific numbers. The recruitment of more staff to coast guard functions related positions was planned in late 2018 and/or early 2019.^{304 305}

Frontex's own staff does not possess executive powers and thus cannot carry out operational tasks on the ground. Direct involvement by Frontex officers in joint operations is that of planning, coordination and supervision. Frontex thus serves as a coordinating body, offering a framework for the national authorities to operate in joint operations as guest officers under the supervision of the host nation. **The number of person-days by national authorities spent in Frontex coordinated (land, sea and air border) operations in 2017 was 337 943, which averages to 926 person-years.** This figure was up 16% from the previous year and is likely to grow further as Frontex's resources keep on growing.³⁰⁶ No figures were available as for how many of these person-years were dedicated to maritime joint operations and thus to the coast guard function of maritime border control. However, based on the portion of the operational budget that is directed to coast guard functions related activities - 48% in 2017 - we can estimate approximately **half of the operational person years to have been dedicated to maritime joint operations, making the figure ~ 460.** The host nations themselves contributed 132 person-years to the joint operations in coordinating tasks. It is safer not to calculate this effort into the added personnel resource due to the joint operation, as the host nation's officers would have contributed to border management tasks in their home country in

³⁰³ Questionnaire to Frontex.

³⁰⁴ Niittyälä, Pekka, Operational Manager (Implementation), JO Themis, Frontex: telephone interview January 2019.

³⁰⁵ Questionnaire to Frontex.

³⁰⁶ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*, p. 19.

any case. Furthermore, at least part of the effort of the host nation officers was likely spent in additional work caused by the joint operation and the coordination required by the guest officers.

Frontex maintains two personnel pools, composed of personnel pledged by the national border management authorities, with relevance to coast guard functions - mainly maritime border surveillance. The total number of border management experts registered in the Frontex Operational Resources Management System (Opera) is referred to as the European Border and Coast Guard Team (EBCGT) pool. The total number of border management experts in the EBCGT pool at the end of 2017 stood at 7339. These personnel are divided into 16 different specialty profiles based on their individual expertise. Two of these profiles, the *European Coast Guard Function Officer* and the *Border Surveillance Officer* have relevance with regard to coast guard functions. The border surveillance officer profile includes both maritime and land border surveillance specialists. No figures for the respective portions of each within the profile were available. It is also possible that no distinction is made and that a border surveillance officer is considered to be proficient in both dimensions. **The number of border surveillance officers in the EBCGT pool was 2831 (39% of the total) at the end of 2017. At the same time, the number of European Coast Guard Function Officers was 78 (1% of the total).**³⁰⁷ For the complete composition of the EBCGT pool, please refer to annex 4.

The EBCGT pool is assessed to be a useful tool in coordinating border management operations at the European level. The flexible use of all the resources would require a significant expansion of the pool. At the moment, according to my liberal estimate, only about 1% of European combined border management resources are listed in the pool. Furthermore, the pool is intended for border management purposes and coast guard functions at the moment constitute only one percent of its total strength. For the pool to be effective for coast guard functions purposes the coast guard personnel in the pool should be significantly increased and distinct profiles should be created for each of the coast guard functions. At the moment all the coast guard functions are lumped together under a single profile.

The other personnel pool at Frontex's disposal, the Rapid Reaction Pool (RRP), is largely a part of the EBCGT pool with the addition of national experts in long term secondment to

³⁰⁷ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*. Frontex 2017, p. 7, 10, 21.

Frontex (SNE). The main difference with the rest of the EBCGT pool, however, is the strict time limit for the RRP's deployment. The RRP is referred to in the EBCG Regulation as a "standing corps placed at the immediate disposal of the Agency" and is required to deploy within five days from when an operational plan has been agreed between the Executive Director of Frontex and the host Member State. The operational plan itself has to be agreed upon within five days of a Member State requesting the deployment of the RRP or the EU Commission recognizing a situation at the external borders requiring urgent action and the respective Member State subsequently failing to take action. The RRP consists theoretically of 1500 experts from the EBCGT pool.³⁰⁸ **At the end of 2017 the actual pledges by the Member States was a little short and stood at 1482 (98.8% of the total).³⁰⁹ Out of these 467 are of the Border Surveillance Officer profile and none are of the European Coast Guard Function officer profile.** By using the RRP, Frontex (in cooperation with the host Member State) is able to establish a fully-fledged border management operation of close to 1500 personnel within ten days of the emergence of a crisis, which is assessed to be a significant capability - although one that is yet to be proven in a real-life situation.

The standing corps, which at the moment consists of the RRP, is planned to be increased to 10 000 border management experts by 2027 if the Commission's proposal for EU's multiannual financial framework for 2021-2027 is to realize.³¹⁰ This standing corps of 10 000 would comprise of 3000 Frontex staff, 3000 seconded national experts (long term secondment) and 4000 national experts on short term deployment.³¹¹

In essence, the RRP can be considered an EU/SAC-level tactical reserve for border management tasks and arguably for coast guard functions as well; at least this is the case for maritime border control. For other coast guard functions the activation of the RRP is not possible based on the legislation - or at the very least it would require an adjacent border management crisis. The 467 experts that are pledged by the Member States to the border surveillance role are assessed to be able to make a difference locally provided that they are equipped with suitable equipment. We will look into the equipment that the RRP currently has at its disposal in the next sub-chapter.

³⁰⁸ Regulation (EU) 2016/1624 articles 17, 19, 20 and Annex I.

³⁰⁹ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*. Frontex 2017, p. 22.

³¹⁰ European Commission: *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: A Modern Budget for a Union that Protects, Empowers and Defends The Multiannual Financial Framework for 2021-2027*. COM(2018) 321 final, 2018, p. 14.

³¹¹ Angelescu & Trauner (2018), p. 3.

4.3.3. Material resources

As stipulated in article 39 of the EBCG Regulation, Frontex has at its disposal a technical equipment pool (TEP), from which it sources materiel to its rapid border interventions and joint operations. Similarly as with the EBCGT pool for personnel, the technical equipment in the TEP is mainly a registry of Member State equipment that can potentially be made available for use by Frontex. In addition to MS equipment, the EBCG Regulation gives Frontex the option to procure equipment for the TEP by itself or in cooperation with a Member State. Also as with the EBCGT pool, a portion of the equipment in the TEP is allocated to be used by the RRP in rapid border interventions. This portion is referred to as the Rapid Reaction Equipment Pool (RREP).^{312 313}

A central concept related to the TEP is the MNITE or Minimum Number Items of Technical Equipment for Frontex operational activities. This minimum number of items is decided annually by the Frontex Management Board and is sourced from the TEP. The MS's pledges towards the MNITE are based on annual bilateral negotiations between Frontex and the MS. The results of this process for 2017 are compiled in the following table as asset-days requested and ultimately delivered. The table shows significant gaps between Frontex operational needs and the MS ability/readiness to deliver.³¹⁴

Table 13: Asset-days of coast guard functions related technical equipment in Frontex joint operations in 2017.

Type of equipment	Asset-days requested ³¹⁵	Asset-days delivered ³¹⁶	Gap	Gap %
Off-shore patrol vessel	1738	1311	-427	-25 %
Coastal patrol vessel	1980	1777	-203	-10 %
Coastal patrol boat	4054	3437	-617	-15 %
Fixed-wing aircraft	1158	1237	79	7 %
Rotary-wing aircraft	1186	983	-203	-17 %
Total	10116	8745	-1371	-14 %

³¹² European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*. Frontex 2017, p. 25.

³¹³ Regulation (EU) 2016/1624, article 39.

³¹⁴ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*, p. 26-32.

³¹⁵ Ibid.

³¹⁶ Questionnaire to Frontex.

As is evident by looking at the equipment categories in the tables, the deployed equipment bears significant relevance to coast guard functions. **The delivered asset-days in asset-years are as follows:**

- **OPVs** **3.6**
- **CPVs** **4.9**
- **CPBs** **9.4**
- **FWA** **3.4**
- **RWA** **2.7**

Presentation in asset-years, rather than days or months, helps in conceptualizing the size of a coast guard fleet of vessels in the number of individual hulls that would be needed to provide the number of asset-days equal to what is at Frontex's disposal in joint operations. As can be seen, the figures amount to a small coast guard fleet, roughly comparable in size to e.g. the Finnish or Swedish coast guard authorities. It has to be noted that the fleet is spread out over a very large geographical area, unlike national coast guard authorities of comparable size typically.

We can compare the numbers of deployed equipment relevant to coast guard functions to the numbers of deployed equipment intended mainly for land borders (in asset years):^{317 318}

- Patrol cars 33.4
- Thermo-vision vehicles (TVV) 9.4
- Service dogs 14.4
- Transportation vehicles 4.0
- CO₂ detectors 2.1

As a result we can see that the deployments are in balance between land and maritime components or even slightly “coast guard heavy”. Air assets can naturally be used for both border types.

The total number of equipment registered in the TEP (see annex 4) is much larger than the deployed equipment or the MNITE quota. The TEP is, however, more of an inventory of *what is* rather than that of what can actually *be made available* for operational needs. The TEP does

³¹⁷ The figures are based on the number of asset-days pledged for each category of equipment by the Member States in the annual bi-lateral negotiations for 2017.

³¹⁸ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*, p. 31.

not therefore constitute an operational reserve in and of itself. The MNITE portion of the TEP is available for and does take part in operations and is therefore a concrete operational asset. Nevertheless, even for its MNITE equipment, to the degree that it is not also a part of the RREP, a MS may evoke clause 39(8) in the EBCG Regulation, which allows the MS to refuse sending materiel to a Frontex rapid border intervention or a joint operation in case the materiel is needed at home due to “an exceptional situation substantially affecting the discharge of national tasks”.³¹⁹

The Rapid Reaction Equipment Pool (RREP) is the technical equipment equivalent of the RRP. The equipment for the RREP is included in the MNITE.³²⁰ The RREP, like the TEP as a whole, is coast guard heavy. The RREP is to be deployed within ten days of the agreement on an operational plan for a rapid border intervention between the Executive Director of Frontex and the host Member State.³²¹ The RRP, as discussed in the previous sub-chapter, is to be deployed within five days, which means that under some circumstances the RRP might initially be deployed without equipment. The reason for such an arrangement is unclear. Member state pledges towards the RREP (with the exception of patrol cars) lag significantly behind Frontex’s need as defined by the Management Board.³²²

Table 14: Composition of the RREP by type of TE and MS/SAC commitments towards the RREP.³²³

Type of equipment	OPV	CPV	CPB	FWA	RWA	TVV	Patrol cars	Buses
RREP composition	28	33	67	19	20	55	167	36
MS/SAC commitment	13	13	24	3	3	33	442	0
Gap	-15	-20	-43	-16	-17	-22	275	-36
Gap %	-54 %	-61 %	-64 %	-84 %	-85 %	-40 %	165 %	-100 %

The reason for the reluctance of the MS to commit to the RREP is possibly the potential relinquishment of control over the equipment in the pool. Unlike the rest of the TEP, the

³¹⁹ Regulation (EU) 2016/1624, article 39.

³²⁰ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*, p. 31.

³²¹ Regulation (EU) 2016/1624, article 39.

³²² European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*, p. 31.

³²² Regulation (EU) 2016/1624, article 32.

³²³ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*, p. 31.

³²³ Regulation (EU) 2016/1624, article 32.

equipment in the RREP is to be made available to Frontex under all circumstances, regardless of the situation in the home country of the equipment. In addition to the lack of commitments, other reasons to put in question the performance of the RREP are the results from the Rapid Border Intervention Exercise 2017 (REX2017). In the exercise Frontex made a request to the 28 MS participating in the RRP and RREP to deploy 20% of their personnel assets and altogether 90 technical assets. (Only) **70% of the requested 20% of the personnel was made available within the time limit of the mechanism.** The most striking result was with regard to the RREP, however. **Of the requested 90 items from the RREP, Member States were able to make available only 20 (22%) within the time limit of ten days.**³²⁴ As an explanatory note it may be said that both of the pools have only seen a couple years of operation and are thus still subject to rapid development. REX2017 was only the first exercise to test the mechanisms' ability to deliver. It failed.

Having recognized the gaps between the operational need for technical equipment and the MS/SAC's ability and/or willingness to commit to those needs, Frontex is in the process of procuring its own equipment as mandated in article 38 of the EBCG Regulation.³²⁵ The Frontex Management Board adopted a strategy for the acquisition of technical equipment in 2017, according to which the process is to advance in three stages. The first stage, which is ongoing at the time of writing, includes items such as the signing of several contracts and framework contracts (FWC)³²⁶ for equipment and services, the testing of the effectiveness of inter-institutional procurement³²⁷ as well as the development of a logistical model for the acquired equipment. The second stage will see the baseline of the equipment required for Frontex's operational needs continuing to be provided by the MSs/SACs, in addition to which Frontex is to have a sufficient pool of its own technical equipment to cover the demand for needs above the baseline (peak demand). The final stage, according to the adopted strategy, involves having those roles switched so that Frontex will provide for the baseline needs and the MSs/SACs will assist at times of peak demand.³²⁸

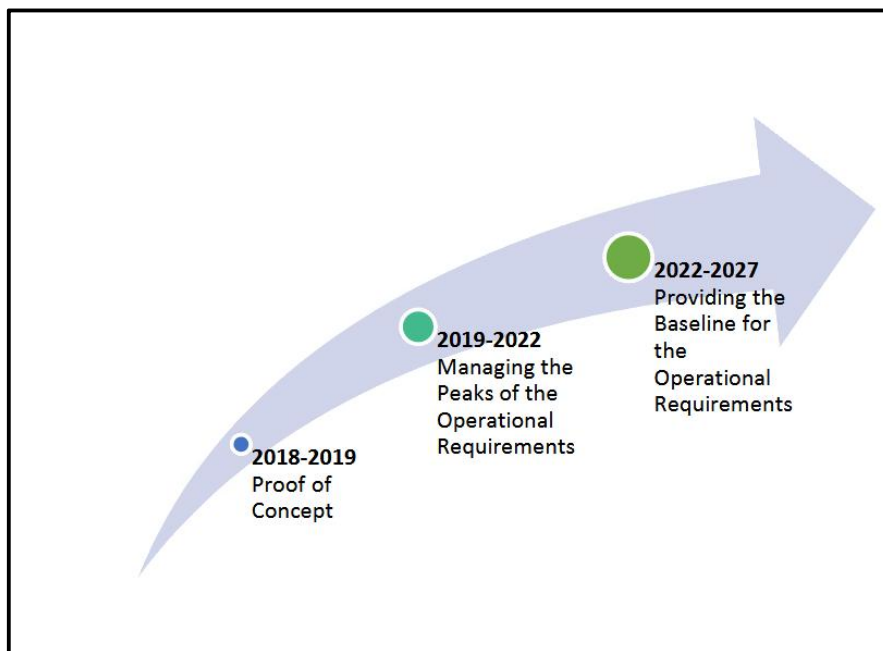
³²⁴ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*, p. 17, 29.

³²⁵ Regulation (EU) 2016/1624, article 38.

³²⁶ A framework contract is a term used for a "template contract", which can be applied with minor modifications to several instances of procurement of a certain type of equipment or service. The aim is to reduce the administrative burden associated with signing contracts.

³²⁷ Regulation (EU) 2016/1624, article 38(1).

³²⁸ European Border and Coast Guard Agency: *Strategy for the Acquisition and Leasing of Frontex own Technical Equipment*. Management Board decision 28/2017. Frontex 2017, p. 5-6.



Picture 2: The three stages of the acquisition of technical equipment for Frontex.³²⁹

As the acquisition of Frontex's own technical equipment is only at the proof of concept stage. It is understandable that there are not many results to show for the purpose of measurement of the operational capacity in this regard. The most tangible result on the path to developing its own equipment pool, with significant relevance to coast guard functions, so far has been the development of the framework contract for aerial surveillance services (FASS). In 2017, Frontex extended the FWC until September 2019. During the first two and a half years after the adoption of the FASS FWC **Frontex awarded 14 specific contracts to private companies.**³³⁰ **In 2017 Frontex awarded three such contracts with a combined value of €7.8 million.**³³¹ The figures include both land and sea border operations. The resulting surveillance hours and operational days were discussed in sub-chapter 4.1.7 with regard to the public value. The number of individual contracts is a not an optimal measure of operational capacity, as it says nothing about the substantial content of those contracts, but it does go to show that the FWC in itself is functional and contracts can be efficiently awarded as need arises.

All in all, the TEP's value as an operational resource is questionable due to the severe availability issues that it faces. It serves well as an inventory of European materiel that is suitable for border management (and to a degree coast guard functions) purposes. And in that

³²⁹ Ibid. p. 5.

³³⁰ European Border and Coast Guard Agency: *Annual Information on the Commitments and Deployments of the Member States to the European Border and Coast Guard Teams and the Technical Equipment Pool: Report on the Operational Resources in 2017*, p. 33.

³³¹ European Border and Coast Guard Agency: *Aggregate volumes contracted by Frontex in 2017 under framework contracts*. Frontex 2017.

sense it can be used for identifying capability gaps at the European level. The MNITE equipment within the TEP can be considered a genuine operational resource, as some of the materiel is effectively used in Frontex joint operations. Even by a conservative assessment, the MNITE includes significant extra resources for the host Member States. The equipment numbers in the MNITE represent levels in excess or on par with those of large European national border management/coast guard functions authorities. The RREP (included in the MNITE) represents an operational reserve, which at the moment, based on the results of REX2017, can be considered close to inoperative. It faces similar availability issues that plague the TEP as a whole. Time will fix many of those issues, however. As Frontex acquires more of its own equipment, the availability issues should slowly perish. By 2027, Frontex should be able to cover all of its baseline operational needs without the assistance of the Member States.

4.3.4. Research and innovation

By the EBCG regulation, Frontex is tasked with participating in the development and management of research and innovation activities relevant for the control and surveillance of the external borders and for other matters covered by the regulation (thus including coast guard functions).³³² Frontex is also to implement the parts of the European *framework for research and innovation* that are related to border security, to include the management of some stages of some of those research projects as well as carrying out operations necessary for those projects.³³³ When asked about the concrete results achieved towards these tasks, Frontex provided me with the information that the Agency does not manage research programs and has a very limited research budget.³³⁴ **The Frontex budget for research and development in 2017 was €8.6 million, which amounts to 3.1% of the total budget.** 3.1% is not a particularly small share of the budget. For example in Finland the R&D expenditure in 2017 stood at 2.8% of the GDP.³³⁵

The European framework for research and innovation, better known as *Horizon 2020*, is an €80 billion (yes, billion) research program running from 2014 to 2020.³³⁶ It includes research

³³² Regulation (EU) 2016/1624, article 8(1)(q).

³³³ Ibid. article 37(3).

³³⁴ Questionnaire to Frontex.

³³⁵ Tilastokeskus: *Tutkimus- ja kehittämismenot kääntyivät nousuun.*

[https://tilastokeskus.fi/til/tkke/2017/tkke_2017_2018-10-25_tie_001_fi.html], accessed 10 January 2019

³³⁶ European Commission: *Horizon 2020: What is Horizon 2020?*

[<https://ec.europa.eu/programmes/horizon2020/what-horizon-2020>], accessed 10 January 2019.

topics that have relevance for coast guard functions. These topics and sub-topics, with pertinent preliminary funding frame as proposed by the Commission, include³³⁷:

- Technologies to enhance border and external security (€7 million)
 - Providing integrated situational awareness and applying augmented reality to border security
 - Security on-board passenger ships
 - Disruptive sensor technologies for border surveillance

- Demonstration of applied solutions to enhance border and external security (€5 million)
 - Remotely piloted aircraft and underwater autonomous platforms to be used from on-board offshore patrol vessels
 - New concepts for decision support and information systems
 - Improved systems for the detection, identification and tracking of small boats

Frontex for its part participates in some of these research projects, but the exact details remain unclear. In its 2017 annual activity report, Frontex states that it actively engaged with the research community and provided a platform for the exchange of information between the research and border guard communities. This included the active promotion of the research undertaken. As a concrete measure, Frontex organized industry days and trials for the testing of potential solutions and assessing their capabilities while providing feedback to the industry.³³⁸

The only quantifiable measure for the research and innovation capacity appears to be the budget, which at €8.6 million is assessed to be a noteworthy resource in the field. Figures on the allocation of the funds between coast guard functions and other research are not available. However, we can assess that at least a portion of the budget is channeled to purposes that benefit coast guard functions. Further funding (~€12 million) for the CG field is available through the Horizon 2020 and its coast guard functions related research topics, some of into which Frontex participates.

³³⁷ European Commission: *Horizon 2020. Work Programme 2018-2020. 14. Secure societies - Protecting freedom and security of Europe and its citizens*. European Commission Decision C(2018) 4708.

³³⁸ European Border and Coast Guard Agency: *Frontex Annual Activity Report 2017*. p. 34.

4.3.5. Training and sharing of best practices

Frontex has an extensive mandate with regard to training. It is tasked in the EBCG Regulation with assisting the MS in training border guards, coast guards and other relevant staff. It is also to develop common core curricula for the training of border guards in the Member States and to train the trainers with regard to various topics, including maritime law. Conspicuously, core curricula for coast guard functions training is not part of the mandate, although coast guard training in general is. The Member States on their behalf are obliged by the Regulation to integrate the common core curricula into their border guard training. In order to carry out its training task, Frontex is mandated to offering training courses and seminars as well as to organizing training activities in cooperation with MS or third countries on their territory. A staff exchange program between national border management and CGF authorities is also to be established in order to enable the sharing of best practices.³³⁹

In 2017, Frontex’s training unit organized 320 training actions involving 4800 participants plus an unquantified amount (in the hundreds) of webinar participants.³⁴⁰

The average number of participants per training action is thus 15. These figures include trainings for all border types. **As for coast guard functions specific training, Frontex organized 394 person-days of scheduled pre-deployment training and 595 person-days of ad-hoc training related to urgent operational needs.** Scheduled CGF training, other than with regard to deployments, was not organized. **Frontex also awarded two grants for CGF related training with a total value of €11 933.**³⁴¹

In 2017 the first iteration (24 students) of the Frontex coordinated and funded European Joint Masters in Strategic Border Management (EJMSBM) program graduated. The program accepts applications from all MS/SAC border management authorities. **Four of the graduated students of the first iteration (~17%) were coast guard.**³⁴² The EJMSBM is the only masters level program in Europe that is dedicated for border management issues. Roughly 10% of the education was directly on coast guard matters, although many topics were applicable in both CGF and border management. Nevertheless, Europe is still lacking master’s program that is dedicated to CGF. The second iteration of the EJMSBM is currently ongoing and will graduate in the summer of 2019.

³³⁹ Regulation (EU) 2016/1624, articles 8, 36 and 53

³⁴⁰ European Border and Coast Guard Agency: *Frontex Annual Activity Report 201*, p. 33.

³⁴¹ Questionnaire to Frontex.

³⁴² I was one of those four.

As per the EBCG Regulation, Frontex was tasked to develop and make available a practical handbook on European cooperation in coast guard functions. Two and a half years into the cooperation in CGF, the progress made towards the promulgation of the handbook appears to have been modest. A contact group consisting of representatives from the Commission, Frontex, EMSA and EFCA is currently **working on a concept paper regarding the book as well as creating a road map for the future drafting of the book**. No timelines or dates for the eventual publication were available at the time of writing.³⁴³

The task of creating a common European coast guard culture that Frontex has taken upon itself³⁴⁴ was progressing in 2017 as well. The speed and the degree of progress are debatable. Frontex, according to its own statement has been promoting the coast guard culture in media and press products such as videos, and leaflets. The products have been about Frontex and its new role as a coast guard agency in addition to its traditional role as a border management agency.³⁴⁵ It is not immediately obvious, why informing the public about Frontex's new role would serve to enhance a common European coast guard culture. Perhaps the intended mechanism is that having an EU agency with the term "coast guard" in its name would encourage national coast guards and CGF authorities to perceive themselves as culturally more unified. Frontex has for all intents and purposes actively promoted coast guard functions on the European level. The most vivid example of this is the Frontex led COASTEX 2017 exercise (see annex 6).

The sharing of best practices happens during training sessions and seminars, but it also - and maybe more importantly - happens as a side product of operational activities. In 2017, the overall number of deployed national border/coast guards was 6845 persons. This divided by the number of person-days in joint operations results in an average deployment period of 49 days. The variance between the lengths of deployments is bound to be large, however. 711 host nation officers participated in coordinating the joint operations with an average participation span of 5.4 days. 82 persons from the Frontex staff of 600 worked in joint operations in 2017. The above numbers are for joint operations in all border types. Based on the shares of the operational budgets for maritime and other border types, we can deduct that roughly half of these people participated in maritime operations. **Altogether, Frontex JOs in 2017 involved the direct participation of 7638 people plus the interaction of these people with thousands of others.** Moreover, the experts that get deployed in the operations are

³⁴³ Questionnaire to Frontex.

³⁴⁴ Frontex: *Programming Document 2018 - 2020*. Frontex 2017, p. 88-90, 148-150, 236.

³⁴⁵ Questionnaire to Frontex.

normally from the more qualified end of the spectrum as the deployments are competed over and more qualifications typically have to be met than for national operations. Such a number of highly qualified people working together in operations is bound to lead to extensive sharing of best practices and also - slowly - to the coalescing of national organizational cultures.

4.3.6. Cooperation

Cooperation for the good of the whole sector is one of the central ideas behind the public sector scorecard as opposed to its private sector counterparts. As Frontex does not possess executive powers, its whole organization is built on the principle of cooperation. One indicator of this is that the word cooperation features in the EBCG Regulation 82 times and a further 19 times in its verb forms (cooperate/cooperating). The cooperation with regard to coast guard functions takes place with other EU agencies and with MSs/SACs. Article 53 of the Regulation stipulates the framework for cooperation in European coast guard functions. The article can be summarized as an obligation for Frontex to cooperate with EFCA and EMSA in support of national authorities carrying out coast guard functions by:

- systemic information sharing,
- the provision of surveillance and communication services,
- capacity building by providing guidelines and recommendations, training and staff exchange programs,
- information exchange including risk analysis and
- capacity sharing through multipurpose operations and pooling of resources.

The amount or the quality of cooperation is difficult to quantify for the purposes of measurement. One approach is to look into the concrete instances of cooperation within the tripartite framework. As for cooperation between Frontex and EFCA, we can single out at least the following instances of concrete cooperation:³⁴⁶

- the deployment of EFCA officials onboard Frontex assets,
- exchanging operational information (i.e. Frontex assets sending fishing vessel sighting forms to EFCA as discussed in chapter 4.1.13),
- Frontex deploying a liaison officer to EFCA operational center during a Bluefin Tuna fishing control campaign,
- deploying EFCA liaison officers to Frontex operational structures on several occasions,

³⁴⁶ Questionnaire to Frontex.

- conducting a multipurpose (maritime border surveillance and fisheries control) operation in the Bulgarian EEZ (EMSA participated by sharing information) and
- 3 occasions of aerial surveillance support from Frontex to EFCA through the MAS framework.³⁴⁷

In 2017, the three agencies completed the pilot project on the creation of a European Coast Guard Function, which required extensive trilateral cooperation.³⁴⁸ Another instance requiring extensive cooperation was the COASTEX 17 exercise (see annex 6). Between December 2016 and April 2017 the three agencies also co-organized (in cooperation with the European Coast Guard Functions Forum) three CGF themed workshops^{349, 350}. It is to be noted that listing the specific instances where official forms of cooperation took place as above, does not take into account the regular information exchange and unofficial contacts that take place on a daily basis between the agencies. Regardless, the several instances of cooperation taking place under the official framework, goes to show that extensive cooperation must take place behind the scenes as well. Organizing such large scale events is simply not possible without extensive behind-the-scenes cooperation taking place. With regard to other EU agencies such as Europol or Eurojust cooperation exists as well, but it is not directly related to coast guard functions, so it falls outside of the scope of this report.

Frontex cooperates extensively with the Member States. Arguably the most notable forms of this cooperation, under the auspices of coast guard functions, are the maritime joint operations: Themis, Poseidon, Indalo, Hera and Minerva.³⁵¹ The COASTEX 17 exercise involved the participation of over 750 individuals from more than 20 Member States.³⁵² The multipurpose operation in the Bulgarian EEZ that was discussed above included participation from Bulgarian and Romanian authorities.³⁵³

With regard to third countries, Frontex cooperates by inviting observers to the (maritime) joint operations. The aim of the activity is to create contacts with officials in third countries and the exchange of expertise. When the third country liaisons are from countries with adjacent sea areas, the cooperation can result in mutually beneficial real time operational

³⁴⁷ Multipurpose aerial surveillance. For more information see chapter 4.1.8.

³⁴⁸ European Border and Coast Guard Agency; European Fisheries Control Agency; European Maritime Safety Agency: *Pilot Project - "Creation of a European Coast Guard Function"*, 2017.

³⁴⁹ "Safety at Sea" hosted by EMSA, "Border Control and Illegal Migration" hosted by Frontex and a fisheries issues workshop hosted by EFCA.

³⁵⁰ Questionnaire to Frontex.

³⁵¹ Niittylä interview (2019).

³⁵² European Border and Coast Guard Agency: Frontex Annual Activity Report 2017, p. 23.

³⁵³ Questionnaire to Frontex.

cooperation. In 2017, observers from the following third countries took part in Frontex maritime joint operations: Albania, Georgia, Kosovo, Ukraine, FYROM, Moldova and Morocco.³⁵⁴

The aforementioned numerous examples go to show that Frontex is living up to its mandate as an entity participating in and enabling cooperation between various stakeholders. It is outside of the scope of this research to assess the effectiveness or the “depth” of these cooperation activities, but the sheer volume implies that widespread interest among the stakeholders exists for participating in cooperation with Frontex. Cooperation also implies mutual trust between the stakeholders. In the long run, this amount of cooperation will highly likely contribute towards the common European coast guard culture as discussed in the previous sub-chapter.

³⁵⁴ Questionnaire to Frontex.

5. Discussion and conclusions

In the previous chapter I delineated the detailed contribution by Frontex towards the various aspects of coast guard functions provision under the strategic triangle model. In this chapter I take a step back, summarize and assess the meaning of all the said activity. The research questions are answered with pertinent discussion in the first sub-chapter. The second sub-chapter collects all the miscellaneous findings and conclusions accumulated during the research process, which do not fall neatly under any of the research questions. Lastly, acknowledging the fact that despite my best efforts there is plenty left to be studied on the field of European coast guard functions, recommendations are made for future research on the topic in the last sub-chapter.

5.1 Discussion on the answers to the research questions

As was presented in chapter 3.1, my research questions were derived by applying Mark Moore's strategic triangle in the context of Frontex and the arrangement of coast guard functions on the European level. Each of the vertices of the triangle constituted one research question. The top vertex, i.e. the ultimate goal of Frontex coast guard functions provision, was designated as the main research question. The supporting factors as per Moore's model, legitimacy & support and operational capacity, were designated as sub-questions. Within this framework, the aim was to demonstrate in concrete terms the public value that is generated. The sub-questions were aimed at elaborating the results to the primary question as well as to map out the potential for continued public value generation in the future.

The used methodology proved sufficient in answering all the research questions - in fact to an extent that exceeded the expectations I had when commencing the journey. The most notable successes were accrued with regard to data collection on the concrete public value generation, which was successful despite initial doubts related to being an outsider to the organizations in question. With the available data, I was able to map out in good amount of detail the public value Frontex generates with regard to all of the coast guard functions. Some aspects left more room for improvement of course than others. The most notable of these were the results regarding legitimacy & support KPIs, the data collection for which succeeded below expectations.

Overall, the results paint a picture of Frontex as a significant actor in the field of coast guard functions provision at the European level. Its activities are, however, very much geographically focused on the southern maritime borders, leaving northern Europe to be the prerogative solely of national authorities. The geographical focus is justified only by the nature of border management related threats pertaining to the southern border segments. It is important to note that needs for geographical focus based on coast guard functions might differ. This is a symptom of Frontex simultaneously being a border management and a coast guard agency. The organizational structure, equipment, tasks or the geographical disposition for carrying out these two separate functions might not always align. The mismatch is further elaborated in the chapter 5.2.

Frontex's geographically varying significance as a coast guard functions actor was also reflected in the opinions of the Member State coast guard functions authorities. The significance was roughly inversely proportional to the average latitude of the Member State, meaning that Frontex is appreciated as a coast guard functions actor in the south while not so much in the north. Frontex's coast guard functions related personnel and material resources are already considerable and are growing fast. In this regard Frontex compares in size roughly to the coast guard authority of a small nation state such as Finland or Sweden.

5.1.1. Public value

The research question related to public value generation - the main research question - was: *How and to what extent does Frontex generate public value with regard to coast guard functions?* The detailed answers for each coast guard function with their pertinent analysis were discussed in chapter 4.1. To sum up, Frontex generates public value in concrete terms, in a rough order of magnitude, towards the following coast guard functions:

- The prevention and suppression of trafficking and smuggling and connected maritime law enforcement,
- Maritime search and rescue,
- Maritime border control,
- Maritime monitoring and surveillance,
- Fisheries inspection and control and
- Maritime customs activities.

Five of the eleven functions are therefore left without direct contribution. Nevertheless, Frontex's contribution is more extensive than a strict reading of its mandate would suggest (see chapter 2.3). This is mostly explained partly by the tripartite cooperation, through which Frontex assists EFCA with regard to fisheries control and both EMSA and EFCA with regard to maritime monitoring and surveillance. Partly the mandate over-reach is also explained by Frontex's involvement in European and international organizations in the field of customs (see chapter 4.1.3), which gives it clout in customs matters. There might be other random and indirect contributions towards other coast guard functions, but these are not supported by the data. It can be said with high confidence that all the significant forms of public value generation are presented in the report and that the research question is thus answered.

An assessment on the *significance* of the public value generation strictly speaking falls outside of the scope of the research question. It is problematic due to the danger of subjectivity. Any statement on significance also requires geographical and temporal qualifiers. Nevertheless, I did assess the significance of the public value generation with regard to individual coast guard functions in chapter 4.1, and therefore will attempt to assess the significance of the whole as well. At the moment, on the European scale, the significance of Frontex's public value generation towards coast guard functions is **moderate**.

I justify the above assessment by the objectively high significance that Frontex's activities have with regard to some of the coast guard functions, especially maritime law enforcement (chapter 4.1.4), maritime search and rescue (chapter 4.1.8) and maritime border control (chapter 4.1.5). On the other hand Frontex's contribution is close to or completely insignificant with regard to roughly half of the coast guard functions. The moderate overall significance is corroborated by the independent assessment by the member state coast guard functions authorities (chapter 4.2.2), who mostly assess Frontex's assistance to their respective organizations as "helpful" - halfway on the scale from harmful to essential. Further, it was shown that media interest for Frontex with regard to coast guard functions was mild, but where there was coverage it ranged from neutral to positive (chapter 4.2.1). As a final point on the topic, Frontex allocates approximately half of its operational budget to maritime operations (chapter 4.3.1). In itself, considering the Europe-wide scale, it is hardly a significant amount of money, but due to Member States carrying the responsibility of the day-to-day coast guard activities, the money can be brought to bear where most needed - resulting in an overall moderate impact.

5.1.2. Legitimacy and support

One of the two supporting research questions, related to legitimacy and support was: *Where does Frontex derive the legitimation and support that facilitate its provision of coast guard functions?* In chapter 4.2 it was shown that a positive authorizing environment exists for Frontex to carry out coast guard functions. The media covers the coast guard functions provision by Frontex in neutral or positive light (chapter 4.2.1), Member State coast guard functions agencies mostly have a neutral, positive or indifferent outlook on the topic as well (chapter 4.2.2). Other EU agencies and the European Parliament see the issue in a positive light, although some competition between the agencies exists and some segments of the political spectrum question the need for Frontex's existence (chapters 4.2.3 and 4.2.4). Legitimation and support are thus drawn from a wide range of actors. Nevertheless, it has to be mentioned, that regional differences do exist. Whereas the national authorities in Southern Europe were highly supportive of Frontex as a coast guard functions provider, the northern Member State authorities were more lukewarm. This is very likely a result of the southern geographical focus of Frontex's coast guard activities.

I was not able to provide the full picture of the authorizing environment, however. The results in some areas were left lacking because of shortfalls in data collection. Firstly, despite my repeated attempts, representatives from the EU Commission refused to take part in the research and the Commission's viewpoint was thus left in the dark. This is unfortunate as the Commission is a significant powerbroker in the EU framework. Secondly, only roughly a third of the Member State coast guard functions authorities responded to my questionnaire. Thirdly, the European Parliament's point of view is represented in the research by a single representative. The sample size in both cases is small, which puts the validity and the generalizability of the results in question. As for the other EU agencies sufficient qualitative data was available due to the interviews I had previously conducted. The lack of interest by the agencies to participate in the questionnaire drafted for this research made it necessary to resort to the prior interview data. The downside to this is that the interview data dates back to early 2017 and thus does not account for possible later changes. Also, the interview data lacks quantitative components, which damaged my aim of providing tangible results. The contentious relationship between media coverage and public opinion, the prior being used as the proxy of the latter, was discussed in chapter 3.4.2.

By the previous paragraph, my intention is to advise the reader to remain cautious when assessing this part of the research. The results I managed to get do allow me to answer the research question in sufficient detail. Overall, no showstopper gaps or shortfalls in legitimation or support were recognized. Therefore, in light of my research, this vertex of the triangle is solid and enables Frontex to pursue the top level goal of public value generation.

5.1.3. Operational capacity

The second supporting research question was related to Frontex's operational capacity with regard to coast guard functions. It was phrased: *How well do Frontex's organizational capacities support its provision of coast guard functions?* The operational capacities were analyzed with regard to budget, personnel resources, material resources, research and innovation, training and sharing of best practices as well as cooperation. The overall result is that Frontex's organizational capacities are rather well suited to carry out coast guard functions - even surprisingly well considering the relatively recent expansion of the mandate.

With regard to budget, it was shown that Frontex is able to allocate a significant portion of its resources into operational activities (chapter 4.3.1). Furthermore, approximately half of the budget goes to maritime joint operations that directly contribute to coast guard functions. Frontex's own staff and its personnel pools are *border management heavy* (chapter 4.3.2). Personnel dedicated to coast guard functions constitute only a tiny fraction of the whole organization. Nevertheless, through the personnel pool, Frontex is able to field a notable amount of maritime border surveillance experts. The amount of personnel for other coast guard functions in the pool remains low, however. Also uncertainties remain over the actual deployability, at least in the set time frame, of the personnel in the pools.

Material resources appear to be Frontex's strongest suit as for what comes to its coast guard credentials (chapter 4.3.3). Frontex's deployed fleet of off-shore patrol vessels, coastal patrol vessels, coastal patrol boats, fixed and rotary wing aircraft currently roughly compares in size to a small national coast guard authority. The accomplishment is only attenuated by the fact that Frontex does not own the fleet deployed in its operations. The equipment is owned by the Member States although the deployments are coordinated by Frontex. The availability of the fleet is thus subject to perpetual negotiations with the Member States. If Frontex's material acquisition program goes forward as planned, however, this dilemma is to be history by the end of the next decade.

Frontex directs a proportion of its budget to research and innovation activities that is similar to other comparable organizations (chapter 4.3.4). It also participates in research projects, some of which have relevance to coast guard functions. Concrete results in this field were left vague, however. This is not to be attained as solid evidence that results do not exist. Research and innovation results by their nature evade measurement in concrete terms especially in the lower end of the applicability continuum. It is possible, considering the reasonably sized research budget and participation in external research projects with significant funding, that the fruits from the activity are still in the pipeline awaiting sufficient maturity before promulgation.

Frontex conducts training for personnel on all levels up to a master's degree (chapter 4.3.5). The numbers of personnel trained annually on the lower levels are in the hundreds for maritime borders, which is only a small percentage of the total European coast guard corps. More significant is the sharing of best practices, which is de facto being conducted in Frontex joint operations. The JOs annually deploy thousands of coast guards, which can be considered significant even at the European level. Shared practices and shared experiences also contribute towards a common European coast guard culture.

5.2. Conclusions

I have gathered in this sub-chapter miscellaneous conclusions and findings that were reached throughout the research process, which do not directly answer or relate to any of the research questions. One of the more important ones in this category I deem to be the narrow overlap between the concepts of integrated border management (IBM) and coast guard functions (CGF) as depicted below. The elements included in the concept of integrated border management are based on article 4 of the EBCG Regulation.

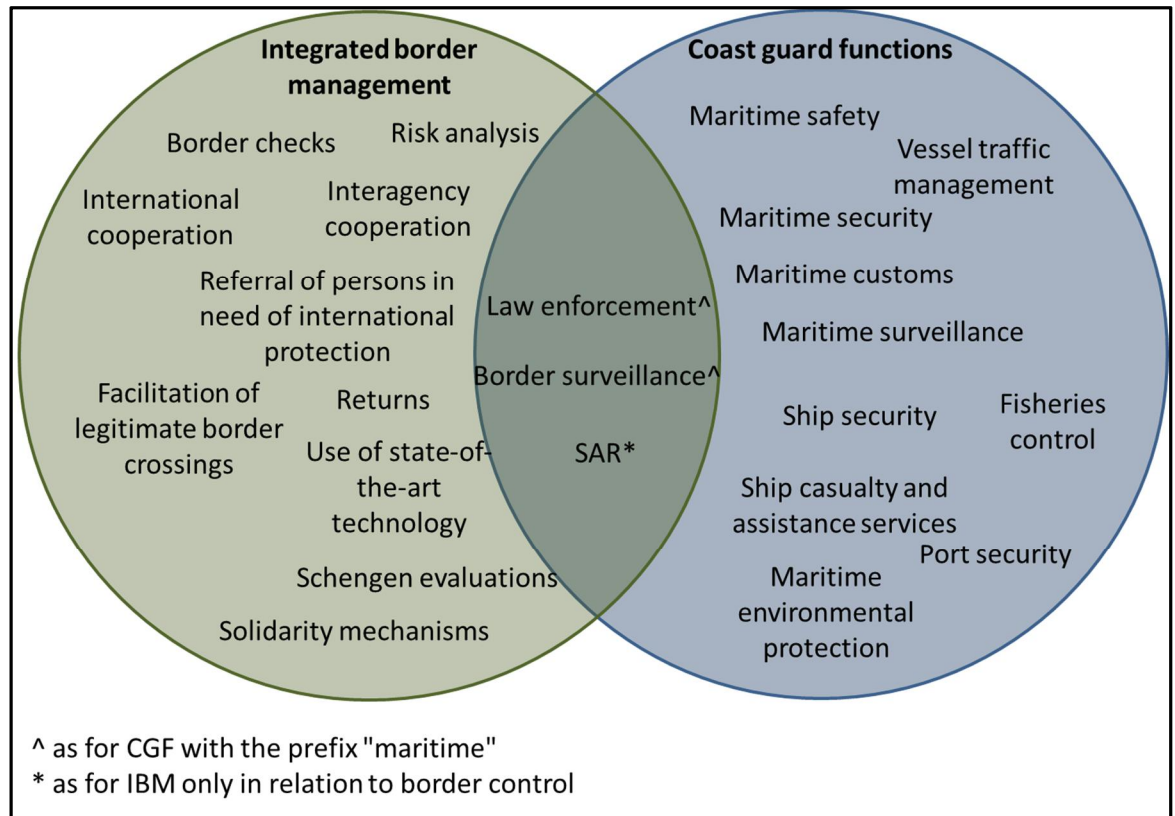


Figure 6: The concepts of IBM and CGF and their overlap.³⁵⁵

It is to be noted that the content of the elements in each category are not functionally equivalent. The coast guard functions are either activities³⁵⁶ that directly generate public value or they are conditions of the operating environment,³⁵⁷ the maintaining of which generates public value. The IBM elements on the other hand include tools³⁵⁸ the use of which is assumed to facilitate the generation of public value. In any case, the mutual interests of border guards and coast guards are limited to only three functions that all come with caveats. It thus seems counterintuitive that border guards and coast guards are merged together under the same agency.

This “shotgun marriage” is the result of the migrant crisis in 2015-16, which placed a heavy burden on coast guards specifically. This was, however, related to the type of border in question rather than any organic shared interests between border guards and coast guards. As a symptom of this, Frontex, being essentially a border management organization, lacks a strong mandate with regard to the majority of the coast guard functions. The arrangement begs the question of whether this is the best possible organizational structure for coast guard

³⁵⁵ Adapted from Iljina (2017).

³⁵⁶ Vessel traffic management, maritime customs, maritime surveillance, SAR, fisheries control, environmental protection, border surveillance, law enforcement, ship casualty and assistance service.

³⁵⁷ Maritime safety, maritime security, ship security and port security.

³⁵⁸ Use of state-of-the-art technology, international cooperation, interagency cooperation and solidarity mechanisms

functions at the European level. The answer falls outside of the scope of this research, but it is obvious that there are strong competitors to the current arrangement.



Picture 1: The coast guard stripes in the logos of EMSA and the ECGFF.³⁵⁹

By its mandate, Frontex is clearly a border management organization. Its coast guard role is not reflected well by the tasks or the scope of activities appointed to it. There appears to be a mismatch between the extent of the mandate, the reality on the field (as depicted in this research) and the level of ambition set out by naming Frontex a coast guard. The mismatch should be addressed in the EU legislative process by adjusting the Frontex mandate to one that is more befitting to a coast guard or alternatively by rethinking the institutional framework of coast guard functions provision at the European level.

Another conclusion in my research was that the EU lacks a clear definition of coast guard functions. They are only cursorily referred to in the preamble of the EBCG Regulation (see chapter 1.3). The eleven coast guard functions that are used throughout this research are by the ECGFF - not a Union entity. Also, the ECGFF list does not include definitions of the content of the functions, which leaves room for various interpretations. This is problematic, because in order to develop a concept or a function, we should be able to clearly define it first. I do not claim that the EU institutions would necessarily be the right place for drafting such definitions. Perhaps it is a job best left for science to take care of. By this research I have attempted to contribute towards that work. The current state of affairs is, however, that the concept of coast guard functions seems to be thrown around in EU parlance without much ado regarding its exact meaning.

Having said all that, perhaps the most salient conclusion of the research is that the cooperation at the EU level is no paper tiger. The concrete factors as to why this is the case were introduced earlier in the report. Based on those factors, a conclusion that can be drawn is that as the capabilities of the EU agencies continue to grow, they will be able to take on more and

³⁵⁹ Sources: EMSA and ECGFF respectively.

more responsibility from the Member States. This will be the case in theory at least. The current treaties do not allow for the transfer of more executive powers from the Member States to the Union and, considering the prevailing political environment, it is unclear whether this will ever be the case. Nevertheless, the technical and operational capabilities of the Agencies - Frontex and EMSA in particular - are likely to exceed those of most of the Member State coast guard functions or border management authorities in the short to medium term. This will inevitably lead to questions about what functions are better to carry out at the EU level rather than at the national level.

The results of this research bear potential relevance to multiple stakeholders. Firstly, to my knowledge this is the only research to provide a complete picture of the arrangement of coast guard functions at the European level. The research provides an overview on the topic for anyone in the wider European or even global audience who might be interested in coast guard functions. Secondly, national coast guard functions authorities can benefit from the description of the various services offered by Frontex and the tripartite cooperation. Ideally this would lead to synergies being recognized and made use of. Thirdly, Frontex itself will benefit from at least the results regarding legitimacy and support. Despite its deficiencies due to the lack of data, the section does provide a picture of what the authorizing environment looks like. Fourthly, the EU institutions might benefit from the discussion on the organizational arrangement of the coast guard functions at the EU level and the ideas presented thereto. Also, the concrete examples of “EU added value” are potentially useful for EU external communications (marketing) purposes; this goes for Frontex as well. Fifthly, the definitions of the various coast guard functions might contribute towards the scientific community eventually reaching a consensus on the exact content of each function. The EU institutions and the tripartite cooperation partners might be interested in this aspect as well.

5.3. Recommendations for future research

In this research I lay out a performance measurement framework for Frontex coast guard functions. The reference time period for the performance measurements was selected to be 2017, as that was the year with the latest statistical information. The research therefore constitutes a snapshot of Frontex’s performance with regard to coast guard functions in the given year. Its representativeness quickly deteriorates over time - especially since the field is in rapid change. The same key performance indicators can, however, be used to track progress over successive years as statistics for those years become available. Such

longitudinal studies would not only yield more snapshots, but would make it possible to analyze trends as well. As the measurement framework is now created, the data collection would be straightforward and could be conducted in a fraction of the time needed for this research.

Another line of advance would be to create a similar coast guard functions scorecard with regard to EMSA. Some of the statistics that would be needed for such a scorecard are already introduced in this research as EMSA's contribution is central to many of the coast guard functions. The coast guard functions scorecard could be applied to EMSA with minor modifications. This idea could be further developed into a comparative study between Frontex and EMSA in order to study the significance of each organization with regard to coast guard functions provision at the European level.

The measurement framework in this research could also be taken deeper by focusing on a single aspect of measurements rather than attempting to provide a holistic picture. For example, the legitimacy & support aspect could be improved by focusing on that alone. The media coverage analysis could be made more thorough using methodology created specifically for that purpose. The same goes for narrative analysis. One could even consider measuring public opinion directly - this might constitute an entire research in and of itself. Also, performance could be measured using a framework different from the public value scorecard that formed the frame of reference for this research. One such model, which was presented in chapter 2.2, is the Performance Prism by Neely and Adams.

The definitions of each of the coast guard functions are lacking. Research effort could be directed at delineating each function from other functions and from other fields of public (and private?) activity. In the course of this research it was shown that significant overlaps between the functions exist. Finally, one could hypothesize an ideal organizational structure for the arrangement of coast guard functions at the European level, perhaps still staying within the limits of the existing Treaties. As Frontex's resources keep on growing, it would be beneficial to study which functions are better taken care of at the EU level and which should be kept at the national hands. Synergies are sure to be found.

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2.6. Legal texts

Directive (EC) 2000/59 of the European Parliament and of the Council of 27 November 2000 *on port reception facilities for ship-generated waste and cargo residues*.

Directive (EC) 2005/35 of the European Parliament and of the Council of 7 September 2005 *on ship-source pollution and on the introduction of penalties for infringements*.

Directive (EC) 2005/65 of the European Parliament and of the Council of 26 October 2005 *on enhancing port security*.

Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 *relating to a reduction in the sulphur content of certain liquid fuels* (codification).

International Convention for the Prevention of Pollution from Ships (1973) (as amended).

International Convention on Salvage (1989).

International Maritime Organization: Resolution A.950(23) Adopted on 5 December 2003, Maritime Assistance Service (MAS).

Regulation (EC) 2002/1406 of the European Parliament and of the Council of 27 June 2002 *establishing a European Maritime Safety Agency*.

Regulation (EC) 2003/782 of the European Parliament and of the Council of 14 April 2003 *on the prohibition of organotin compounds on ships*.

Regulation (EC) 2004/725 of the European Parliament and of the Council of 31 March 2004 *on enhancing ship and port facility security*.

Council Regulation (EC) 2005/768 of 26 April 2005 *establishing a European Fisheries Control Agency* and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy

Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 *laying down the Union Customs Code* (recast).

Regulation (EU) 2013/1380 of the European Parliament and of the Council of 11 December 2013 *on the Common Fisheries Policy*, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

Regulation (EU) 2014/656 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*.

Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 *on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport*, and amending Directive 2009/16/EC.

Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on *a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)* (codification).

Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on *the European Union Agency for Law Enforcement Cooperation (Europol)* and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA

Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on *the European Border and Coast Guard* and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.

United Nations Convention on the Law of the Sea (1982).

FRONTEX COAST GUARD FUNCTIONS SCORECARD

KEY PERFORMANCE INDICATOR	RESULTS
PUBLIC VALUE	REFERENCE YEAR: 2017
Maritime safety, including vessel traffic management	<i>No contribution from Frontex</i>
Maritime, ship and port security	<i>No contribution from Frontex</i>
Maritime customs activities	
Cooperation at the European level	Frontex participates in the Customs Cooperation Working party of the European Council, which sets out the strategic and tactical objectives for Joint Customs Operations carried out by national customs authorities and OLAF.
Cooperation at the international level	Frontex holds a dialogue with the World Customs Organization
The prevention and suppression of trafficking and smuggling and connected maritime law enforcement	
How many <u>migrants interviewed</u> at the sea borders?	3525 individuals
How many <u>terrorist suspects</u> apprehended?	Frontex as such does not apprehend terrorist suspects, but can pass information to national authorities and to Europol. Information on potential terrorists is collected e.g. from the interviews of irregular migrants.
How many suspected <u>illegal immigration facilitators</u> apprehended?	744 individuals
How many <u>drug smugglers</u> apprehended?	282 individuals
How many tonnes of <u>drugs seized in total</u> ?	137 tonnes
How many tonnes of <u>hashish</u> seized?	90 tonnes
How many tonnes of <u>marijuana</u> seized?	46 tonnes
How many tonnes of <u>cocaine</u> seized?	1.2 tonnes
How many <u>cigarette smugglers</u> apprehended?	646 individuals
How many contraband <u>cigarettes</u> seized?	108 million pieces
How many <u>weapons smugglers</u> apprehended?	21 individuals
How many <u>contraband weapons</u> seized?	information not available
How many <u>smugglers of stolen vehicles</u> apprehended?	268 individuals
How many <u>stolen vehicles</u> seized?	information not available
How many <u>smugglers of other categories of contraband</u> apprehended?	153 individuals
How many cases of suspected <u>sea pollution</u> detected?	17 cases (according to another source: 19 cases). The figures are also reported under the maritime environmental protection category

How many cases of <u>illegal fishing</u> detected?	5 cases
Maritime border control	
How many hours of surveillance by surface assets in total?	64 100 hours
How many hours of surveillance by aerial assets in total?	information for 2017 not available (a rolling total from 2015: 1330 hours)
How many asset-days of surface asset operational performance deployed in total?	6525 asset-days
How many asset-days of offshore patrol vessel operational performance deployed?	1311 asset-days
How many asset-days of coastal patrol vessel operational performance deployed?	1777 asset-days
How many asset-days of coastal patrol boat operational performance deployed?	3437 asset-days
How many asset-days of aerial asset operational performance deployed in total?	2220 asset-days
How many asset-days of fixed-wing aircraft operational performance deployed?	1237 asset-days
How many asset-days of rotary-wing aircraft operational performance deployed?	983 asset-days
How many vessel detection satellite images received (Eurosur)?	1230 images
How many vessels of interest tracked (Eurosur)?	60 vessels
How many reports on vessels of interest (Eurosur)?	123 reports
How many activations of vessel anomaly search (Eurosur)?	341 activations
Measures contributing to maritime risk analysis	The Maritime Intelligence Community Risk Analysis Network was established
Maritime monitoring and surveillance	
How many multipurpose aerial surveillance (MAS) flights conducted?	53 flights
How many sightings of interest reported during MAS flights?	425 sightings
Maritime environmental protection and response	
How many cases of suspected sea pollution detected?	17 cases (according to another source: 19 cases). The figures are also reported under the law enforcement category
Maritime search and rescue	
How many search and rescue cases registered?	2233 cases
How many individuals rescued?	34 500 individuals
Ship casualty and maritime assistance service	<i>No contribution from Frontex</i>
Maritime accident and disaster response	<i>No contribution from Frontex</i>
Fisheries inspection and control	
How many fisheries control sightings reported	Over 1000

Other contributions to fisheries control	EFCA inspectors regularly embarked Frontex surface and aerial assets under the tripartite cooperation framework. Also liaison officers were mutually exchanged.
LEGITIMACY AND SUPPORT	REFERENCE YEAR: 2018
Media coverage	
How many articles in the European media about Frontex contributing to coast guard functions <u>in total</u> ?	73 articles
How many <u>critical</u> articles in the European media about Frontex contributing to coast guard functions?	1 article
How many <u>supportive</u> articles in the European media about Frontex contributing to coast guard functions?	7 articles
How many articles in the European media about Frontex contributing to the coast guard function of <u>maritime search and rescue</u> ?	47 articles
How many articles in the European media about Frontex contributing to the coast guard function of <u>maritime border control</u> ?	28 articles
How many articles in the European media about Frontex contributing to the coast guard function of <u>maritime law enforcement</u> ?	19 articles
How many articles in the European media about Frontex contributing to <u>any other</u> coast guard function?	0 articles
Member State authorities	
Percentage of Member State CGF authorities that assess cooperation with Frontex as <u>essential</u>	0 %
Percentage of Member State CGF authorities that assess cooperation with Frontex as <u>important</u>	33 %
Percentage of Member State CGF authorities that assess cooperation with Frontex as <u>helpful</u>	31 %
Percentage of Member State CGF authorities that assess cooperation with Frontex as almost <u>irrelevant or irrelevant</u>	13 %
Percentage of Member State CGF authorities that assess cooperation with Frontex as <u>harmful</u>	0 %
Other EU agencies	
The significance of participating the tripartite cooperation in CGF as answered by <u>EFCA</u> (average of all answers, scale 1-5)	4.1
The significance of participating the tripartite cooperation in CGF as answered by <u>EMSA</u> (average of all answers, scale 1-5)	No answer

The significance of participating the tripartite cooperation in CGF as answered by <u>Frontex</u> (average of all answers, scale 1-5)	No answer
Budget, external qualities	
Frontex budget	€280 million
Budget change to the previous year	+22.2 % (2016: €229 million)
Budget as a percentage of the EU budget	0.204 %
Budget as a percentage of the combined budgets of EU decentralized agencies	23.6 %
Rank among the EU decentralized agencies measured in terms of budget	1st
Budget as a percentage of the next biggest EU decentralized agency	235 % (Europol: €119 million)
OPERATIONAL CAPACITY	REFERENCE YEAR: 2017
Budget, internal qualities	
Operational expenditure	€226 million
Operational expenditure as a percentage of the total budget	80.7 %
Operational coast guard functions expenditure	€107 million
Operational coast guard functions expenditure as a share of the total budget	38 %
Operational coast guard functions expenditure as a share of the operational expenditure	47 %
Personnel resources	
Number of Frontex personnel	600 individuals
Number of Frontex personnel working in the Coast Guard Sector	6 individuals
Coast Guard Sector personnel as a percentage of the total	1.00 %
Number of personnel deployed to Frontex joint operations in person-days (all border types)	337 943 person-days
Number of personnel deployed to Frontex joint operations in person-years (all border types)	926 person-years
Number of border surveillance officers in the EBCGT pool	2831 individuals
Percentage of border surveillance officers in the EBCGT pool as a percentage of the total	38.6 %
Number of coast guard function officers in the EBCGT pool	78 individuals
Percentage of coast guard function officers in the EBCGT pool as a percentage of the total	1.1 %
Number of border surveillance officers in the RRP	467 individuals
Percentage of border surveillance officers in the RRP as a percentage of the total	31.5 %
Number of coast guard function officers in the RRP	0 individuals

Percentage of coast guard function officers in the RRP as a percentage of the total	0 %
Percentage of the personnel in the RRP that was able to deploy in the stipulated time limit (exercise statistics)	70 %
Material resources	
The number of offshore patrol vessels deployed in Frontex joint operations in asset-days	1311 asset-days
The number of coastal patrol vessels deployed in Frontex joint operations in asset-days	1777 asset-days
The number of coastal patrol boats deployed in Frontex joint operations in asset-days	3437 asset-days
The number of fixed-wing aircraft deployed in Frontex joint operations in asset-days	1237 asset-days
The number of rotary-wing aircraft deployed in Frontex joint operations in asset-days	983 asset-days
The number of offshore patrol vessels deployed in Frontex joint operations in asset-years	3.6 asset-years
The number of coastal patrol vessels deployed in Frontex joint operations in asset-years	4.9 asset-years
The number of coastal patrol boats deployed in Frontex joint operations in asset-years	9.4 asset-years
The number of fixed-wing aircraft deployed in Frontex joint operations in asset-years	3.4 asset-years
The number of rotary-wing aircraft deployed in Frontex joint operations in asset-years	2.7 asset-years
Offshore patrol vessels deployed in Frontex joint operations as a percentage of the operational requirement	75.4 %
Coastal patrol vessels deployed in Frontex joint operations as a percentage of the operational requirement	89.7 %
Coastal patrol boats deployed in Frontex joint operations as a percentage of the operational requirement	84.8 %
Fixed-wing aircraft deployed in Frontex joint operations as a percentage of the operational requirement	106.8 %
Rotary-wing aircraft deployed in Frontex joint operations as a percentage of the operational requirement	82.9 %
The number of offshore patrol vessels committed to the RREP	13 vessels
The number of coastal patrol vessels committed to the RREP	13 vessels
The number of coastal patrol boats committed to the RREP	24 boats

The number of fixed-wing aircraft committed to the RREP	3 aircraft
The number of rotary-wing aircraft committed to the RREP	3 aircraft
Offshore patrol vessels committed to the RREP as a percentage of the operational requirement	46.4 %
Coastal patrol vessels committed to the RREP as a percentage of the operational requirement	39.4 %
Coastal patrol boats committed to the RREP as a percentage of the operational requirement	35.8 %
Fixed-wing aircraft committed to the RREP as a percentage of the operational requirement	15.8 %
Rotary-wing aircraft committed to the RREP as a percentage of the operational requirement	15.0 %
Percentage of the equipment in the RREP that was able to deploy in the stipulated time limit (exercise statistics)	22.2 %
Research and innovation	
Frontex research and development expenditure	€8.6 million
Frontex research and development expenditure as a percentage of the total budget	3.1 %
Training and sharing of best practices	
How many person-days of training related to coast guard functions organized?	989 person-days
How many coast guard master's degree graduates?	4 individuals
Number of personnel involved in Frontex joint operations	7638 individuals
Average deployment length of Member State personnel deployed in Frontex joint operations	49.4 days
Cooperation	
Number of coast guard functions exercises organized	1 exercise (COASTEX 17)
Number of coast guard functions exercises participated in	1 exercise (COASTEX 17)
Number of third countries participating (as observers) in maritime joint operations	7 countries
Third countries participating (as observers) in maritime joint operations	Albania, Georgia, Kosovo, Ukraine, FYROM, Moldova and Morocco

RESULTS OF THE MEDIA ANALYSIS

Date	Headline	URL	Rating (1-5)	Category		
				SAR	law enforcement	border control
8.1.2018	Finding and rescuing refugees in Samos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.hcg.gr/node/16885	3	X		
30.1.2018	Maritime Police Mission in Greece extended until July	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.sabado.pt/ultima-hora/detalhe/missao-da-policia-maritima-na-grecia-prolongada-ate-julho?ref=SEC_ultimos_ultima-hora	3		X	X
1.2.2018	New EU operation Themis responds to Italian appeal	http://www.ansamed.info/ansamed/en/news/sections/generalnews/2018/02/01/new-eu-operation-themis-responds-to-italian-appeal_19f833f0-923a-48ab-8dcb-d6f30dd90b28.html	3	X		
5.2.2018	Romanian Coast Guard rescued 1,800 people and detained 686 irregular migrants during Frontex operations in 2017	http://translate.google.com/translate?hl=en&sl=ro&tl=en&u=https%3A%2F%2Fwww.agerpres.ro%2Fagerpres%2F2018%2F02%2F05%2Ftaval-y-1-800-szem-lyt-mentett-ki-s-686-illeg-lis-bev-ndorl-t-fogott-el-a-rom-n-parti-rs-g--49744&sandbox=1	4		X	X
14.2.2018	Portuguese Maritime Police rescues 34 migrants in the Aegean Sea	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.tsf.pt/internacional/interior/policia-maritima-portuguesa-resgata-34-migrantes-no-mar-egeu-veja-o-video-9116606.html	3	X		
22.2.2018	Immigrants, the "Poseidon 2018" operation is launched: Italian men and vehicles to control the flows between Turkey and Greece [INFO and DETAILS]	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.strettoweb.com/2018/02/immigrati-scatta-loperazione-poseidon-2018-uomini-e-mezzi-italiani-per-controllare-i-flussi-tra-turchia-e-grecia-info-e-dettagli/661967/	3	X		
22.2.2018	Frontex: Europe's new law enforcement agency?	https://euobserver.com/justice/141062	2		X	
1.3.2018	Greece: German police rescued more than 3,000 people and assisted in the arrest of 27 people smugglers over the last two years on Samos	https://twitter.com/bpol_kueste/status/969166259983147008	3	X	X	
8.3.2018	Sbarchi da Kurdistan e Kosovo in Puglia. Tre scafisti arrestati - See more at: http://www.rainews.it/dl/rainews/TGR/media/pug-guardia-di-finanza-sbarco-in-puglia-sbarchi-migranti-78d32eea-90ef-47bf-9820-a09d8e92b4b9.html	http://www.rainews.it/dl/rainews/TGR/media/pug-guardia-di-finanza-sbarco-in-puglia-sbarchi-migranti-78d32eea-90ef-47bf-9820-a09d8e92b4b9.html	3		X	X

10.3.2018	Maritime police rescues 71 migrants in the Aegean Sea	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://smoothfm.iol.pt/noticias/77174/policia-maritima-resgata-71-migrantes-no-mar-egeu	3			
14.3.2018	Rescuing 58 refugees and immigrants to Saint Helen	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://astraparis.gr/diasosi-58-ptosfigon-kai-metanaston-stin-agia-eleni/	3	X		
15.3.2018	Portugal reinforces presence in Frontex missions with more than 500 police and military personnel	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.rtp.pt/noticias/pais/portugal-reforca-presenca-nas-missoes-da-frontex-com-mais-de-500-policias-e-militares_n1064238	3			X
18.3.2018	Greece: 58 migrants rescued by Frontex asset off Lesbos under Operation Poseidon	http://www.sofokleousin.gr/archives/382501.html		X		
18.4.2018	Portuguese Navy frigate rescues 46 migrants in distress in the Mediterranean Sea	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.emgfa.pt/pt/noticias/1180	3	X		
22.4.2018	Intercepted a raft by the Guardia di Finanza: seized more than a ton of marijuana	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.leccenews24.it/cronaca/guardia-di-finanza-intercetta-gommone-a-largo-di-leuca.htm	3		X	
24.4.2018	138 Portuguese Navy frigate rescues 138 migrants off Lampedusa, Italy	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://observador.pt/2018/04/24/fragata-da-marinha-portuguesa-resgata-138-migrantes-ao-largo-de-lampedusa-italia/	3	X		
2.5.2018	Stuck drug loading dinghy, arrests	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.ansa.it/puglia/notizie/2018/05/02/bloccato-gommone-carico-droga-arresti_d450ecfc-7966-47ec-8160-37255f557bf6.html	3		X	
3.5.2018	Portugal Coastguards on duty off Greece's islands rescue 65 more migrants	http://theportugalsnews.com/news/portugal-coastguardson-duty-off-greeces-islands-rescue-65-more-migrants/45478	3	X		
7.5.2018	Frontex locates migrant boat, talks underway for safe transfer	http://www.ekathimerini.com/228384/article/ekathimerini/news/frontex-locates-migrant-boat-talks-underway-for-safe-transfer	3	X		
9.5.2018	Coast guard, Frontex, rescue 102 migrants near Lesbos	http://www.ekathimerini.com/228477/article/ekathimerini/news/coast-guard-frontex-rescue-102-migrants-near-lesvos	3	X		
10.5.2018	Lesvos: Identification and rescue of 102 immigrants	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.skai.gr/news/greece/article/373152/lesvos-edopismos-kai-diasosi-102-metanaston/	3	X		
10.5.2018	Portuguese navy rescues more 54 migrants off Italy	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.tvi24.iol.pt/sociedade/fragata/marinha-portuguesa-resgata-mais-54-migrantes-ao-largo-de-italia	3	X		
11.5.2018	Maritime police rescues 43 migrants off Greece	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://sicnoticias.sapo.pt/mundo/2018-05-11-	4	X		

10.6.2018	Maritime police on mission in Greece rescues 33 migrants	Policia-Maritima-resgata-43-migrantes-ao-largo-da-Grecia http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.dnoticias.pt/mundo/policia-maritima-em-missao-na-grecia-resgata-33-migrantes-BB3267003	3	X		
17.6.2018	Even 48 illegal immigrants carried a patrol of the OS in Lesvos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.pronews.gr/amyna-asfaleia/esoteriki-asfaleia/693825_akomi-48-paranomoy-s-metanastes-metefere-peripoliko-toy-ls	3			X
21.6.2018	Italy puts a stop to illegal immigration but the Greek authorities have transferred 37 foreigners to Samos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.pronews.gr/amyna-asfaleia/esoteriki-asfaleia/694546_tin-idia-ora-poy-i-italia-vazei-stop-stoys-lathrometanastes	3			X
1.7.2018	Libya reviews cooperation with EUBAM, Frontex	https://www.libyaobserver.ly/inbrief/libya-reviews-cooperation-eubam-frontex	3			X
2.7.2018	GNR rescues 47 migrants in the Aegean Sea	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.publico.pt/2018/07/02/mundo/noticia/gnr-resgata-47-migrantes-no-mar-egeu-1836612	3	X		
9.7.2018	GNR detected 61 migrants in the Aegean	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.tvi24.iol.pt/sociedade/09-07-2018/gnr-detetou-61-migrantes-no-mar-egeu	3			X
10.7.2018	Detection and rescue of 28 foreigners in Samos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.samostoday.gr/topikanea/limeniko/item/3729-entopismos-kai-diasosi-28-allodapon-sti-samo.html	3	X		X
12.7.2018	36 from Cameroon to ... Ghana	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.politischios.gr/koinonia/36-apo-to-kameroun-mekhri-te-gkana	3			X
22.7.2018	In the Aegean new vessel of the Albanian Navy for FRONTEX	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.tromaktiko.org/%CF%83%CF%84%CE%BF-%CE%B1%CE%B9%CE%B3%CE%B1%CE%AF%CE%BF-%CE%BD%CE%AD%CE%BF-%CF%83%CE%BA%CE%AC%CF%86%CE%BF%CF%82-%CF%84%CE%BF%CF%85-%CE%B1%CE%BB%CE%B2%CE%B1%CE%BD%CE%B9%CE%BA%CE%BF%CF%8D-%CE%BD%CE%B1/	3	X		X
29.7.2018	Rescue of 96 immigrants in Lesvos and Samos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.avgi.gr/article/10836/9066428/diasose-96-metanaston-se-lesbo-kai-samo	3	X		
1.8.2018	Coast Guard, Frontex boats seek smuggling vessel carrying 50 off Samos	http://www.ekathimerini.com/231329/article/ekathimerini/news/coast-guard-frontex-boats-seek-smuggling-vessel-carrying-50-off-samos?utm_source=dlvr.it&utm_medium=twitter	3		X	X

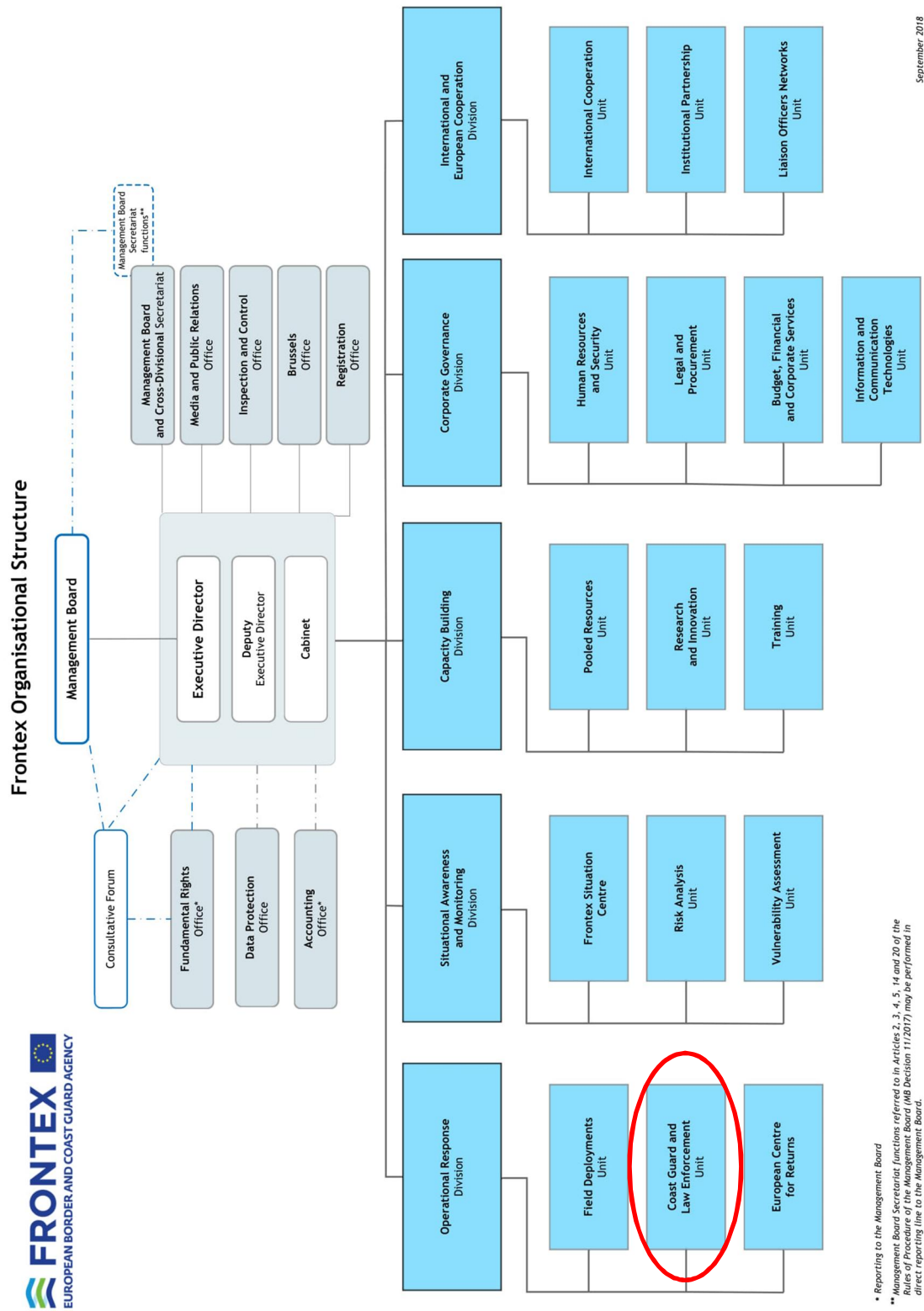
6.8.2018	Maritime Rescue rescues 125 immigrants from three boats in the Alboran Sea	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.arena3.com/noticias/sociedad/salvamento-maritimo-rescata-125-inmigrantes-tres-pateras-mar-alboran_201808065b688c510cf2a1cbcd06443f.html	3	X		
6.8.2018	RTL Exclusively with Frontex in Coast Guard Surveillance: The cameras clearly record even the fish in the sea!	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://vijesti.rtl.hr/novosti/hrvatska/3237591/rtl-ekskluzivno-s-frontexom-u-nadzoru-morske-granice-kamere-jasno-snimaju-cak-i-ribe-u-moru/	5			X
6.8.2018	The management of the cayacos crisis, paradigm to stop immigration	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.eldiario.es/canariasahora/sociedad/gestion-cayucos-Canarias-paradigma-inmigracion_0_799670800.html	5			X
10.8.2018	Maritime Rescue rescues 120 people in the Strait	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.europasur.es/comarca/Salvamento-Maritimo-rescata-personas-Estrecho_0_1271572922.html	3	X		
16.8.2018	GNR saves 48 migrants at sea Edeu	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://sol.sapo.pt/artigo/622697/gnr-salva-48-migrantes-no-mar-edeu	3	x		
17.8.2018	Detection and rescue of 26 immigrants in Lesvos	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.protothema.gr/greece/article/813677/edopismos-kai-diasosi-26-metanaston-sti-lesvo/	3	x		
20.8.2018	Twelve hours of patrol with Frontex	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.elmundo.es/internacional/2018/08/20/5b79aa1046163fa69c8b4646.html	4	X	X	X
24.8.2018	Frontex intercepts two migrant smuggling boats off Lesvos	http://www.ekathimerini.com/231996/article/ekathimerini/news/frontex-intercepts-two-migrant-smuggli...	3		X	X
24.8.2018	Intercepted 47 irregular migrants in the framework of the operation 'Indalo'	https://www.europasur.es/comarca/Interceptados-migrantes-irregulares-operacion-Indalo_0_1275472945....	4		X	X
31.8.2018	Migrants become informants to provide valuable 'intel' against mafia	https://www.euractiv.com/section/justice-home-affairs/news/thurs-migrants-become-informants-to-provide-valuable-intel-against-mafia/	3		X	X
1.9.2018	GNR military rescues 67 migrants in Greece	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.publico.pt/2018/09/01/sociedade/noticia/militares-da-gnr-resgatam-67-migrantes-na-grecia-1842724	3	X		
3.9.2018	Italy also patrol the Strait	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://elpais.com/politica/2018/09/01/actualidad/1535792756_416663.html	4			X
4.9.2018	GNR rescues migrants from desert islet in Greece	http://translate.google.com/translate?tl=en&js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.eldiario.es/canariasahora/sociedad/gestion-cayucos-Canarias-paradigma-inmigracion_0_799670800.html	3	X		

		TF-8&layout=2&eof=1&u=http://www.tvi24.iol.pt/sociedade/resgate/gnr-resgata-migrantes-de-ilheu-deserto-na-grecia				
11.9.2018	GNR rescues and assists over 2,000 migrants in Greece	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.noticiasominuto.com/pais/1079956/gnr-resgata-e-auxilia-mais-de-2-mil-migrantes-na-grecia	4	X		
13.9.2018	Sixty-five migrants rescued off southwestern Greece	http://www.ekathimerini.com/232583/article/ekathimerini/news/sixty-five-migrants-rescued-off-southwestern-greece	3	X		
13.9.2018	Rescued 136 people, eight of them minors, from three boats located in the Alboran Sea	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.europapress.es/andalucia/almeria-00350/noticia-rescatadas-136-personas-ellas-ocho-menores-edad-tres-pateras-localizadas-mar-alboran-20180913171551.html	3	X		
24.9.2018	Rescuing 50 migrants from a Frontex vessel in Samos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.naftemporiki.gr/story/1395020/diasosi-50-metanaston-apo-skafof-tis-frontex-sti-samo	3	X		
26.9.2018	GNR saves 45 migrants in the Aegean Sea. Twenty six are children.	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.noticiasominuto.com/pais/1088237/gnr-salva-45-migrantes-no-mar-egeu-vinte-seis-sao-criancas	3	X		
3.10.2018	GNR detects 70 migrants in the Aegean	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://24.sapo.pt/atualidade/artigos/gnr-deteta-70-migrantes-no-mar-egeu	3	X	X	
5.10.2018	Identification and rescue of migrants in Samos and Chios	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.naftemporiki.gr/story/1399149/entopismos-kai-diasosi-metanaston-se-samo-kai-xio	3	X		
10.10.2018	GNR saves 23 migrants in the Aegean	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.noticiasominuto.com/pais/1095665/gnr-salva-mais-23-migrantes-no-mar-egeu	3	X	X	
11.10.2018	Fifty migrants rescued near Farmakonisi	http://www.ekathimerini.com/233534/article/ekathimerini/news/fifty-migrants-rescued-near-farmakonisi	3	X		
17.10.2018	Other 112 migrants in Samos and Lesvos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.thestival.gr/society/item/412584-alloi-112-metanastes-se-samo-kai-lesbo	3	X		
20.10.2018	Rescue of 70 migrants off Kefalonia	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.ert.gr/eidiseis/ellada/kinonia/diasosi-70-metanaston-anoichta-tis-kefalonias/	3	X		
21.10.2018	This year alone GNR assisted more than 2,500 migrants	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.ert.gr/eidiseis/ellada/kinonia/diasosi-70-metanaston-anoichta-tis-kefalonias/	3	X		X

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25.10.2018	Portuguese police hand over 30 migrants to Greece	http://www.xinhuanet.com/english/2018-10/25/c_137555942.htm	3		X	X
29.10.2018	GNR rescues and assists 50 migrants in Greece	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.dn.pt/lusa/interior/gnr-resgata-e-auxilia-50-migrantes-na-grecia-10104858.html	3	X	X	X
30.10.2018	Detection and rescue of aliens in Alexandroupolis, Chios and Pharmakonisi	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://hellasjournal.com/2018/10/entopismos-kai-diasosi-allodapon-stin-alexandroypoli-sti-chio-kai-sto-farmakonisi/	3	X		
30.10.2018	Mission of the Portuguese Maritime Police in Greece extends until 31 January 2019	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://observador.pt/2018/10/30/missao-da-policia-maritima-portuguesa-na-grecia-prolonga-se-ate-31-de-janeiro-de-2019/	3			X
3.11.2018	Rescue of aliens and arrest of the boat operator in Mytilene	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.patronews.gr/diethni/xeni-dimosieysi-anakoinosi-typoy-ypoyrgeio-naytilias-kai-nisiotikis-politikis-diasosi-5	3	X	X	
3.11.2018	The Romanian Border Police Ship, which has supervised the external maritime border of the European Union in the Aegean Sea, has returned home	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.rador.ro/2018/11/03/nava-politiei-romane-de-frontiera-care-a-asigurat-supravegherea-frontierei-maritime-externe-a-uniunii-europene-din-marea-egee-s-a-intors-acasa/	3	X		X
8.11.2018	Frontex gathers links in Africa to study the detour of routes to Spain	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.diariovasco.com/agencias/201811/08/frontex-reune-enlaces-africa-1288488.html	3			X
13.11.2018	Chania: Rescue operation south of Gavdos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.ert.gr/%CE%B1%CF%84%CE%B1%CE%BE%CE%B9%CE%BD%CF%8C%CE%BC%CE%B7%CF%84%CE%B1/chania-epicheirisi-diasosis-notia-tis-gaydoy/	3	X		
17.11.2018	Migrant shipwreck, Coast Guard: "Non-stop research"	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.cagliaripad.it/347863/naufragio-migranti-guardia-costiera-ricerca-senza-sosta	3	X		
19.11.2018	Rescue of 56 immigrants east of Samos	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.skai.gr/news/greece/article/389887/diasosi-56-metanaston-anatolika-tis-samou/	3	X		
26.11.2018	Frontex vessel intercepts smuggling boat off Lesbos	http://www.ekathimerini.com/235059/article/ekathimerini/news/frontex-vessel-intercepts-smuggling-boat-off-lesvos	3			X
1.12.2018	The drug ship: 6 tons of hashish under the brand "Totò Riina"	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://www.diariovasco.com/agencias/201811/08/frontex-reune-enlaces-africa-1288488.html	3		X	X

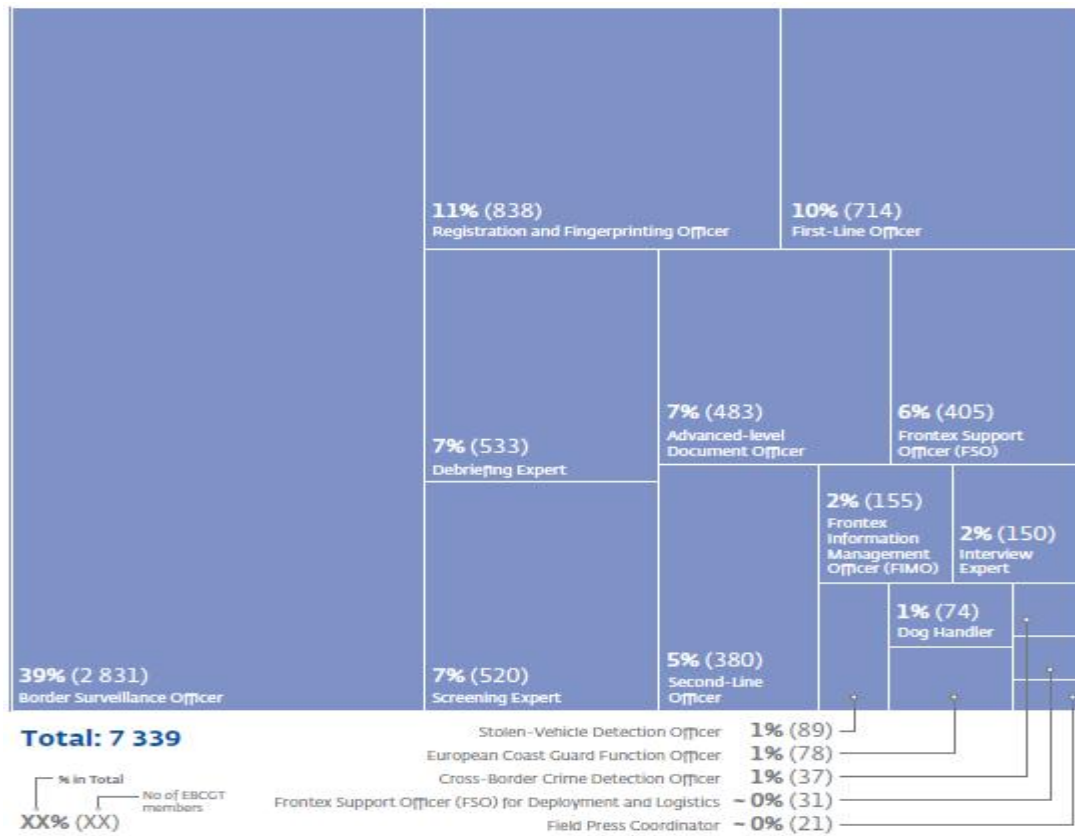
		8&layout=2&eof=1&u=https://www.ilmessaggero.it/video/cronaca/toto_riina_sequestro_hashish-4144475.html				
14.12.2018	Detection and seizure of processed cannabis (chocolate) and CAPTAGON tablets by the Coast Guard - Greek Coast Guard with an estimated total value of more than one hundred million (100,000,000) Euros	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=http://www.hcg.gr/node/19245	3		X	X
30.12.2018	69 refugees were identified in Greek waters from the port	http://translate.google.com/translate?tl=en&js=n&prev=t&hl=en&ie=UTF-8&layout=2&eof=1&u=https://indicator.gr/%CE%B5%CE%BD%CF%84%CE%BF%CF%80%CE%AF%CF%83%CF%84%CE%B7%CE%BA%CE%B1%CE%BD-69-%CF%80%CF%81%CF%8C%CF%83%CF%86%CF%85%CE%B3%CE%B5%CF%82-%CF%83%CF%84%CE%B1-%CE%B5%CE%BB%CE%BB%CE%B7%CE%BD%CE%B9%CE%BA%CE%AC	3	X		
Total number of articles			Average rating	Total in category SAR	Total in category Law Enforcement	Total in category Border Control
73			3,13	47	19	28
			Number of articles with rating 1			
			Number of articles with rating 2			
			Number of articles with rating 3			
			Number of articles with rating 4			
			Number of articles with rating 5			

FRONTEX ORGANIZATIONAL STRUCTURE

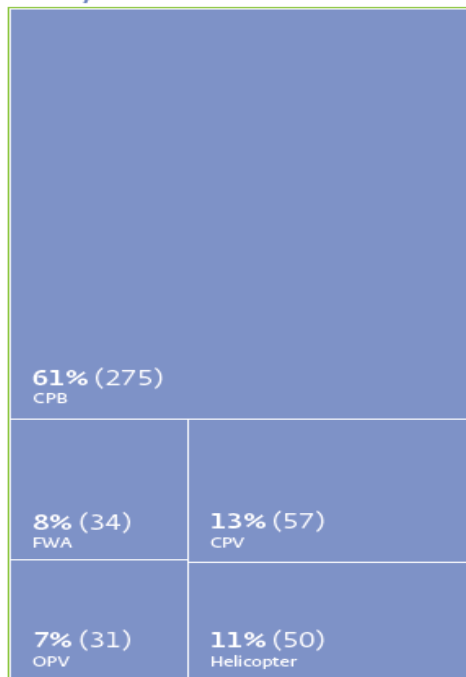


* Reporting to the Management Board
 ** Management Board Secretariat functions referred to in Articles 3, 3, 4, 5, 14 and 20 of the Regulation of the European Parliament and of the Council (EU Decision 1172017) may be performed in direct reporting line to the Management Board.

COMPOSITION OF THE EBCGT AND TE POOLS (2017)



Heavy TE

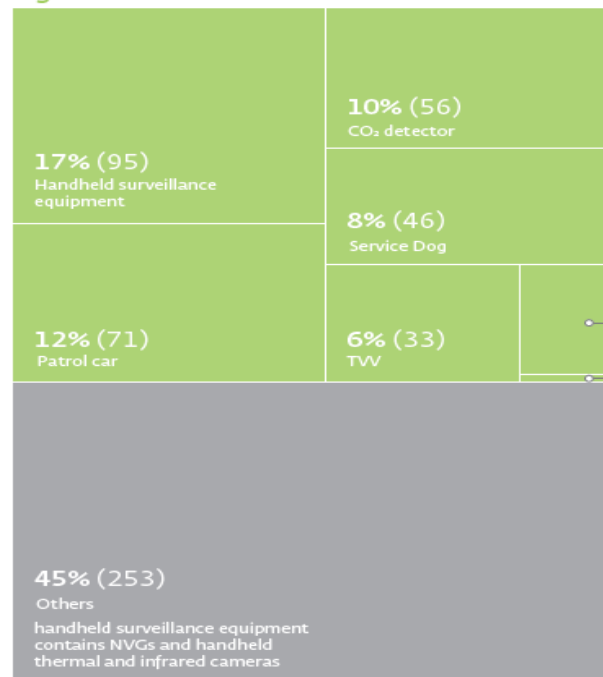


Total Heavy TE: 447

Total: 1 015

Legend: % of Assets in Total (XX%), No of Assets (XX)

Light TE



Total Light TE: 568

Mobile Radar Unit ~0% (1)
Mobile Laboratory 2% (13)

HIGHLIGHTS FROM FRONTEX ANTI-SMUGGLING OPERATIONS IN 2017

JO Indalo — interception of a drug boat in the Alboran Sea

On 24 September a drug-trafficking boat was intercepted in the western Mediterranean within the framework of the Frontex-coordinated JO Indalo. While conducting surveillance activities in the Alboran Sea, an Italian Guardia di Finanza plane, deployed by Frontex, detected a yacht suspected of drug trafficking. The pilot immediately informed the Coordination Centre in Madrid, which in turn deployed several vessels, including the French navy and Spanish Guardia Civil patrol boats. After a pursuit that lasted several hours, the drug boat was intercepted by the Guardia Civil in international waters. The yacht, registered in the United Kingdom, was carrying 13 tonnes of hashish divided into over 500 individual packages. The market value of the seized drugs destined for the European market was estimated at EUR 20 million. Three crew members — two Spaniards and one Lithuanian — were arrested by the Spanish authorities.

JO Triton — interceptions of drug boats

Within the framework of the multipurpose JO Triton 2017, increased patrolling activities on the eastern sea areas of Italy and in the Ionian Sea resulted in the seizure of more than 30 tonnes of marijuana and the arrest of approximately 100 alleged facilitators from 61 boats that had departed from Turkey towards Italy. The results of active patrolling and the high number of interceptions could be seen in the changes to drug-smuggling routes and in the increased prices that the migrants had to pay to human traffickers due to the high risk of being caught on the way to Italy.

A Frontex co-financed Danish Air Force aircraft detected a target of interest in the eastern sea area of the Bari region on the coast of Italy, full of packages on board. After monitoring the boat until they had to return for refuelling, an Italian Guardia di Finanza helicopter was dispatched to the area by the International Coordination Centre in Rome to continue shadowing the fast boat.

After refuelling, the Danish aircraft continued its shadowing. The Guardia di Finanza also prepared a third aircraft to take over once the Danish Air Force aircraft had to return to refuel.

A fast Guardia di Finanza boat was engaged to chase the target. When the smugglers saw the Italian authorities' boat they threw packages overboard and tried to escape, reaching a maximum speed of 40 knots. The target was finally successfully intercepted with over 2 200 kg of marijuana on board.

In the course of JO Triton 2017 Frontex-deployed aircraft of the Danish Air Force detected and assisted in the seizure of a total of over 8 300 kg of marijuana with an estimated street value of EUR 125 000 000.

(Source: Frontex Annual Activity Report 2017, page 24)

FRONTEX TESTED THE PRACTICAL APPLICATION OF COAST GUARD FUNCTIONS DURING COASTEX 2017

In partnership with the Portuguese Presidency of the European Coast Guard Functions Forum in 2017, Frontex took the lead in testing interagency cooperation in the maritime domain. Between 23 and 26 May the Portuguese authorities hosted the first operational scenario-based drill involving Frontex, the two EU maritime agencies (EMSA and EFCA) and Member States. The drill, which took place on the Atlantic peninsula of Tróia, tested the full scope of coast guard functions: border control, maritime safety, security, search and rescue, fisheries control, customs control, general law enforcement and environmental protection.

A Frontex team, composed of various units facilitating Coastex 2017, supported the Portuguese Navy, which was directly responsible for the operational implementation.

Thanks to the combined efforts, Coastex 2017 was the first multifunctional multiagency operation exercise, and included workshops and live activities at sea designed to test and promote cooperation, collaboration and coordination among the three agencies and those Member States engaged in European coast guard functions. The exercise, which was also co-financed by Frontex, involved 11 vessels and four airplanes and helicopters from Spain, Italy and Portugal, plus a naval asset chartered by EMSA. In total, 750 personnel took part, including a boarding team of seven German experts and 90 observers deployed by the border and coast guard authorities of more than 20 EU Member States.

The main objectives of Coastex 2017 were to maximise the interoperability between all actors involved in coast guard functions by identifying gaps and complementarities between EU agencies and national authorities, and to draw conclusions for future cooperation in this regard.

Frontex, in cooperation with the Portuguese hosts, set up 12 real-life-scenario exercises addressing the various coast guard-related functions and mandates of the stakeholders involved. The exercises were tailored to represent the full scope of critical situations that may occur at sea in the context of multiagency, multipurpose operations. Frontex also provided organisational and operational support with the installation of a joint situation centre in the Tróia Naval Base and the implementation of the Eurosur Fusion Services (EFS) during the activities at sea. The concept behind the establishment of the joint situation centre was to provide the means for all stakeholders involved to assess the various critical situations occurring at sea and prepare for the right response in real time to any of the cases simulated during the exercise.

Finally the exercise was a good opportunity for all participants to test and assess multiagency command, control, coordination and communication throughout simulated multifunction operations and to prepare for future common activities in real-life situations.

(Source: Frontex Annual Activity Report 2017, page 23)