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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

Financial statement accompanying Regulation (EU) No 1168/2011

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INTRODUCTION

Recent years have seen a sharp increase in the workload and priorities of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). Most recently, the increased migratory pressure at the Union's southern borders generated by the Arab spring and the deteriorating situation at the Greek external border have prompted calls from the Commission, the Council and the Parliament for the Agency to play a more active role. The Agency's budget was increased significantly in both 2010 and 2011 to enable it to intensify its operational activities in these areas. Moreover the development of the European external border surveillance system (Eurosur), in which Frontex is to become a key player, is increasingly seen as a crucial part of the Union's external border management as well as a means to reduce the unacceptably high number of lives lost at sea by irregular migrants seeking to enter the EU.

REVISION OF THE AGENCY'S MANDATE

Against this background the Agency's mandate was amended in 2011 to enable it to respond to the new challenges and to meet the expectations of the Commission, the Council and the Parliament. The adoption of Regulation (EU) No 1168/2011 followed the submission to the European Parliament and the Council of a draft text adopted by the Commission on 24 February 2010 (COM(2010) 61 final). This draft text was not accompanied by a financial statement as the subsidy related to the Frontex Agency formed already part of the Union's budget and the Commission considered that the proposed changes would not require additional resources. However, the amended Frontex Regulation¹ places new and increased obligations on the Agency, entails new tasks for the Agency, and specifies that certain tasks have to be carried out by certain categories of the Agency staff. It should be emphasised that some of the new tasks were introduced by the legislative Authority during the adoption procedure of the regulation. While these tasks necessitate the creation of new posts such as the Fundamental Rights Officer and the Coordinating Officers for all Frontex operational activities, they were not foreseen in the Commission's legislative proposal.

The most important changes are in the following areas of the Agency's core activities:

1. Creation of European border guard teams

The European Border Guard Teams will consist of national border guards assigned or seconded by Member States to the agency for joint operations, rapid interventions and pilot projects. The legal provisions of on the one hand the Rapid Border Intervention Teams and on the other hand the joint support teams (joint operations, pilot projects) now form part of a single set of provisions under the heading: European Border Guard Teams.

¹ Regulation (EU) No 1168/2011

2. Strengthened focus on Fundamental rights

The visibility of fundamental rights obligations and the respect of various international law instruments is clarified and increased:

- In case of a breach of human rights, Frontex missions have to be suspended or terminated in whole or in part.
- The office of a Fundamental Rights Officer has to be created in the Agency to assist in matters having implications for fundamental rights.
- A Consultative Forum on Fundamental Rights has to be set up also involving relevant international organisations and NGOs.
- A Code of Conduct has to be established to guarantee respect for fundamental rights.
- Frontex-funded return operations have to be monitored on the basis of objective and transparent criteria. The Commission will draw up an annual report on the monitoring.
- The tasks of the Agency will include possible assistance to Member States in situations that may involve humanitarian emergencies and rescue at sea
- Fundamental rights have to be included in the training curricula of Frontex personnel and border guards participating in Frontex operations.

3. Strengthening of the Agency's operational capacity

The putting at the disposal of the Agency by Member States of human and technical resources to be used in joint operations at the external borders is further developed, as well as the creation of the possibility for the Agency to have its own technical equipment. This is achieved by:

- a quasi compulsory mechanism for technical and human resources i.e. once Member States agree to assign their national border guards or second them to the Agency as guest officers to take part in joint operations or put technical equipment in the pool at the disposal of the Agency, they will be legally bound to honour their commitments.
- allowing Frontex to purchase, lease, own and co-own its own technical assets.

Frontex will also have the mandate to process personal data obtained during operations to use them in the fight against criminality, human trafficking and irregular immigration. Data may also be transmitted to Europol, albeit on a case-by-case basis.

The coordinating role of the Agency is substantially enhanced through the obligation on the Agency to appoint a coordinating officer for all joint operations. Furthermore there is an obligation to evaluate all operations.

The cooperation with relevant authorities of third countries is also enhanced. The basis remains the conclusion of a working arrangement with the competent authorities regarding border control of a third country. The Agency will have the possibility to provide technical assistance and to deploy its liaison officers to relevant third countries to increase the level of cooperation.

Regarding training, an Erasmus-style exchange programme for national border guards will be created.

Finally the Agency has also received a general mandate to support the development of the European Border Surveillance System (Eurosir).

THE IMPACT ON THE AGENCY'S STAFFING IN 2012 AND 2013

These changes have an important impact on the work of the Agency. Some of the changes were part of the Commission proposal to amend the Frontex Regulation, others have been amplified by the legislators (i.e. the role of the coordinating officers, the posting of Frontex liaison officers in third countries, the enhanced activities related to risk analysis), and some have been added as new tasks (i.e. the Fundamental Rights Officers, the setting up of the Fundamental Rights Forum, the possibility to process personal data which involves by definition the creation of secure information exchange channels to ensure the proper handling of such sensitive data).

It should equally be understood that these enhanced and new tasks create an additional administrative workload in parallel to the enhanced operational activities of the Agency.

To address these issues the Agency has now carried out an exercise to prioritise these tasks, identifying those which are mandatory for Frontex to implement during the period 2013-2015. In parallel, it carried out a review of current programmes and projects so as to be able to redeploy staff to the new priorities and/or tasks.

However redeployment alone will not enable the Agency to fulfil all of the most important tasks. Therefore the Agency, in close cooperation with the Commission, took into consideration not only the new tasks and the conditions under which those tasks shall be carried out, but the difficult economic situation with which the European Union and its Member States are confronted and the overall objective to reduce the staffing levels in the EU institutions and agencies. This consideration has resulted in a proposed limited increase in the number of posts in Frontex establishment plan to be requested in two steps. Four additional establishment plan posts needed urgently, and included in the draft budget 2013, to comply with binding legal requirements whilst carrying out the Agency's core tasks (i.e. Coordinating Officers responsible for the coordination of joint operations at the external borders of the Member States, Fundamental Rights Officer) and eight additional posts to be created as early as possible, following the required steps in terms of budget authorisation.

In the Draft Budget 2013, as a first step, the Commission proposed an increase to the establishment plan of four additional temporary agents up to the ceiling set by the Legislative Financial Statement. As the draft budget proposal of the Commission includes a reduction of 3 contract agents to implement the first instalment of the 5 % staff reduction over the years 2013-2017 announced in the Commission proposals for the next multiannual financial framework of 29 June 2011, the overall head count therefore increased by a net one post.

As a second step, the present communication together with the enclosed revised financial statement seeks a further increase in the Establishment Plan of eight posts, partially offset by a decrease of six in the number of seconded national experts. This is because the Agency has to replace national experts and/or contractual agents with temporary agents under the new Regulation. In particular, Article 17(3) stipulates that *'only a staff member of the Agency subject to the Staff Regulations of Officials of the European Union or to Title II of the Conditions of employment of other servants of the European Union may be designated as coordinating officer'*. The net increase in the overall headcount arising from this proposal is therefore two posts.

These changes are indicated in the Legislative Financial Statement attached to this Communication.

The Commission seeks the necessary adjustment to Frontex establishment plan, entailing the creation of 8 additional posts in the budget 2013 (on the basis of the revised legislative financial statement enclosed to this Communication), partially offset by a reduction of 6 seconded national experts. In terms of expenditure, the additional posts are budget neutral, since no additional funding is required. Funding needs will be met through redeploying from Title 2 to Title 1 within the appropriations requested in the draft budget 2013.

LEGISLATIVE FINANCIAL STATEMENT

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LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

1.2. Policy area(s) concerned in the ABM/ABB structure²

Policy area: Home Affairs

1.3. Nature of the proposal/initiative

- ☐ The proposal/initiative relates to **a new action**
- ☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action**³
- ☒ The proposal/initiative relates to **the extension of an existing action**
- ☐ The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objectives

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

Since the entry into force of the Treaty of Amsterdam in 1999, a number of common measures have been adopted to manage better the external borders of the European Union in accordance with Article 62 (2) of the EC Treaty.

Built around the three pillars of common legislation, common operations and financial solidarity, key steps have been taken with the adoption of the Schengen Borders Code⁴, the Practical Handbook for Border Guards (Schengen Handbook)⁵ and the rules for local border traffic⁶, the establishment of the

² ABM: Activity-Based Management – ABB: Activity-Based Budgeting.

³ As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

⁴ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

⁵ Commission Recommendation C(2006) 5186 of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons.

⁶ Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external borders of the Member States and amending the provisions of the Schengen Convention (OJ L 29 of 3.2.2007, p. 3).

FRONTEX-Agency⁷, the creation of the Rapid Border Intervention Teams⁸ and the creation of the External Borders Fund⁹.

All these steps have to be seen within the framework of a concept for integrated border management, which consists of the following dimensions¹⁰:

- Border control (checks and *surveillance*) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence;
- Detection and investigation of cross border crime in coordination with all competent law enforcement authorities;
- The four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return)¹¹;
- Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities) and international cooperation;
- Coordination and coherence of the activities of Member States and Institutions and other bodies of the Community and the Union.

1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective No1.

Enable persons to cross internal borders without border checks, promote secure borders and prevent irregular migration by developing further an integrated external border management system and high standards of border checks including by the development of SIS II and the financial support from the External Borders Fund

ABM/ABB activity(ies) concerned

Activity 18 02: Solidarity – External borders, visa policy and free movement of people

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

⁷ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

⁸ Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (OJ L 199, 31.7.2007, p. 30).

⁹ Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (OJ L 144, 6.6.2007, p. 22).

¹⁰ Conclusions of the 2768th Council Meeting on Justice and Home Affairs, Brussels, 4-5 December 2006, doc. 15801/06 (Presse 341), p. 26.

¹¹ The model in its entirety has been described in the EU Schengen Catalogue on External borders control, Removal and readmission: Recommendations and best practices, February 2002.

- 1.4.4. *In the light of the new and increased obligations on the Agency and new tasks for the Agency, entailing that certain tasks have to be carried out by certain categories of the Agency staff, the Establishment Plan of the Agency has to be amended. In line with budgetary remarks made by the Budgetary Authority in the 2012 EU budget, the budget of the Agency shall be subject to an amendment in order to provide sufficient resources for the Agency to fulfil its new tasks under the new Regulation. In order to provide a comprehensive overview of changes a financial statement should therefore be attached a posteriori to the Regulation corresponding with the reality of the Agency's staffing needs. The extra staff will be funded by the subsidy already allocated to Frontex under the Union's budget.*

Specify the indicators for monitoring implementation of the proposal/initiative.

N/A

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

Frontex was set up in 2004 and became operational in 2005. The Agency's main tasks are:

- Coordination of operational cooperation between Member States in the field of management of external borders;
- Assistance to Member States on training of their border guards, including the establishment of common training standards;
- Carrying out of risk analyses;
- Following up on the development of research relevant for the control and surveillance of external borders;
- Assisting Member States in circumstances requiring increased technical and operational assistance at external borders;
- Providing Member States with the necessary support in organising joint return operations.

In order to achieve its mission, the Agency may also cooperate with the competent authorities of third countries or with International organisations

Recent years have seen a sharp increase in the workload and priorities of Frontex. As requested by the Hague programme the Commission adopted on 13 February 2008 a Communication on the evaluation and future development of the FRONTEX Agency (COM(2008) 67 final), accompanied by an impact assessment. The Communication issued recommendations for the short to medium term and launched ideas for the future development of the Agency in the longer term.

The 2008 Communication was welcomed by the Council and the European Parliament, who both shared the Commission's assessment that the Agency had been very successful since its inception and called for a further strengthening of the Agency. This ambition has been further reflected in numerous conclusions by the Council and the European Council, in the Pact on

immigration and asylum, and in the Stockholm programme, adopted by the European Council of 10-11 December 2009 calling for a reinforcement of the Agency including through a revision of its legal framework. The role of the Agency in the integrated border management of the Union, and its overall future direction, is therefore subject to a strong inter-institutional consensus.

Most recently, the increased migratory pressure at the Union's southern borders generated by the Arab spring and the deteriorating situation at the Greek external border have prompted calls from the Commission, the Council and the Parliament for the Agency to play a more active role.

Against this background the Agency's mandate was amended in 2011 to enable it to respond to the new challenges and to meet the expectations of the Commission, the Council and the Parliament.

in accordance with the amended Regulation, the Agency has to

- set up and manage the pool of border guards with a view of their deployment as part of the European Border guard Teams (EBGT) in operations coordinated by Frontex.
- nominate a coordinating officer for each joint operation or pilot project where members of the EBGT will be deployed. According to the amended Regulation, only a staff member of the Agency subject to the Staff Regulations of Officials of the European Union or to Title II of the Conditions of employment of other servants of the European Union may be designated as coordinating officer;
- develop and operate systems that enable swift and reliable exchanges of information regarding emerging risks at the external borders;
- provide the necessary assistance to the development and operation of a European border surveillance system;
- create the office of Fundamental Rights Officer and a Consultative Forum on Fundamental Rights.

Risk analysis shall include the assessment of the capacity of Member States to face threats and pressures at the external borders.

The Agency will have to play an enhanced role in pursuing the European Union's objectives in relation to cooperation with third countries in the field of border management.

1.5.2. *Added value of EU involvement*

The amending Regulation (EU) No 1168/2011 is based on Articles 74 (i.e. measures to ensure administrative cooperation between the relevant departments of the Member States) and 77 (2) (b) and (d) TFEU (i.e. adopt measures concerning the checks to which persons crossing external borders are subject and any measure necessary for the gradual establishment of an integrated management system for external borders).

The objectives of this Regulation, while respecting the same fundamental limitations of the existing provisions, are to further develop an integrated management of operational cooperation at the external borders, and cannot be sufficiently achieved by the Member States.

1.5.3. *Lessons learned from similar experiences in the past*

N/A

1.5.4. *Coherence and possible synergy with other relevant instruments*

N/A

1.6. Duration and financial impact

☐ Proposal/initiative of **limited duration**

– ☐ Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ Financial impact from YYYY to YYYY

☒ Proposal/initiative of **unlimited duration**

– Implementation with a start-up period from 2012 to 2013,

– followed by full-scale operation.

1.7. Management mode(s) envisaged¹²

☒ **Centralised indirect management** with the delegation of implementation tasks to:

– ☐ executive agencies

– ☒ bodies set up by the European Union¹³

– ☐ national public-sector bodies/bodies with public-service mission

– ☐ persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation

☐ **Joint management** with international organisations (*to be specified*)

If more than one management mode is indicated, please provide details in the "Comments" section.

Comments

This financial legislative statement is produced a posteriori in order to provide a comprehensive overview of the Agency's staffing needs corresponding with the changes introduced by the adoption of the amendment to the Frontex Regulation. Given the difficult EU budgetary situation, it is proposed that the Frontex Agency would make all efforts to accommodate the costs related to the extra staff (12 AD temporary agents) within the subsidy already allocated to Frontex under the Union's budget.

¹² Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

¹³ As referred to in Article 185 of the Financial Regulation.

The staff increases are expected to be budget neutral as explained in the enclosed tables on the following pages. Frontex would meet the needs for additional appropriations through partial offsetting against SNE posts as explained in the enclosed tables or other savings within Title 1. If the needs for additional appropriations would still exist, these could be addressed via redeployments and transfers from Title 2 (no staff administrative budget) to Title 1 in accordance with the discretion given the Executive Director under the Frontex Financial Regulation.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

The Management Board of the Agency shall before 31 March each year, adopt the general report of the Agency for the previous year and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The general report shall be made public. Every five years, the Management Board shall commission an independent external evaluation on the implementation of this Regulation. The evaluation shall examine how effectively the Agency fulfils its mission. It shall also assess the impact of the Agency and its working practices.

The first evaluation following the entry into force of Regulation (EU) No 1168/2011 shall also analyse the needs for further increased coordination of the management of the external borders of the Member States, including the feasibility of the creation of a European system of border guards

2.2. Management and control system

2.2.1. Risk(s) identified

The steady migratory pressure on the external borders of the European Union require an increased operational cooperation coordinated by Frontex among the Member States on the basis of shared responsibility and solidarity in order to ensure the highest level of integrity of the external borders as well as to contribute to an enhanced internal security within the European Union whilst promoting the full respect of fundamental rights in border management. Reinforcement of the Agency's staff is necessary in order to comply with the extended mandate and requirements laid down by the amended Regulation. Redeployment opportunities within the existing staff have been fully exploited? Lack of provision of the requested new posts will result in permanent infringement of applicable Union law.

2.2.2. Control method(s) envisaged

The Agency's accounts will be submitted for the approval of the Court of Auditors, and subject to the discharge procedure. The Commission's Internal Audit Service will carry out audits in cooperation with the Agency's internal auditor.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

The Agency is subject to monitoring by the Anti-Fraud Office.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing expenditure budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Description.....]	Diff./non-diff. (14)	from EFTA ¹⁵ countries	from candidate countries ¹⁶	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation
3A	18.020301: European Agency for the Management of Operational Cooperation at the External Borders — Contribution to Titles 1 and 2	non-diff.	NO	NO	NO	NO
3A	18.020302: European Agency for the Management of Operational Cooperation at the External Borders — Contribution to Title 3	non-diff.	NO	NO	NO	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading.....]	Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation
	N/A		YES/NO	YES/NO	YES/NO	YES/NO

¹⁴ Diff. = Differentiated appropriations / Non-Diff. = Non-differentiated appropriations

¹⁵ EFTA: European Free Trade Association.

¹⁶ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

EUR million (to 3 decimal places)

Heading of multiannual financial framework:	Number	18 02
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Body: European Agency for the Management of Operational Cooperation at the External Borders			Year 2012	Year 2013	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
Title 1	Commitments	(1)	0	+500*						+500*
	Payments	(2)	0	+500*						+500*
Title 2	Commitments	(1a)	0	-500						-500
	Payments	(2a)	0	-500						-500
Title 3	Commitments	(3a)	0							0
	Payments	(3b)	0							0
TOTAL appropriations for the European Agency for the Management of Operational Cooperation at the External Borders	Commitments	=1+1a +3a	0	0*						0*
	Payments	=2+2a +3b	0	0*						0*

* A cumulative number of 12 new establishment posts is foreseen.

Heading of multiannual financial framework:	5	" Administrative expenditure "
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EUR million (to 3 decimal places)

		Year N	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG:Home Affairs									
• Human resources									
• Other administrative expenditure									
TOTAL DG Home Affairs	Appropriations								

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)								
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EUR million (to 3 decimal places)

		Year N ¹⁷	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments								
	Payments								

¹⁷ Year N is the year in which implementation of the proposal/initiative starts.

3.2.2. Estimated impact on [body] appropriations

- ☒ The proposal/initiative does not require the use of operational appropriations
- ☐ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to 3 decimal places)

Indicate objectives and outputs ↓			Year N		Year N+1		Year N+2		Year N+3		... enter as many years as necessary to show the duration of the impact (see point 1.6)								TOTAL	
	OUTPUTS																			
	Type of output ¹⁸	Average cost of the output	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Total number of outputs	Total cost
SPECIFIC OBJECTIVE No 1 ¹⁹ ...																				
- Output																				
- Output																				
- Output																				
Sub-total for specific objective N°1																				
SPECIFIC OBJECTIVE No 2...																				
- Output																				
Sub-total for specific objective N°2																				
TOTAL COST																				

¹⁸ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

¹⁹ As described in Section 1.4.2. "Specific objective(s)..."

3.2.3. Estimated impact on Frontex Agency's human resources

3.2.3.1. Summary

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to 3 decimal places)

	Year 2012	Year 2013	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
Officials (AD Grades)								
Officials (AST grades)								
Contractual agent								
Temporary agents	0	1,320						
Seconded National Experts	0	-0,320						
TOTAL	0	1,000*						

A cumulative number of 12 new posts is foreseen. The estimated costs for 12 AD posts would amount to M 1,32 € (12x M 0,11€). However, the estimated impact on the Agency's expenditure in 2013 will be budgetary neutral, since the expenditure will be offset against the decreasing expenditure related to seconded national experts (SNE) currently performing these tasks. The relevant SNE posts will be gradually phased out in the course of 2013. The remaining costs will be met by additional savings within Title 1 and, if needed, redeployment from Title 2 to Title 1 of a maximum amount of € 750 000.

Description of posts needed:

1 AD 10 Fundamental Rights Officer (FRO)

According to Article 26(3) of the amended Frontex Regulation a Fundamental Rights Officer shall be designated by the Management Board. He/she shall be independent in the performance of his/her duties and shall report directly to the Management Board. The creation of this post is an absolute priority for the Agency, and has to be completed in 2012. The required level of expertise and the status of the FRO justifies the higher entry grade. The European Ombudsman has opened on 6 March 2012 an own-initiative inquiry into the

implementation by Frontex of its fundamental rights obligation, including the recruitment of the FRO.

6 AD7 – Frontex Coordination Officers

In accordance with Article 3b(5) of the amended Regulation, Frontex shall nominate a coordinating officer for each joint operation or pilot project where a European Border Guard Team (EBGT) is deployed. Moreover Article 17(3) stipulates that for the purpose of implementing Article 3b(5) only a staff member subject to the Staff Regulations of Officials and to Title II of the Conditions of employment of other servants of the European Communities employed by Frontex, can be designated as a coordinating officer. The Agency all along the year is launching and coordinating a number of joint operations and pilot projects according to its annual work programme which implies the deployment of EBGT's. Some of those joint operations are de facto permanent operations (i.e. the ones in the Mediterranean and at the Turkish-Greek land borders) which consequently require the permanent presence of a Coordinating Officer. Since the functions of Frontex Coordinator Officers are currently held by Seconded National Experts (SNE), the recruitment of Temporary Agents will result in a reduction of the total number of SNE by 6.

1 AD7 – Product and Change Management Officer

This post will have to cover the new task as set up by the amended Frontex Regulation (Article 11 in connection with Article 11c, 11d and 13(2): developing and operating the information exchange system for ICONET (Information and Coordination Network for Member States' Migration Management Services), classified data, secure information exchange channels and FOSS (Frontex Information exchange web portal - Frontex One Stop Shop) replacement, including the transmission of personnel data also to other EU-agencies. This task required specific experience, knowledge and skills in order to ensure the benefits of these additional Frontex responsibilities are realised, communicated and carried out according to the EU legal framework.

3.2.3.2. 4 posts (1 AD8 and 3 AD7) are foreseen in the Commission proposal for the 2013 Draft Budget presented to the Budgetary Authority on 25.4.2012.

3.2.3.3. Estimated requirements of human resources for the parent DG

- ☒ The proposal/initiative does not require the use of human resources

- ☐ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full amounts (or at most to one decimal place)

	Year N	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary agents)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)							
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External personnel (in Full Time Equivalent unit: FTE)²⁰							
XX 01 02 01 (CA, INT, SNE from the "global envelope")							
XX 01 02 02 (CA, INT, JED, LA and SNE in the delegations)							
XX 01 04 yy ²¹	- at Headquarters ²²						
	- in delegations						
XX 01 05 02 (CA, INT, SNE - Indirect research)							
10 01 05 02 (CA, INT, SNE - Direct research)							
Other budget lines (specify)							
TOTAL							

²⁰ CA= Contract Agent; INT= agency staff ("Intérimaire"); JED= "Jeune Expert en Délégation" (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert;

²¹ Under the ceiling for external personnel from operational appropriations (former "BA" lines).

²² Essentially for Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

18 is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary agents	
External personnel	

Description of the calculation of cost for FTE equivalent should be included in the Annex, section 3.

3.2.4. *Compatibility with the current multiannual financial framework*

- ☒ Proposal/initiative is compatible the current multiannual financial framework.
- ☐ Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

No impact on multiannual financial framework. However, even if the recruitment of additional staff required a reinforcement of the Agency budget, it would be still contained within the multiannual financial framework.

- ☐ Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework²³.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

N/A

3.2.5. *Third-party contributions*

- ☒ The proposal/initiative does not provide for co-financing by third parties
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to 3 decimal places)

²³ See points 19 and 24 of the Interinstitutional Agreement.

	Year N	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
<i>Specify the co-financing body</i>								
TOTAL appropriations cofinanced								

3.3. Estimated impact on revenue

- ☒ Proposal/initiative has no financial impact on revenue.
- ☐ Proposal/initiative has the following financial impact:
 - ☐ on own resources
 - ☐ on miscellaneous revenue

EUR million (to 3 decimal places)

Budget revenue line:	Appropriation s available for the ongoing budget year	Impact of the proposal/initiative ²⁴						
		Year N	Year N+1	Year N+2	Year N+3	... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)		
Article								

For miscellaneous assigned revenue, specify the budget expenditure line(s) affected.

N/A Specify the method for calculating the impact on revenue.

N/A

²⁴ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.