MANAGEMENT BOARD DECISION 14/2017
of 13 June 2017

on the deployment of Frontex Liaison Officers to Member States

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation¹, in particular Article 12 thereof,

Whereas:

(1) Frontex should ensure regular monitoring of Member States’ management of the external borders through its liaison officers;

(2) The risk analysis of Frontex has highlighted the need for the deployment of liaison officers to the Member States² (hereinafter “Frontex Liaison Officers”) as it will facilitate the exchange of information and the performance of tasks that will contribute to the vulnerability assessment referred to in Article 13 of the European Border and Coast Guard Regulation;

(3) The Frontex Executive Director (hereinafter “the Executive Director”) should appoint members of the temporary staff of the Agency to be deployed as Frontex Liaison Officers;

(4) Pursuant to the European Border and Coast Guard Regulation, in particular Article 12(2) thereof, the Management Board approves the Executive Director’s proposal on the nature and terms of the deployment, the Member State or region to which Frontex Liaison Officers may be deployed, and possible tasks;

(5) Consultations with Member States with respect to the preferred clustering and seat of the Liaison Officers were performed;


² For the purpose of this decision, “Member States” is construed as including also Schengen Associated Countries.
HAS DECIDED AS FOLLOWS:

Article 1
Subject
This decision defines the role, status, tasks and regions of deployment of Frontex Liaison Officers.

Article 2
Role of the Frontex Liaison Officers
1. The Liaison Officers’ role is to foster cooperation and dialogue between Frontex and the national authorities which are responsible for border management, return, and coast guard functions, to the extent that they carry out border control tasks, to bring mutual added value to border security and to ensure the regular monitoring of the management of the external borders.

Article 3
Status of the Frontex Liaison Officers
1. The Frontex Liaison Officers are servants (temporary staff) of the European Union, employed by Frontex, who represent the Agency and, in particular, its Executive Director vis-à-vis the relevant authorities of the Member States they are deployed to.

2. In the Member States of deployment, the Frontex Liaison Officers enjoy the privileges and immunities provided for in Protocol (No 7) on the Privileges and Immunities of the European Union annexed to the European Union Treaties.

3. The Member States should also ensure that the specific conditions already applicable to other EU staff deployed at its territory (according to an existing seat agreement of the Member State with an EU Agency having a seat in that Member State, or, where applicable, an EU Representation in that Member State) will apply by analogy to the Frontex Liaison Officer.

Article 4
Tasks of the Frontex Liaison Officers
1. The Frontex Liaison Officers are responsible, inter alia, for:
   a) acting as an interface and facilitating the cooperation between Frontex and all Member States’ authorities having competencies with regard to integrated border management and return, including Coast Guard authorities;
   b) supporting the collection of information required for the monitoring of irregular migration, cross-border crime and other challenges at the external borders, return as well as for the purposes of risk analysis;
   c) supporting the collection of information required to carry out the vulnerability assessment, such as information related to technical equipment, systems, capabilities, human resources, infrastructure, financial resources and staff;
   d) monitoring the measures taken by the Member State at its border sections to which a high impact level has been attributed in accordance with Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur);

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2 Protocol (No 7) on the privileges and immunities of the European Union OJ C 326, 26.10.2012, p. 266-272
e) contributing to promoting the application of the Union *acquis* relating to the management of the external borders and respective contribution to the EU Internal Security, including with regard to respect for fundamental rights;

f) where possible, assisting the Member States in preparing its contingency plans concerning border management;

g) facilitating the communication between the Member States and Frontex, sharing relevant information from Frontex with the Member States, including information about the ongoing operations;

h) reporting regularly to the Executive Director on the situation at the external borders, on the capacity of the Member States concerned to deal effectively with the situation at the external borders as well as on the execution of return and pre-return activities. The reporting shall be carried out among others in compliance with Article 12(5) of the European Border and Coast Guard Regulation;

i) monitoring and reporting on the measures taken by the Member States with regard to a situation requiring urgent action at the external borders as referred to in Article 19 of the European Border and Coast Guard Regulation.

2. The tasks are performed in cooperation with the national authorities of the Member States of deployment, which involves regular contacts and exchange of information, working-level meetings and organization of joint activities.

3. The Liaison Officer reports the results of his/her tasks regularly to the Executive Director.

**Article 5**

*Start and duration of the deployment of the Frontex Liaison Officers*

1. The Executive Director notifies the Member States concerned on the date and expected duration of the deployment of the Frontex Liaison Officers 30 days prior to the envisaged deployment date.

2. The notification can only be done upon conclusion of the Memorandum of Understanding referred to in Article 9.

**Article 6**

*Member State or region of deployment of the Frontex Liaison Officers*

1. The Member States and/or region of deployment of the Frontex Liaison Officers are defined in the Annex to this decision. The Annex may be subject to changes based on exchange of letters between Frontex and Member States concerned.

2. When Frontex Liaison Officers are to be deployed to a region, the Executive Director consults the Member States forming the region concerned and ensures that there is a consent on the Member State in which the Frontex Liaison Officers will have their main posting.

**Article 7**

*Posting*

1. Unless defined otherwise in the Memorandum of Understanding referred to in Article 9, the Frontex Liaison Officers are posted in the national authority which has a representative at the Frontex Management Board, or in the premises of Frontex in that Member State/region.

2. The Frontex Liaison Officers keep the national authority of deployment informed of the contacts established with other national authorities for the performance of their duties.

**Article 8**
Terms of access, processing and distribution of information

The terms of access to information, as well as terms of further processing and distribution of that information, as they may vary between Member States, are to be defined in the Memorandum of Understanding referred to in Article 9, reflecting the following principles:

a) the Frontex Liaison Officers shall have access to the required information on a need-to-know basis, provided that such information concerns one of the matters listed in Article 4, unless duly justified reasons are provided for withholding the data, as provided in recital (22) or the European Border and Coast Guard Regulation;

b) the Frontex Liaison Officers shall have access to information classified up to and including a classification level that corresponds to the level granted by the security clearance held by them, taking into account the need-to-know;

c) classified information shall be protected by the Agency in line with the applicable EU regulatory framework.

Article 9

Memorandum of Understanding

1. Within six months following the entry into force of this decision, Frontex and the competent national authorities of each Member State shall conclude a Memorandum of Understanding.

2. Each Memorandum of Understanding establishes, inter alia:

   a) precise location of the seat/accreditation of the Frontex Liaison Officers in the Member States concerned;

   b) access of the Frontex Liaison Officers to the operational facilities and to Senior Management of national authorities involved in border management, return and coast guard to the extent that they carry out border management tasks;

   c) terms of access of the Frontex Liaison Officers to information of the authorities of the Member States involved in border management, return and coast guard tasks, where applicable;

   d) conditions for access, processing and distribution of the information received from the Member States’ authorities, in particular in case of sensitive and classified information;

   e) conditions applicable to the Frontex Liaison Officers to participate and/or contribute to the organisation of meetings, training activities, workshops, seminars and other activities organised by national authorities that are relevant for the performance of the tasks listed in Article 4;

   f) security of the Frontex Liaison Officers and access to the premises;

   g) communication channels between the Frontex Liaison Officers, Frontex and the national authorities within the existing communication and information exchange structures;

   h) distribution of costs between the Member States and Frontex with respect to the infrastructure;

   i) practical arrangements to implement Articles 3(2) and 3(3) including conditions provided by the Member States to the Frontex Liaison Officers with regard to the working area, equipment, access to facilities and communications.

3. The Executive Director notifies the Management Board, on a regular basis, on the developments related to the conclusion and the implementation of these Memoranda of Understanding.

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4 Operational facilities are areas where the activities related to the border management, return and coast guard functions, in particular the activities financed and co-financed by Frontex, are implemented.
Article 10

Entry into force

This decision enters into force on the day following the date of its adoption.

Done in Warsaw, 13 June 2017

For the Management Board

[signed]

Marko Gašperlin
Chairperson
# Annex

Member States and/or region of deployment

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