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CHAPTER 16

Frontex role in the development of European cooperation on Coast Guard Functions¹

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Résumé : *L'article explore le sujet de la coopération dans l'Union européenne sur la question des Fonctions de Garde Côtière, avec une attention particulière aux efforts de la part des Agences de l'UE qui s'occupent des affaires maritime liés à la Garde Côtière : Frontex, EFCA et EMSA. En se concentrant principalement sur les implications de ces développements pour Frontex, l'article trace l'évolution de la coopération pendant l'implémentation d'un Projet Pilote, qui s'est concentré sur quatre domaines principaux : le partage des informations, les services de surveillance, le renforcement de capacités et le partage de capacités. Finalement, l'article traite de l'évolution des Opérations Multifonctions comme un terrain concret sur lequel la coopération dans le domaine des Fonctions de Garde Côtière a été testée, et qui sera inévitablement améliorée et élaborée dans le futur.*

1) Human Sea Programme of the University of Nantes: The development of human activities at sea? "For a new Maritime Law", ERC (European Research Council) 2013 Advanced Grant, SP2-Ideas, FP7 (Seventh Framework Programme) of the European Union (2007-2013) Ag¹ Disclaimer: The content of this article does not necessarily reflect the official opinions of any institution or body of the European Union. Neither Frontex nor any person or company acting on behalf of Frontex is responsible for the use that may be made of the information contained in this report.



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Abstract: *The article explores the evolution of Coast Guard Functions cooperation in the European Union, with particular emphasis on the efforts made by specific EU agencies dealing with many Cost Guard issues related to the maritime domain: FRONTEX, EFCA and EMSA. Mainly focusing on Frontex's involvement in this development, the paper outlines the evolution of cooperation during the implementation of a Pilot Project, which focused on four main areas: information sharing, surveillance services, capacity building and capacity sharing. Finally, the article deals with the evolution of Multipurpose Operations as a concrete area in which Coast Guard Functions cooperation has been tested, and will inevitably be enhanced and elaborated in the future.*

1. Background on European cooperation

European cooperation in the maritime domain has experienced greater emphasis and significant growth in recent years, mainly thanks to the efforts of EU institutions and agencies. The Council's 2014 EU Maritime Security Strategy (EUMSS) and the Commission's 2015 European Agenda on Migration were two fundamental steps in creating awareness and fostering concrete actions in order to increase a common response to maritime risks and threats by pooling means and resources available in the EU.

In particular, the European Agenda on Migration stressed out that "upholding our international commitments and values while securing our borders and at the same time creating the right conditions for Europe's economic prosperity and societal cohesion is a difficult balancing act that requires coordinated action at the European level." Cooperation was sought in all domains and without prejudice to member states' sovereignty. Concerning the shared management of European borders, the Agenda supported the development of a European System of Border Guards which "would cover a new approach to Coast Guard Functions in the EU, looking at initiatives such as asset sharing, joint exercises and dual use of resources as well as the possibility of moving towards a European Coastguard."²

Further steps have been made by the European Commission when, for the first time, unified efforts led to the drafting of a non-paper on Coast Guard Functions (CGF), presented in September 2015³ at the European Coast Guard Functions Plenary Conference. The document argued for an increase in cross-sectoral and interagency cooperation, in order to avoid duplications, enhance interoperability and pave the way to further strengthening of the concept of European Coast Guard Functions.

Through this working document, DG HOME, DG MARE and DG MOVE underlined the need to expand coordination through some policy-level actions. Firstly, the non-paper stressed the need to improve governance for policy implementation by the creation of platforms for direct dialogue between all the relevant actors, both at the political and operational level. The document also focused on the enhancement of information sharing between Coast Guard authorities (national and EU level), through the use of existing systems and services, and by the further development of modern technology. Also, attention was drawn to capacity building and capacity sharing, two areas in which cooperation is achievable thanks to the exchange of best practices and guidelines, the establishment of common training and cross-sector joint operations, to be combined with asset sharing and joint planning.

2) Communication from the Commission to the European Parliament, the Council, the ECOSOC and the Committee of the Regions (2015) *European Agenda on Migration*, p. 2; 17, Brussels.

3) European Commission (2015) "Towards a European Coastguard Capacity", *Non-paper on Coastguard Functions in the EU (17 September 2015)*.



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The non-paper paved the way for the implementation of the Pilot Project aimed at deepening concrete cooperation among the three agencies with the most involvement in and responsibility for coast guard functions activities, i.e. EFCA,⁴ EMSA⁵ and Frontex.⁶ Finally, in order to fully implement the EU Institutions' direction towards Coast Guard Functions cooperation, in September 2016, the mandates of EMSA, EFCA and Frontex were modified and amplified with the introduction of a common article related to European cooperation on Coast Guard Function.⁷

2. The Pilot Project⁸

The Pilot Project "Creation of a European Coastguard Function" (EUCGPP) was launched by the European Parliament and implemented by the European Commission from January 2016 until 2 June 2017, when it was officially closed at a conference hosted by EMSA.

The aim of the project was to foster cooperation in Coast Guard Functions both at an EU and agencies level. This is why it was managed both by a Contact Group between the Agencies and the Steering Group (Commission level), involving mainly DG MARE, DG HOME and DG MOVE. In this way, a wide spectrum of issues could be dealt with, from the political level down to more technical aspects.

Four main tasks derived from the Commission's non-paper were identified for the Steering Committee to address during the Pilot Project, namely, Sharing Information, Surveillance Services, Capacity Building and Capacity Sharing. Coordination roles were also distributed among the Agencies as shown in the following picture:

4) The European Fisheries Control Agency.

5) The European Maritime Safety Agency.

6) The European Border and Coast Guard Agency.

7) (Frontex) Regulation (EU) 2016/1624 of the European Parliament and of the Council, of 14 September 2016; (EMSA) Regulation (EU) 2016/1625 of the European Parliament and of the Council, of 14 September 2016; (EFCA) Regulation (EU) 2016/1626 of the European Parliament and of the Council, of 14 September 2016.

8) Frontex Publications (01/02/2018) – Final report – pilot project "Creation of a European Coast Guard Function".

TASK	TOPICS	ACTIVITIES	AGENCY
TASK 1	Sharing information	Fusing and analysing data	EMSA (coordinator)
TASK 2	Surveillance services	Remotely piloted aircraft systems Maritime Patrol Aircraft etc.	EMSA (coordinator) Frontex (coordinator)
TASK 3	Capacity building	Guidelines, recommendations & best practices	EFCA (coordinator)
TASK 4	Capacity sharing	Multipurpose operations	Frontex (coordinator)

Picture 1: Distribution of responsibilities and activities during the Pilot Project

All the tasks of the project were meant to identify existing capacities and cooperation between the three agencies and with the relevant MS authorities, in order to raise awareness on the topic of Coast Guard Functions cooperation, to assess its present validity and mostly to identify areas in which to increase it in the future. In the following paragraphs, the main activities and results of the four tasks of the Pilot Project will be analysed, in order to give a broad understanding of what has been done and what the direction of CGF cooperation is.

2.1. Sharing information

The aim of the first task of the Pilot Project was to develop existing inter-agency cooperation related to information-sharing systems, as well as to further expand it in the future. In particular, this part of the project focused on the analysis of the services that EMSA has already been providing to EFCA and Frontex under Service Level Agreements, in order to test and improve them. EMSA has supported Frontex with 5 services within the EUROSUR⁹ Fusion Services framework, generally dealing with the monitoring, tracking, detection and reporting of vessels and activities.

At the same time, EMSA has delivered vessel monitoring support to EFCA through its Integrated Maritime Services (IMS), combined with its services for earth observation, in order to help EFCA fighting against Illegal, Unreported and Unregulated (IUU) fisheries. Specifically, the Integrated Maritime Services have provided EFCA with information concerning vessels' position, route and port calls, with specific tools used to analyse the vessel behaviour, in order to assess possible risks and mitigate them. As for earth observation, during the Pilot Project EFCA had access to EMSA's Copernicus Maritime Surveillance (CMS).

9) European Border Surveillance System, active since 2013.

The positive outcomes of this part of the project showed the high benefits deriving from the sharing of information among the three Agencies. Most importantly, EMSA's services were used in multipurpose operations, during which not only the added value of data-exchange was proved, but also the need to increase it in the future was assessed.

2.2. Surveillance services

The objective of the second task was to implement surveillance services able to support multipurpose missions. This has been done both during EMSA-led demonstration of remotely piloted aircraft systems (RPAS) and Frontex-led testing of fixed-wing aircraft (FWA) for aerial surveillance.

Unmanned aerial systems have been proved to be more and more valid instruments in supporting surveillance missions, thanks to their rapidness, flexibility, long endurance and for the inherent safety aspect of not having a pilot on board. All this must be added to the high value of data that RPAS can collect, providing substantial complementary support to patrol vessels and satellite-based surveillance systems. This is why the demonstration led by EMSA – which was possible only thanks to the assistance of INTA,¹⁰ SASEMAR¹¹ and the Spanish Customs – has been of great value in order to understand and assess the future role of RPAS in the maritime domain, especially supporting multipurpose operations. The demonstration took place in May 2017 and was followed by an Open Day in which representatives of European organisations and member states could witness and learn from the demo and provide feedback to it.

At the same time, Frontex further developed its Aerial Surveillance Service (FASS) based on fixed-wing aircraft in order to perform multipurpose aerial surveillance (MAS), mostly supporting EFCA in pre-frontier monitoring of the Central Mediterranean Sea. The deployment of aircrafts under the MAS service, coordinated at Frontex's premises by a European Monitoring Team, has proved its validity during the Pilot Project, once again showing the feasibility and importance of a European coordinated surveillance. The Monitoring Team was composed of experts from different backgrounds, and their cooperation provided essential added value in enhancing the integration of capabilities and to support the development of shared standard operating procedures (SOP). The project implementation also led to some important lessons being learned concerning the logistics and capacities of these surveillance services.

¹⁰) The Spanish National Institute of Aerospace Technology.

¹¹) Spanish Maritime Safety and Rescue Society.

2.3. Capacity building

The third task of the Pilot Project dealt with capacity building, and it was coordinated by EFCA. The main objective of this portion of the project was to develop recommendations and best practices for the agencies in order to enhance Coast Guard Functions cooperation. Its main outcome was the outline of a document on "Guidelines on inter-EU agencies cooperation". The recommendations included possible areas for common training, which was assessed as an essential added value and thus to be subject to future development, with the establishment of joint training courses (including e-learning). Also, the feasibility of voluntary staff exchange was assessed as an additional way to exchange best practices and expertise.

2.4. Capacity sharing

The last task, capacity sharing, was co-led by Frontex and EFCA. The main concrete objective of this task was to validate the concept of multipurpose operations, in order to tighten interagency cooperation and bring it to a higher level. In practical terms, it mainly meant cooperation between EFCA and Frontex with a primary focus on the Mediterranean Sea, through the introduction of exchange of real time information and expertise in order to reinforce performance of multipurpose operations, e.g. fisheries control, border control and SAR, in the most coordinated and cost-effective way.

2.4.1. Frontex involvement in multipurpose operations

The Pilot Project, testing the sharing of assets and information, at the same time creating common practices and platforms for interagency cooperation, had its main operational objective in the implementation of multipurpose operations. As each agency has quite specific mandates in only some of the Coast Guard Functions,¹² the full development of a concept for multipurpose operations is in fact essential in order to achieve real cooperation in that domain.

That is why Frontex, within the framework of the Pilot Project, has taken several steps in order to expand its involvement in multipurpose operations. One of the main outcomes in this sense has been the hosting of EFCA inspectors on board assets participating in Frontex's operations, in this way enhancing the EFCA's surveillance capabilities and contributing to increased maritime domain awareness. Frontex's seaborne and airborne means could effectively provide close to real-time operational data with high quality fisheries sightings – over 1000 during the Pilot Project period – increasing EFCA's situational picture, risk analysis and response.

12) I.e. maritime safety, maritime security, SAR, border control, fisheries control, environmental control, customs control and law enforcement.



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Picture 2: Fishery sighting by FX deployed SE OPV within JO Triton, during EFCA Bluefin Tuna campaign

Under the concept of multipurpose operations, Frontex was also able to contribute in the fight against environmental crime, detecting and reporting around ten possible sea pollution cases to MS authorities and EMSA during the Pilot Project implementation period. This was possible thanks to FX deployed assets, especially airborne ones, which were always equipped with multi-sensor instruments, thus allowing the detection of multiple different maritime infringements at the same time, keeping the focus wide and increasing cost-effectiveness.

Furthermore, as part of the multipurpose concept and as a core part of its mandate, Frontex was heavily involved in targeting cross-border crime during the Pilot Project, cooperating closely with Europol and MS law enforcement bodies to combat crimes including human trafficking and terrorism. In particular, Frontex' contribution helped, for the year 2016, in the apprehension of 1,020 suspected facilitators, the detection of 14 million contraband cigarettes amounting to 3.2 million euros, and of 80 tons of hashish, 1.7 tons of cocaine and 13.8 tons of marihuana in the Western and Central Mediterranean Sea, worth a total of 225 million euros. The results were achieved thanks to Frontex' extensive operational presence at sea and the state-of-the-art maritime surveillance technology used in multipurpose operations.

Smuggling of drugs	Total number of incidents	Amount of drugs (kg)
Triton	40	32 440
Poseidon	47	13 240
Indalo	72	87 133
Hera	16	3 066
Minerva	3	40
Focal Points Sea	22	1 135
Total	200	137 054

Picture 3: Smuggling incidents reported between 01.01.2017 and 31.12.2017.

Another important part of Frontex multipurpose activities was – and is – Search and Rescue (SAR), saving lives in distress having always been the main priority for all kinds of Frontex operations at sea, and now being an essential element of its new mandate. Search and Rescue is effectively part of every Frontex Operational Plan involving Multipurpose Operations. According to them, SAR's requests coming from Maritime Rescue Coordination Centres (MRCC) have always the priority over other kind of activities, which are temporarily suspended until the SAR operation is concluded. In terms of Command and Control (C2), this means that the command of Frontex-deployed assets is temporarily shifted from the relevant International Coordination Centre (ICC) to the concerned Maritime Rescue Coordination Centre for the entire period of SAR activities.

FRONTEX's role in SAR operations includes the provision of first aid and food assistance to people in distress. After the rescue is completed, in the case of migrants, the people are disembarked and handed to the national authorities for identification and registration (according to EU and international laws). In 2016, 2,669 SAR cases were registered in operations in Greece, Italy and Spain, with FRONTEX' deployed assets being involved in the rescue of 90,000 people.

The following picture shows the data related to SAR for 2017:

Joint operation	Total number of incidents	Total number of migrants	Number of SAR cases	Rescued persons (by Frontex deployed assets involved)
Triton	292	119 213	1 110	21 509
Poseidon	367	34 390	411	12 883
Indalo	0	17 358	710	3 835
Hera	84	135	1	1
Total	743	171 096	2 232	38 228

Picture 4: Incidents reported between 01.01.2017 and 31.12.2017.

3. The European CG vessel

Frontex's role at the external borders as a cornerstone of the European area of freedom, security and justice puts the Agency in the perfect position to act as a facilitating platform for law enforcement, customs and other national authorities' cooperation with the agencies in the maritime domain, as part of the European Integrated Border Management.

Multipurpose operations being one of the main aspects of this evolving cooperation, Frontex has taken important steps not only in the already-mentioned tasks, but also in the field of procurement, by supporting the first multinational crew vessel – the Finnish BG patrol vessel Merikarhu – in implementing EU Coast Guard Functions. The 31-member crew of the Merikarhu has included officers from border and coast guard authorities of seven EU member states: Germany, Poland, Latvia, Lithuania, Estonia, Romania and Greece. This multinational crew, with expertise in different coast guard functions, has supported the core part of the crew, which has been provided by Finland to perform the essential navigational and technical tasks. The introduction of multinational crews is in line with Frontex's new mandate as the European Border and Coast Guard Agency. The main aim of this kind of deployment is to make European MS work together under Frontex's emblem in order to provide assistance in performing Coast Guard Functions at the EU external borders.¹³ The combination of Frontex, EMSA and EFCA mandates can effectively cover the entire spectrum of Coast Guard Functions, with no prejudice to EU and national division of competences; indeed, coping with the maritime domain in a comprehensive approach which is not only more valid and in line with EU solidarity principle, but also more cost-effective than ever.



Picture 5: The first European Coast Guard Vessel (the Finnish BG Patrol Vessel Merikarhu).

¹³ Frontex News (20/04/2017), *First ship with multinational crew joins Frontex Operation*, <http://frontex.europa.eu/news/first-ship-with-multinational-crew-joins-frontex-operation-rc35ll>

4. Future developments

The results of the Pilot Project in all its aspects – information sharing, surveillance services, capacity building and capacity sharing – showed the unavoidable added value of multiagency and multipurpose cooperation in dealing with Coast Guard Functions at the European level. Acknowledging it, the three agencies signed, in March 2017, a Tripartite Working Arrangement for streamlining future Coast Guard Functions cooperation. In order to implement the agreement, a Steering Committee composed of the Executive Directors of the three agencies was created and met for the first time in Vigo on 22 June 2017. As a result of this first meeting, an Annual Strategic Plan for 2018 was adopted, and the establishment of technical subcommittees dealing with specific areas of cooperation was decided, in this way paving the way for a concrete tripartite cooperation, which will bring further impetus and an integrated approach to the development of European cooperation on Coast Guard Functions.

5. Conclusions

Considering the complexity of the topic of European cooperation on coast guard functions and Frontex's role in relation to it, the following conclusions can be drawn:

- Numerous authorities are in charge of dealing with coast guard functions at various levels: national, regional, EU, global. Therefore, end users' input/consultation is critical.
- The new initiative launched by EU Parliament with the specific Pilot Project on coast guard functions has been a test bed for interagency cooperation in the maritime domain.
- There is a clear policy line developed by DG HOME, DG MARE and DG MOVE as regards European cooperation on coast guard functions, paving the way for deeper interagency cooperation at EU level (EMSA, EFCA and Frontex).
- In recent years, substantial progress has been made (qualitative and quantitative) by EMSA, EFCA and Frontex, when it comes to interagency cooperation in the maritime domain.
- Due to the complex nature of hybrid threats at sea, cooperation on coast guard functions is an unavoidable element, in order to address widespread illicit phenomena at sea in a holistic way.
- Interagency cooperation in the maritime domain is a vital component in order to reach a coherent and cost-effective approach while dealing with coast guard functions.

- There are still many aspects to be dealt with by the agencies in order to reach a common desired state of play and sustainability in relation to coast guard functions

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