The development of interagency cooperation amongst FRONTEX, EMSA and EFCA in the light of the European legislation and policy

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THE DEVELOPMENT OF INTERAGENCY COOPERATION AMONGST FRONTEX, EMSA AND EFCA IN THE LIGHT OF THE EUROPEAN LEGISLATION AND POLICY

By

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Greece

A dissertation submitted to the World Maritime University in partial Fulfilment of the requirements for the award of the degree of

MASTER OF SCIENCE

In

MARITIME AFFAIRS

(MARITIME LAW AND POLICY)

2018
Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature): ........................................

(Date): ........................................

Supervised by: Professor H. Jessen

Supervisor’s affiliation: M.L.P.
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This paper is devoted to Kostas and Theologia.
Abstract

Title of Dissertation: The development of interagency cooperation amongst FRONTEX, EMSA and EFCA in the light of the European legislation and policy

Degree: Master of Science

The dissertation is a study of the development of the cooperation amongst Frontex, EMSA and EFCA on coast guard functions, which has been developed gradually the last years, in accordance with the relevant European policies and the European Integrated Border Management.

The social and political dimension of migration, a phenomenon which contributed to the adoption of a common policy on border management and the weaknesses of the Schengen acquis are briefly described. The European Integrated Border Management was finally established on the Treaty of Lisbon. Interagency cooperation is presented as an aspect of Integrated Border Management and the development of the cooperative scheme is analysed in the context of the European Integrated Maritime Policy and Maritime Security Strategy. In the direction of enhancing interagency cooperation, the founding Regulations of EMSA and EFCA were amended and the European Border and Coast Guard Agency (Frontex) was established under Regulation (EU) 2016/1624.

During an 18-month pilot project, which was organised in January 2016, the three Agencies exercised lots of joint undertakings. This project reinforced the interagency cooperation and paved the way for the adoption of a Tripartite Working Arrangement, which set certain goals and determined the organisational structure of the cooperative scheme. Particular reference is made to the current status of the cooperation, the multipurpose operations and use of advanced surveillance equipment and the information flow amongst the Agencies.

The concluding chapter examines the strengths and challenges of the interagency cooperation while attempting to evaluate its contribution to the national authorities of the Member States.

KEYWORDS: Frontex, EBCG, EMSA, EFCA, interagency cooperation, Tripartite Working Arrangement
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List of abbreviations

CISE Common Information Sharing Environment
EBCGA European Border and Coast Guard Agency
EC European Council
EU European Union
EFCA European Fisheries Control Agency
EFCA IMS EFCA Integrated Maritime Service for Fisheries Monitoring and Control of EU Regulated and/or Related Activities
EFS EUROSUR Fusion Services
EMSA European Maritime Safety Agency
EUMSS European Union Maritime Security Strategy
EUROSUR European Border Surveillance System
FASS FRONTEX Aerial Surveillance Services
FWA Fixed wing aircrafts
IMS Integrated Maritime Services
IUU Illegal, unreported and unregulated
MAS Multipurpose Aerial Surveillance
RPAS Remotely Piloted Aircraft Systems
SOPs Standard Operational Procedures
TFEU Treaty on the Functioning of the European Union
TWA Tripartite Working Arrangement
UNHCR United Nations High Commissioner for Refugees
VMS Vessel Monitoring System
1. BACKGROUND

a) Migratory problem in the EU - Current status, statistics

The status of social and financial welfare and the protection of fundamental human rights which the European Union represents, have attracted hundreds of thousands of migrants and refugees, during the last years (Geddes & Scholten, 2016; Sionaidh, 2011). Low living standards, lack of prospects or environmental reasons are not the exclusive causes of the phenomenon (European Political Strategy Centre, 2017). It is a fact that the number of people forced to leave their home places threatened by authoritarian regimes or war zones has raised, during the last years (European Political Strategy Centre, 2017). One of the most characteristic example of such an international displacement is the Syrians that abandoned their country after the civil conflicts in 2011 (Syrian Refugees, 2016). Approximately one million of the more than ten million people who had to escape the war applied for asylum in Europe (Syrian Refugees, 2016).

Recently, the number of arrivals and asylum seekers have indicated that the problem is not in its peak (Greenhill, 2016). According to statistics provided by the United Nations High Commissioner for Refugees (henceforth UNHCR), the number of refugees and migrants who reached Europe in 2017 reaches the 178,500, compared to 362,300 in 2016 and 1,015,000 in 2015 (United Nations High Commissioner for Refugees [UNHCR], n.d.). For the year 2018, it is estimated that the number exceeded the 70600 by August 2018, while more than 1400 died in their effort to cross the Mediterranean Sea (International Organisation for Migration, 2018; Operational Data Portal – Refugee Situations, n.d.). Nonetheless, mixed migratory flows may have an implication on social peace and affect the political future of Europe (Greenhill, 2016).
b) Social and political dimension of migration in Europe

The management of the unexpected flows of migrants and refugees, especially in the financially weaker countries, absorbed part of the states’ social funds leading to public concerns regarding the expenditure of the quality of services to the locals (Bershidsky, 2018; Lehne, 2018). The interconnection between those populations and incidents of terrorism and violations of the legal order, which was often magnified by the media, contributed to the cultivation of this negative attitude by the public opinion (Stokes, 2016). Terrorist activities committed by migrants or refugees in the European territory, such as the apprehension of two refugees suspect for the attack on the Parsons Green station in September 2017 have often triggered the public dialogue on the issue (Dearden, 2017).

Apart from the financial and social impacts, the phenomenon of migration has a significant psychological effect and political implications in European countries. Despite the development of social networks which welcomed and took initiatives to support migrants and refugees, a turn to nationalism has been recorded in some European countries, which consequently affects the political choices of the citizens (Lehne, 2018).

The results of the recent elections in Austria, Italy and Hungary are representative of the impact of the migratory issue on the interior political developments of the Member States. In Hungary, Viktor Orban won the elections for Prime Minister, in April 2018, after expressing a strong position against the current European migration policy and presenting himself as a shield against the threat from migrants coming from Islamic countries (Than & Szakacs, 2018; Turak, 2018). In the same context, in June 2017, the European Commission initiated legal proceedings against the Czech Republic, Hungary and Poland for not implementing Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601, establishing an obligation for the Member States to contribute to the relocation of legally cleared asylum seekers (European Commission, 2017).
c) Contradictory migration policies in Europe

The European Member States policy on the migratory issue, before the flows reached the peak in 2015, had been characterised by great diversions among states according to their prioritisation of social needs and political preferences (Lehne, 2018). Soon it became clear that the extreme conditions under which the phenomenon evolves demanded a drastic change on the European Union (henceforth EU) approach. In September 2015, after having already received thousands of migrants and refugees, Germany initiated border controls, and more EU Member States came after, bringing the need to establish a more efficient and rational method for the management and allocation of refugees and migrants amongst the EU countries on the table (Park, 2015). In this context, recently, the position of the UNCHR on the 'regional disembarkation platforms' (Open letter: To the UNHCS Mr Filippo Grandi, n.d.) concept, has been severely criticised by non-governmental organisations, which consider that the Organisation facilitates an attempt of the European Union to transfer the problem of managing the mixed migration flows back to African countries, instead of complying with its commitments to provide humanitarian help, according to the European and international law (Open letter: To the UNHCS Mr Filippo Grandi, n.d.). The idea of the platforms revolves around driving migrants and refugees from sea, safely ashore, in predefined areas of Mediterranean coastal states, and identifying those eligible for international protection, but the concept has not been fully elaborated yet (European Commission, 2018).

It is a common belief that the European policies on migration and asylum procedures need to be revised. The scope under which decisions should be made is a matter of dispute, since striking a balance between the interests of the countries of reception or transit and the countries in which migrants and refugees try to find shelter is a challenging task (Henley, 2018). A recent example of the severe political disputes raised with regard to the migratory issue, is the denial from the Italian government to accept the disembarkation, at the port of Catania, of the refugees and migrants who were collected from the sea, by the Italian coastguard vessel Dociotti, on August 15, 2018 (Tondo, 2018). The rescued refugees and migrants stayed on board for five days after the vessel arrived at the port, since the Italian government refused to receive them, unless their allocation between EU Member States was not agreed and settled.
Finally, the issue was solved after the Catholic Church and the Albanian and Irish governments agreed to receive a number of them each (Amante, 2018).

d) The weaknesses of the Schengen acquis

Apart from the social and political effects, the dramatic inflow of migrants and refugees in 2015, the most intense which was recorded in Europe, after the second world war, brought to life the pathogens of the Schengen system (Schimmelfennig, 2018) a mechanism which constitutes the first and most complete approach for the common management of the EU’s external borders (Piwowarski & Wawrzusiszyn, 2017).

The effort for the establishment of a mechanism for the common border management, was inaugurated in June 1985, when the “Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders” was signed in Schengen, establishing an area of free movement, discharged from internal border controls (Piwowarski & Wawrzusiszyn, 2017, p.5). In 1990 the “Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders” (Piwowarski & Wawrzusiszyn, 2017, p.5) was signed, giving effect to the Schengen agreement (Piwowarski & Wawrzusiszyn, 2017). The agreement and the Convention, along with relevant laws and agreements constitute the ‘Schengen acquis’. (Schengen, n.d.)

The Schengen acquis was incorporated into European law as a protocol to the Treaty of Amsterdam, (European Commission, 2008) which entered into force in 1999 and since then, the relevant legal framework has been significantly elaborated (European Commission, 2010; Mungianu, 2013). Currently, 22 EU Member States are part of the Schengen area, an internal market without border checks, which totally consists of 26 states (Schengen, n.d.). The Schengen Borders Code, which was established, under Regulation (EU) 2016/399, constitutes the principal legal instrument for the Schengen union. The rationale behind the creation of the Schengen area is that the effective border management contributes to the prevention of serious
crimes, such as illegal migration and terrorism, which threaten the internal security of the EU Member States (Piwowarski & Wawrzusiszyn, 2017).

e) The establishment of a common policy on external border control

In 2009, the Treaty on the Functioning of the European Union (henceforth TFEU) was signed. The TFEU amended the Treaty on European Union and the Treaty establishing the European Community (Piwowarski & Wawrzusiszyn, 2017; Mungianu, 2013) and introduced radical transformations to the EU mechanism (Constant & Zimmermann, 2017). Moving a step forward, article 67 par.1 and 2 of Title V, Chapter 1 of the TFEU, provides for the establishment of an area of freedom, security and justice (Mungianu, 2013) which subsequently, presupposes the reinforcement of the external borders of the EU and the establishment of a common policy on external border control (Mungianu, 2013).

Additionally, the TFEU introduces the concept of integrated border management in articles 77 par.1 (c) and 77 par. 2 (d), according to which, the EU shall adopt a policy for the progressive establishment of an “integrated management system for external borders” (European Commission, 2015, p.5) and the European Parliament and the Council shall adopt any appropriate measure in this direction (European Commission, 2015). The integrated border management reflects the systematic collaboration on border management, of national and international authorities engaged in border control and commerce, for the purpose of establishing an adequate level of security at the external borders (European Commission, n.d.).

This requirement for the establishment of a European common policy for the management of the external borders, entails the alignment of the national laws. Under the existing legal framework, this is achieved by the authority of the EU to establish a common policy in the field of external border control (Mungianu, 2013). In this direction, article 77 par.2(b) and (d) TFEU call for the adoption of necessary measures by the European Parliament and the Council, for the establishment of an integrated policy for border control and surveillance at the external borders (Mungianu, 2013).
f) The interagency cooperation as an aspect of integrated border management

In this framework, the technical collaboration of the competent authorities has been consistently promoted by the EU, as an element of the unified approach on border management (Mungianu, 2013). Already, in 2002, the European Commission in its Communication to the Council and the European Parliament, COM(2002) 233 final, considers operational cooperation as an aspect of common policy on border management, an approach which was reaffirmed by the Justice and Home Affairs Council, in its 2768th session, in December 2006 (Mungianu, 2013). This integrated approach is built upon the understanding of the whole spectrum of authorities, activities and responsibilities involved in the external border management (Commission of the European Communities, 2002).

g) Interagency cooperation amongst Frontex, EMSA and EFCA - Short description of the Agencies

In the maritime field, the most profound scheme of operational cooperation, at European level, is currently enshrined in the interagency cooperation amongst the European Border and Coast Guard Agency (henceforth EBCGA), generally known as Frontex, the European Maritime Safety Agency (henceforth EMSA) and the European Fisheries Control Agency (henceforth EFCA). A short description of the three Agencies follows:

The EBCGA was established by Regulation (EU) 2016/1624 (OJ L 251, 16.9.2016, p. 1) and is seated in Warsaw, Poland (FRONTEX, n.d.a). It succeeded the “European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union”, which had been established by Council Regulation (EC) 2007/2004, maintaining the same legal personality (FRONTEX, n.d.a). Council Regulation (EC) 2007/2004 was amended several times and was finally revoked by Regulation (EU) 2016/1624 (FRONTEX, n.d.a). Frontex is responsible for the management of the external EU borders according to the EU Integrated Border Management. Its mandate includes a wide range of activities, focusing mainly on risk analysis projects, surveillance, information sharing with
national and European authorities, development of search and rescue and joint operations. It also supports Member States to organise return operations for people who are not entitled to stay in the EU, after the Member States have decided accordingly and to combat cross border crime (FRONTEX, n.d.b).

EMSA was established by Regulation (EC) No 1406/2002, which was amended by Regulations (EU) 1644/2003 of 22 July 2003, 724/2004 of 31 March 2004 and 100/2013 (European Maritime Safety Agency [EMSA], n.d.). Recently, its founding Regulation was amended by Regulation (EU) 2016/1625 of 14 September 2016, for the purpose of establishing the legal bases of the collaboration with the Frontex and EFCA, in the framework of the EU Integrated Border Management policy (Piwowarski & Wawrzusiszyn, 2017). It is seated in Lisbon and its role is to assist the Member States in complying with the European legislative framework regarding maritime safety, security and pollution from ships (EMSA, n.d.; Davies, 2013). The Agency serves its mandate by exercising various activities, including the facilitation of Member States and the EU Commission on technical issues, assessment of Port State Control procedures and the performance of classification societies (EMSA, 2017c).

The EFCA is seated in Vigo, Spain (European Fisheries Control Agency [EFCA], n.d.b). It was established by Council Regulation (EC) No 768/2005 which was initially amended by Council Regulation (EC) No 1224/2009, for the purpose of supporting the Member States to implement the Common Fisheries Policy (EFCA, n.d.b). In 2016, it was further amended by Regulation (EU) 2016/1626 serving the need of enhancing interagency cooperation on coast guard functions with EMSA and Frontex (EFCA, n.d.b). The EFCA takes measures towards the establishment of a sustainable approach for the fishing sector and supports the Member States to apply common fisheries control procedures and qualitative standards on the performance of the respective authorities, responsible for conducting checks and inspections (EFCA, n.d.b).
h) Problem statement

In March 2017 a Tripartite Working Arrangement (henceforth TWA) was concluded amongst the three agencies (EFCA, 2017c). The aim of the TWA was to enhance the cooperation amongst them so that they provide assistance to the national coast guards (EFCA, 2017c). Reaching the agreement was not an easy task for the agencies. Their cooperation has developed gradually through the years, under different geopolitical conditions, which determined the legal framework of their common synergies.

The undertaking itself is multidimensional in nature. It pertains to a wide range of common activities which fall into the definition of coast guard functions (EFCA, 2017c). It demands a complex legal, technical and administrative preparation and a flexible structure which can be adapted to the changing operational needs, in the maritime domain. Even more important, regardless of the technical and administrative capabilities of the participating actors, the success of this collaboration will be determined by the actual results of the operation an important part of which is dedicated to the improvement of the security level of the maritime borders.

Furthermore, due to the new-established collaboration, and the challenges on the safety, security and sustainability of the European maritime domain, it is possible that the Agencies will have to identify and overcome legal and technical issues which may prevent the implementation of the agreement and the progress of the interagency cooperation, in general.

i) Purpose of the study

This study will examine the development of the interagency cooperation amongst Frontex, EMSA and EFCA until its current shape. It will identify the basic axes of cooperation as formulated through the Tripartite Working Arrangement, in the framework of the European Integrated Border Management and relevant maritime policies. Finally, it will determine potential advantages, weaknesses and challenges of the interagency cooperation.
2. THE DEVELOPMENT OF THE COOPERATIVE SCHEME

a) The EU Integrated Maritime Policy and Action Plan

Being in charge of managing the European borders, FRONTEX, along with EMSA and EFCA, constitute the three Agencies which have the operational and authoritative capacity to launch Coast Guard activities in the EU maritime domain (European Commission, 2015b). Despite their distinguished responsibilities, the benefits of a potential cooperation amongst the three Agencies had been already examined, under the light of the EU Integrated Maritime Policy, established in 2007 (EMSA, 2017).

The EU IMP (COM(2007) 0575) promotes a comprehensive approach on maritime issues, recognizing the interconnection amongst all challenges related to the sea (Commission of the European Communities, 2007a). It applies to multi-dimensional issues which need to be addressed by different perspectives and sectors or involve multiple stakeholders for their management and has established common sets of action, to be accomplished with the contribution of various parties. In this framework, the Integrated Maritime Policy is an instrument to implement maritime policies, through deliberation and participation of different parties. It sets the basis for achieving enhanced cooperation between different European organisations engaged in the maritime sector.

The EU Integrated Maritime Policy emphasizes the need of establishing national integrated maritime policies, and reinforces the closer cooperation amongst the relevant European Agencies, recognising the character of the challenges in the maritime domain as cross-border and not national.

Furthermore, the Integrated Maritime Policy recognises the significance of effective maritime surveillance for the security and peace of the wider European
territory and considers that establishing a European maritime surveillance system is a means of exercising integrated maritime policy. For this reason, it promotes the development of an integrated surveillance system, supported by “vessel tracking and e-navigation systems for European coastal waters and the high seas, including satellite monitoring and long range identification and tracking (LRIT)” (Commission of the European Communities, 2007a, p. 5).

Moreover, it underlines the fact that surveillance services are provided by various different Agencies separately, according to each one’s mandate. In this direction, the European Commission promotes cooperation amongst those Agencies in a national and European level. Yet, at this point, the European Commission makes no direct reference to a potential cooperation amongst FRONTEX, EMSA and EFCA for the development of an EU Integrated Maritime Policy.

Despite the fact that the EU Commission does not specify any framework of cooperation for the three Agencies in its Communication (COM(2007)0575), such targeted initiatives were determined in the Action Plan (SEC(2007)1278), by which certain priorities were set, divided by sector (Commission of the European Communities, 2007b). The Action Plan analyses the context for the EU integrated maritime policy (Commission of the European Communities, 2007b). In addition, it reinforces the establishment of a surveillance network as one of the variables which guarantee the effective implementation of this policy (Commission of the European Communities, 2007b). In this context, already, one year earlier, FRONTEX, responding to the EU Commission proposal, on the Communication of 30 November 2006, for the creation of a permanent coastal patrol mechanism and a border surveillance system, had established the European Patrols Network, which was activated in the Mediterranean Sea and the Atlantic Ocean (Commission of the European Communities, 2007b, 2008) and has developed in many ways since today.

In the framework of the Action Plan, the development of the European Border Surveillance System (henceforth EUROSUR) was promoted, as an important tool for the interconnection of the existing surveillance and information sharing networks, which will contribute to the combat against cross-border crimes and the successful organisation of search and rescue operations, starting from the Mediterranean and the Black Sea regions (Commission of the European Communities, 2007b). Finally, the
EUROSUR was set under Regulation (EU) No 1052/2013, as a multifunctional system for collaboration in surveillance activities, aiming to provide better maritime picture to the EU Member States and Agencies (Ojamaa, 2018). According to EUROSUR Regulation, National Coordination Centres in all Member States are entrusted with the task to manage and share the information flow amongst the respective authorities, as well as to share information amongst them and with FRONTEX (European Commission, n.d.b). Member states are also obliged to provide information and analysis of the picture of their operational area while FRONTEX proceeds with sharing intelligence information. Moreover, FRONTEX may provide useful data from a set of applications combining satellite and other technologies for the purpose of supporting search and rescue operations or dealing with illegal activities. (European Commission, n.d.b).

Satellite surveillance systems will be also improved, according to the Action Plan, by further developing the Europe’s Global Satellite Navigation System (GNSS)-GALILEO system, which offers multiple applications, used in different fields of activity, such as positioning systems helpful for safety and security reasons (European Global Navigation Satellite Systems Agency, n.d.a, n.d.b). Finally, the creation of the Common Information Sharing Environment (CISE) was promoted, in the framework of the Action Plan, for the reinforcement of maritime surveillance (European Commission, 2014). CISE is a voluntary initiative to reinforce data exchange amongst competent authorities, in an effort to enhance the effectiveness of surveillance activities in the EU (European Commission, 2014b).

This will be achieved through a network of relevant EU actors, working on the enhancement of information flow, by taking advantage of data exchange networks already in use, on issues relating to all the main maritime sectors (European Commission, 2014a). The undertaking is extensively analysed in the EU Commission communication (COM(2014) 0451) on the strengthening of collaboration amongst maritime surveillance stakeholders and the future of CISE, where the synergy amongst FRONTEX, EMSA and EFCA is presented as a good example of sharing joint maritime services.

The abovementioned initiatives are parts of a wider effort of the Commission to achieve synergies in the field of maritime surveillance. In this direction, the Action
Plan explicitly highlights the important contribution of EMSA, FRONTEX, and EFCA to the development of the technical background of the relevant projects.

b) Cooperation agreements of 2009 and 2013

In the following years, the three Agencies collaborated through agreements, such as the cooperation agreement adopted in December 22, 2009, according to which the Agencies should share information, technology and resources and work on common operations. Through the joint activities the Agencies would enhance their operational capacities, and would achieve enhanced level of maritime services in the fields of border surveillance, fisheries control and maritime safety respectively (EMSA, 2009).

In May 2013, another bilateral agreement was signed between EMSA and FRONTEX, which allowed the use of the technical equipment and expertise provided by EMSA, including the EMSA’s Integrated Maritime Data Environment (IMDatE), for the purpose of improving the situational awareness and external border management of the Schengen area by FRONTEX (EMSA, 2013).

In this context, EMSA should create specialised applications for surveillance and data exchange (EMSA, 2013). Those applications would be useful for maritime surveillance, ship monitoring or even in the framework of environmental observations. The abovementioned projects should be applied through common operations and through the EUROSUR platform (EMSA, 2013).

c) Feasibility study on enhanced collaboration amongst EU institutions on coast guard functions

In 2014, a feasibility study was conducted on behalf of the European Commission, exploring potential ways to improve the effectiveness of coast guard authorities in the EU, building on enhanced cooperation and joint activities (Chintoan-Uta & Ramos Silva, 2016). The study was initiated in the context of the European Coast Guard Functions Forum, an unofficial, voluntary platform which facilitates cooperation on maritime matters belonging to the domain of different stakeholders.
Chintoan-Uta & Ramos Silva, 2016). Twenty-five national Coast Guard Authorities from EU and ‘Schengen Associated Countries’, the European Commission and relevant Organisations participate in the platform, which was inaugurated in 2009 (European Coast Guard Functions Training Network, n.d.). The study confirmed the existence of various organisational structures in each Member State providing coast guard functions, through many cooperative schemes in the sectors of maritime safety, surveillance and protection of the marine environment, (Vasquez et al., 2014) something which had already been concluded in EU Commission’s Communication (COM(2007) 0575), regarding the implementation of an EU Integrated Maritime Policy.

The coast guard functions, as described by the European Coast Guard Functions Forum are presented in the following figure:

![Figure 1. The coast guard functions. Reprinted from European Fisheries Control Agency (p.4), September 15, 2018. Retrieved from https://www.efca.europa.eu/sites/default/files/Final%20Report%20EUCG_0.pdf. Copyright 2018 by EFCA.](image-url)
Any activity associated with the aforementioned functions also falls in the definition of coast guard functions (European Coast Guard Functions Training Network, n.d.).

European Union coast guard related policies derive from six different General Directorates and are coordinated by six different EU Agencies, namely EMSA (http://www.emsa.europa.eu/), EFCA (https://www.efca.europa.eu/), FRONTEX (https://frontex.europa.eu/), Europol (https://www.europol.europa.eu/), European Defence Agency (https://www.eda.europa.eu/) and the European Anti-Fraud Office (https://ec.europa.eu/anti-fraud/home_en) (Vasquez et al., 2014, p. 19). This fragmentation of responsibilities amongst distinct bodies constitutes an obstacle to the homogenous implementation of the EU strategies (Vasquez et al., 2014). The existence of various organisations responsible for various aspects of the EU maritime policy is indicative of the complicated system of managing maritime related issues at a national and European level. On the other hand, the cooperation amongst decentralised European Agencies, as it is the example amongst FRONTEX, EMSA and EFCA is considered to be appropriate for the case of coast guard related activities, as it is more flexible to financial and legal arrangements (Vasquez et al., 2014).

From an operational aspect, this division weakens the output and increases the costs of the operations (Vasquez et al., 2014). Due to the nature of the maritime challenges, which do not exclusively affect a distinct region but pertain to whole territories, belonging to more than one European states, cooperative forms of action amongst Coast Guard Authorities contribute to enhanced performance, economic gain and better utilization of resources. Nonetheless, further development of such collaborative schemes is undermined by the existing organisational arrangements in a national or EU level (Vasquez et al., 2014).

Additionally, divergences in the level of operational capacity, as well as the different structure and operational approach followed by each Coast Guard Authority, in combination with various financial obstacles downgrade the level of joint operations (Vasquez et al., 2014). Other variables such as the lack of a unified system
for technical or confidential information exchange also affect the efficiency of the synergies (Vasquez et al., 2014). Communication issues due to language or cultural differences have been reported by various EU Agencies, including FRONTEX, EMSA and EFCA, as obstacles to staff exchanging projects (Vasquez et al., 2014).

For the purpose of overcoming the barriers for closer cooperation amongst coast guard authorities, the study proposes certain measures to be adopted, for better coordinating of the whole spectrum of coast guard functions and the development of targeted activities (Vasquez et al., 2014). More specifically, it proposes the development of a system of direct sharing of technological and operational know-how, the announcement of an official declaration of the core elements and targets on which a cooperative scheme of coast guard authorities should work on, the creation of an electronic network for the improvement of information flow and the determination of certain ways for the instant communication between the authorities whenever necessary (Vasquez et al., 2014).

The sharing of assets is also suggested as a means to reduce operational cost (Vasquez et al., 2014). This synergy may include the identification of best ways to develop such activity, the creation of an electronic record for the operational means which are appropriate for such use, and the co-ownership of such means. In any case, it is supported that Agencies, such as FRONTEX and EMSA, could be actively involved in developing such practices (Vasquez et al., 2014).

Furthermore, the study proposes the organisation of trainings and the creation of relevant academies (Vasquez et al., 2014). Such an undertaking is hindered by the non-existence of appropriate organisations capable to cover the whole aspect of coast guard functions. In this respect, it is suggested that such initiatives run by the current organisations. In this case, FRONTEX, EMSA and EFCA should be able to instruct on their individual mandate.

The aforementioned proposals were classified according to their urgency, within a time frame of five years. (Vasquez et al., 2014)
d) The EU Maritime Security Strategy and Action Plan

In June 2014, the European Council established the European Union Maritime Security Strategy (henceforth EUMSS), which functions as a strategic axis for the EU, in the direction of safeguarding the EU domain from both interior and exterior security threats, keeping in line with the provisions of the EU Integrated Maritime Policy (European Commission, n.d.c). One of the pillars of the Strategy is the strengthening of collaboration amongst the respective partners at a European and international level, for the purpose of achieving an improved level of situational awareness and operational effectiveness at lower cost (European Commission, n.d.c).

In December 2014, the General Affairs Council of the EU adopted an Action Plan for the implementation of the EUMSS, which encapsulates –amongst others- the idea of a broader involvement of EU bodies to common actions related to maritime issues and includes a set of measures to be taken for each one of the related fields of activity (Council of the European Union, 2014). The Action Plan shall reinforce the cooperation amongst the relevant national and EU stakeholders and encourage the establishment of a regime of comprehensive maritime awareness, which will allow for instant mobilisation, in case of any security threat. For the purpose of achieving an integrated system for maritime awareness, the Agencies involved in this particular field, including FRONTEX, EMSA and EFCA are encouraged to work closer and intensify their assistance towards the Member States.

Moreover, the Action Plan indicates the necessity for progress to be achieved in establishing the CISE, an important asset in the direction of improving the security status of the EU region. Furthermore, directions are given to Member States to identify the various existing programmes and stakeholders which are involved in maritime surveillance and information exchange and work for further enhancing their participation in common activities.

The Action plan promotes the use of EUROSUR as a useful tool which may improve the communication and networking amongst the relevant authorities and contribute to the tackling of all kinds of international crime and search and rescue operations. It emphasizes the importance of achieving the highest degree of active involvement of FRONTEX, EMSA, EFCA and other Agencies related to maritime security in the European projects concerning maritime surveillance and any related
programme, such as the Earth Observation programme (Copernicus), GALILEO / EGNOS (European Geostationary Navigation Overlay Service) and asks for enhanced information exchange network amongst the relevant Agencies and the establishment of risk analysis projects, with an ultimate goal to achieve the multifunctional joint operations.

e) European agenda on migration and borders’ package

In May 2015, the European Agenda on Migration, which was set down by the European Commission, stressed the necessity of a systematic response to the migratory crisis and announced a set of initiatives in this direction (European Commission, 2015c). Those measures include, inter alia, the provision of additional budget for FRONTEX missions and for the Member States at the borders which experience difficulties in hosting the refuges and migrants who arrive at their external borders, when they reach Europe for the first time (European Commission, n.d.d). Already, under the light of the terrorist attacks in Paris and the increasing danger by the activation of terrorist networks in Europe, the European Commission had increased its engagement in taking action towards the reinforcement of security measures in EU, in line with the European Security Agenda (European Commission, 2015d).

In this framework, in December 2015, a borders package was announced by the European Commission, consisting of specific initiatives for improving the EU response to the migratory phenomenon and reinforcing the EU external borders, such as an amendment to the Schengen Borders Code (European Commission, 2015c, 2015e).

As a result of the 2014 feasibility study, which had stressed the fragmentation of coast guard functions amongst several national and European institutions and the significant contribution of FRONTEX, EMSA and EFCA in the implementation of coastguard activities within the EU, substantial changes were promoted, regarding the legislative framework regulating the operation of the three Agencies (European Commission, 2015f). More specifically, a proposal for creating a European Border and Coast Guard was adopted by the European Commission, for the effective
management of the external borders of the Schengen area (European Borders and Coast Guard Agency [EBCGA], n.d.).

At the same time, the European Commission proposed the amendment of the founding Regulations of EFCA and EMSA, so that a provision on interagency cooperation, between them and FRONTEX is included and the three Regulations are aligned in this direction (European Commission, 2015b, 2015f). In this way, the legal framework for interagency cooperation amongst the three Agencies was set down.

f) **Adoption of the Regulation on the European Border and Coast Guard**


The Regulation (EU) 2016/1624 establishes a shared responsibility between the Agency and member states for the management of the external borders of the EU (article 5) (Council of the European Union, 2018). The concept of shared responsibility is also imprinted in article 3 of the Regulation, where it is stated that: “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” (European Commission, n.d.e; EUR-Lex, 2016, p. 11).

Nonetheless, according to article 5 par.1 the member states are principally in charge for the security their borders (Council of the European Union, 2018). In fact, the role of the European Border and Coast Guard Agency is to assist in the
implementation of the European strategy by coordinating, evaluating and supporting border management by Member States (Council of the European Union, 2018). The idea of a shared responsibility for managing the borders had already been introduced in the 2015 European Agenda on Migration, in an attempt to achieve convergence with the provision of article 77 of the Treaty on the Functioning of the European Union, on the application of an integrated management system for external borders (Kwiatkowski, 2017).

Founded on the Treaty on the Functioning of the European Union, integrated border management is for the first time included in a legal text in article 4 of the Regulation (EU) 2016/1624 (European Commission, 2017b).

Frontex constitutes a key tool in the implementation of integrated border management (Council of the European Union, 2018b), since it serves as the operational branch for the implementation of all its elements, as referred in article 4 of the Regulation (EU) 2016/1624 (see figure 6), by coordinating the available European and national resources.

In line with the concept of integrated border management, Article 52 of the Regulation (EU) 2016/1624 establishes the general framework of collaboration between the Agency and other international and European bodies, including EMSA and EFCA. Cooperation between Frontex and EMSA, EFCA on coast guard functions, becomes part of the tasks of the agency, as illustrated in article 8 point (t), and is specified in article 53 of the Regulation (EU) No 2016/1624. More specifically, article 53 par. 1 provides for the three Agencies to assist the member states in:

“(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;

(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” (EUR-Lex, 2016, p. 43).

Apart from the interagency cooperation on coast guard functions, the European Border and Coast Guard Agency is given wider operational capacities than its predecessor, which entail the active contribution in return operations, by implementing administrative decisions of expulsion for third-country nationals taken by the member states (articles 27-33 Regulation (EU) 2016/1624), the assistance to the member states in migration management (article 18?), search and rescue operations (articles 8-f, 14-e) and the combat against cross-border crime (articles 8-m, 15) (European Border and Coast Guard Agency, n.d.).
Due to the fundamental changes in its mandate and operational capacities, additional stuff was hired at the agency and more is going to be employed in the upcoming years, while the budget of Frontex was also increased to more than 300 million euros in 2017 (Federal Ministry of the Interior, Building and Community, n.d.).

Moreover, a technical and human resources “rapid reserve pool” was created and is available for the operational planning of the Agency (Council of the European Union, 2018a, p. 12; Federal Ministry of the Interior, Building and Community, n.d.).

g) The amendments of the founding Regulations of EFCA and EMSA

The Council REGULATION (EU) 2016/1626 was adopted in 14 September 2016, amending Council Regulation (EC) No 768/2005, which had been the founding Regulation of EFCA (European Fisheries Control Agency, n.d.a). Regulation (EU) 2016/1626 changes the name of the agency from “Community Fisheries Control Agency” to “European Fisheries Control Agency”. Moreover, according to the new article 3 point (j) of the Council Regulation (EC) No 768/2005, as amended, the duties of the agency are extended, including the collaboration with Frontex and EMSA in assisting member states to operate coastguard functions (European Fisheries Control Agency, n.d.a).

The areas of joint action between EFCA and Frontex/ EMSA are indicated in Article 7a of the amended Regulation (EC) No 768/2005 (as cited in EFCA, 2017g). Similarly, in the case of EMSA, article 2b is added to its founding Regulation (EC) No 1406/2002, as amended by Regulation (EU) 2016/1625, and provides for enhanced cooperation with Frontex and EFCA on coastguard functions (as cited in EMSA, n.d.a.).

Articles 53 of Regulation No 2016/1624 on a European Border and Coast Guard, 7a of Regulation No 768/2005 establishing a Community Fisheries Control Agency, as amended and 2b of Regulation No 1406/2002 establishing a European Maritime Safety Agency, as amended, are identical, and incorporate the common areas of cooperation on coast guard functions amongst the Agencies, under the title
“European cooperation on coast guard functions” (European Fisheries Control Agency, 2017c).

It is clear that the changes in the founding regulations of the EFCA and EMSA were necessary for the harmonisation of the mandates of the two agencies with the newly established Regulation on the European Border and Coast Guard, in the frame of their enhanced cooperation. The new regime which was inaugurated by these initiatives, offers a concrete legislative context, upon which the agencies can operate jointly, sign agreements and develop new projects (Piwowarski & Wawrzusiszyn, 2017).
3. PILOT PROJECT ON THE ESTABLISHMENT OF A EUROPEAN COAST GUARD FUNCTION

With a view to examine the effects of the significant legislative modifications, regarding the founding Regulations of the three Agencies, and the interaction between the Agencies and the Member States, under the newly-established framework of cooperation, the European Parliament conducted an 18-month pilot project named ‘Creation of a European Coast Guard Function’, which started in January 2016 (EMSA, 2017a; EFCA, 2017a). The programme was targeted to test the functionality of cooperative activities amongst the Agencies in the fields of information exchange, surveillance, capacity building and capacity sharing in multifunctional operations (EFCA, 2017a).

a) Information exchange

In the field of information exchange, the Agencies, under the coordination of EMSA, which possesses an advanced technological status, attempted to specify the whole range of surveillance systems they share, and build up on increasing and enhancing the commonly accessible services (Bal, 2017a). More specifically, the services, which were examined, were the EFCA Integrated Maritime Service for Fisheries Monitoring and Control of EU Regulated and/or Related Activities (henceforth EFCA IMS), and the services contributed to FRONTEX for the operation of EUROSUR Fusion Services (henceforth EFS), all of them supported by EMSA on the basis of Service Level Agreements, which have already been adopted between the Agencies (EMSA, 2017a).

EFCA IMS is a multitasking tool providing a wide range of capabilities, such as actual time data from the operational field, interconnectivity of information from
different data bases (T-AIS, SAT-AIS, LRIT, VDS and VMS), as well as an application for assessing behavioural characteristics of a ship according to Automated Behaviour Monitoring algorithms (ABMs), helpful in detecting unlawful activities at sea, such as vessels involved in illegal, unreported and unregulated (henceforth IUU) fishing (EMSA, 2017a).

In September 2016, an Earth Observation component was added to EFCA applications, by EMSA, provided by the Copernicus Maritime Surveillance services (Bal, 2017a). Copernicus is a “European Union Programme aimed at developing European information services based on satellite Earth Observation (EO) and in-situ (non-space) data” (EMSA, 2017b, p. 6) which provides a wide range of maritime surveillance services (EMSA, 2017b). In 2017, these services could cover even more fields, including fisheries control and maritime safety and security (EMSA, 2017c). Some additional applications, including activity detection are also provided (EMSA, 2017b). Copernicus facilitates the identification of vessels, even small sized, or with inactivated identification system, and the identification of any potential illegal activity, related to IUU fishing (EMSA, 2017a) It also contributes to the association of information already provided by other systems with advanced satellite surveillance data (EMSA, 2017a). EMSA is in charge for the administration of the Copernicus Maritime Surveillance service, in the EU, since 2020 (EMSA, 2017b).

The five services provided to FRONTEX by EMSA, namely the Vessel Detection Service, the Anomaly Detection Service, the Activity Detection Service and the Vessel Reporting Service, were also assessed during the pilot project (Bal, 2017a). The services were already agreed in the framework of a Service Level Agreement, and have been fully functional since then. (EMSA, 2017a) During the pilot project, the aforementioned functionalities were performed and assessed in the context of collaborative activities, for the purpose of improving the dissemination of information and identifying potential weaknesses of the services provided (EMSA, 2017a).
Due to the trials in real conditions, during the project, the services provided to EFCA and FRONTEX by EMSA were improved and the results from applying the services in joint operations were very encouraging. The Copernicus Maritime Surveillance system was considered to be very helpful for the purposes of FRONTEX and EFCA. (EMSA, 2017a) Similarly, data from the Vessel Monitoring System (henceforth VMS), a system which allows the satellite broadcasting of the location of fishing vessels, was used for improving the EFS and the Enhanced SAR SURPIC (Search and Rescue Surface Picture) administered by FRONTEX and EMSA respectively.
b) Surveillance and communication

In line with the European Commission’s Border Package proposal of December 15, 2015, for the creation of a European Border and Coast Guard, capable to conduct joint surveillance activities, the Agencies worked in the direction of improving the surveillance methods and communication channels, used in common operations by organising trials for the Remotely Piloted Aircraft Systems (henceforth RPAS) and the fixed wing aircrafts (henceforth FWA) operated by EMSA and FRONTEX respectively (European Commission, 2015c; Bal, 2017b).

In the case of the RPAS, the aim of the activity was the simulation of various real case scenarios under which the capabilities of the system and potential administrative burdens and control and command procedures are assessed (Bal, 2017b). The demonstration was launched in May 2017, in Huelva, Spain, it lasted one week, and included the development of various versions of five multitasking exercises, while EFCA and FRONTEX participated in particular parts of the exercise (Bal, 2017b). Real time image from the flight was transmitted, by special equipment on the aircrafts (EMSA, 2017a).

On the other hand, FRONTEX has concluded a framework contract with private stakeholders, for using fixed wing aircrafts (FWA), in its operations, since 2015 and has conducted approximately 2500 flight hours, providing surveillance services (EMSA, 2017a). In 2016, in the context of the pilot project, three specific contracts for Multipurpose Aerial Surveillance (henceforth MAS) were concluded, and the services were provided in joint operations coordinated by FRONTEX (EMSA, 2017a). In 2017, one contract for multifunctional flights was concluded by FRONTEX and performed in Joint Operation Poseidon, with the participation of an EFCA liaison officer in some of the missions (EMSA, 2017a). In March 2017, MAS services based on the Framework contract were performed in the central Mediterranean Sea, supported by the European Monitoring Team, based in FRONTEX, which consisted of officers from various services, deciding on the operational details and activating the proper mechanisms according to the data collected during the flights. Live video from the operations was transmitted to coordination centres in Warsaw, Vigo, and Rome. The Member State hosting the operation, and the three Agencies, were able to acquire the information gathered during the flight electronically, while multiple EFS were applied during the flight (EMSA, 2017a).

The participants in the RPAS trials were benefited by the operations under real conditions, got familiar with the technical and operational characteristics of the system and acquired valuable information for further analysis (EMSA, 2017a). Some of the characteristics, which constitute comparative advantages of RPAS, are of great importance for joint operations, such as the fact that they fly unmanned, they are capable to cover wide areas and function during the night (EMSA, 2017a). Similarly, under the FWA operations, a number of illegal activities were tracked and handled successfully, including illegal migration and IUU fishing (EMSA, 2017a). The Member States where the operations took place, namely Spain, Italy and Greece were satisfied with the performance of the aerial surveillance means (EMSA, 2017a).

c) Capacity building

The pilot project targeted in adopting guidelines and recommendations for the improvement of the interagency cooperation (EFCA, 2017b). The participating
Agencies worked towards the creation of an outline of Guidelines, which, mainly, consisted of, operational, technical information and best practises (EFCA, 2017c). Three meetings were held on the matter and after deliberation amongst the Agencies, the outline was finally adopted in April 2017 (EFCA, 2017b).

![Outline of Guidelines](https://www.efca.europa.eu/sites/default/files/Final%20Report%20EUCG_0.pdf)

**Figure 5.** The outline of Guidelines on interagency cooperation. Reprinted from *European Fisheries Control Agency* (p.19), September 15, 2018. Retrieved from https://www.efca.europa.eu/sites/default/files/Final%20Report%20EUCG_0.pdf. Copyright 2018 by EFCA.

By the time the Guidelines will be elaborated, they will entail the legal and operational framework of the cooperation, as well as information on various other related issues, such as trainings (EMSA, 2017a).

Moreover, the employment of staff exchange and common training programmes covering a wide range of subjects related to the mandates of the Agencies was examined during the pilot project (EFCA, 2017b). In April 2016,
during a workshop with the participation of the European Coast Guard Functions Forum, four working groups examined potential aspects of capacity building (EMSA, 2017a). Additionally, EMSA hosted two seminars for EFCA, on the operation of Integrated Maritime Services (henceforth IMS) while EFCA gave access to its e-lessons service to the personnel of FRONTEX and EMSA (EMSA, 2017a).

d) Capacity sharing

Interagency cooperation was further developed during the pilot project, through the preparation and execution of multipurpose activities, integrated in the context of on-going operations in the Mediterranean Sea (Joint Operations Poseidon, Triton and Indalo). The activities were coordinated by the 'Joint Maritime Interagency Team’ consisting of personnel of FRONTEX and EFCA and coast guard officers from the Member States (Lukas & Ansell, 2017).

Standard Operational Procedures (henceforth SOPs) were established in common by the Agencies and Member States, containing specific rules under which the operational collaboration should be developed (Lukas & Ansell, 2017). Last year, after having been further developed and become more concrete, the Standard Operational Procedures were distributed to the Member States, to be applied in the framework of multipurpose operations (EMSA, 2017a).

Key element of the activities which took place during the pilot project was intelligence and information sharing, on potential pollution, unlawful acts or fishing activities, which were captured during multipurpose operations (EMSA, 2017a). For this reason, the SOPs included a sighting report template which would be completed and sent to EFCA and FRONTEX during aerial and maritime surveillance (EMSA, 2017a). The first five months of 2017, 870 sighting reports were transmitted to EFCA by assets deployed by FRONTEX (EMSA, 2017a).

During the activities, staff from EFCA was sometimes deployed with FRONTEX on board operational means and coordination centres and FRONTEX officials were deployed in the EFCA’s operational centre, to assist to the 'Bluefin tuna (BFT) fishing campaign’. (EMSA, 2017a). Totally, EFCA staff was deployed in 5 maritime and 8 aerial FRONTEX missions, in 2016. (EMSA, 2017a). During the
maritime missions, fisheries controls were conducted, while search and rescue operations also took place (EMSA, 2017a). For the proper participation of the assets to multipurpose operations 17 operational briefings took place, where FRONTEX officials were informed about the legal and operational framework of EFCA activities in the Mediterranean Sea, where the operations were focused (EMSA, 2017a). An effort was made for electronic transmission of the reports on the incidents, so that a better exploitation of the information is achieved (EMSA, 2017a). During the pilot project, numerous incidents of IUU fishing or cross border crime were detected and communicated accordingly (EMSA, 2017a).

In May 2017, after Bulgaria and Romania had express their interest in conducting joint operations and inspections on turbot fisheries, a multipurpose operation took place in the Black Sea, with the participation of Romanian and Bulgarian border guards and fisheries control officers and the contribution of aerial and maritime operational means (Council of the European Union, 2018, p. 17; EFCA, 2017c, p. 52). In the framework of the activity, border and fisheries control took place, along with seminars for the officers of the national authorities. The exercise was repeated in October 2017, after the conclusion of the pilot project.

Meetings on interagency cooperation were also held amongst the Agencies and Member States during the EPN General Meeting in May 2016, and during the 1st European Coast Guard Cooperation Network meeting in November 2016 (EMSA, 2017a).

The knowledge gained by the pilot project confirmed the fact that, often, the Agencies have to focus on different incidents which take place in one specific geographical sector (EMSA, 2017a). Consequently, joint patrols are proven to be an effective and cost efficient mechanism for assisting interagency cooperation (EMSA, 2017a). Furthermore, during the pilot project a very satisfying level of communication was achieved amongst the participating Agencies and Member States (EMSA, 2017a). The high level of operational cooperation enhanced the information flow and contributed to the determination of clearly defined roles amongst the actors in the operational environment (EMSA, 2017a).

In June 2, 2017 a workshop was held at EMSA’s headquarters in Lisbon, dedicated to the assessment of the Pilot Project, which was coming to an end, eighteen months after its inauguration (EMSA, 2017a). An overview of the tasks and results achieved during the Programme was presented to an audience, which included representatives of the Agencies, European Organisations and the European Coast Guard Functions Forum (ECGFF) (EMSA, 2017a). The pilot project, which provided clear evidence that the interagency cooperation on coast guard functions is beneficial for all the participating parties, was assessed very positively, during the workshop (EMSA, 2017a).
4. THE CURRENT STATUS OF INTERAGENCY COOPERATION

The pilot project contributed to the reinforcement of the interagency cooperation, which has been further enhanced, through various initiatives since then.

a) Service Level Agreements amongst the Agencies

In agreement with article 18 of the Regulation (EU) 1052/2013 on EUROSUR, which provides for information exchange amongst EU bodies, FRONTEX signed Service Level Agreements with EMSA and EFCA, on the grounds of “the common application of surveillance tools” (EUR-Lex, 2013, p. 21). More specifically, in April 2016, while the synergies in the framework of the pilot programme were developing, EMSA and FRONTEX intensified their cooperation by signing another Service Level Agreement, for a period of three years, for the supply of surveillance services to FRONTEX (Statewatch News Online, 2016), including the Vessel Detection and the Vessel Reporting Service (Council of the European Union, 2018d). Similarly, in January 2016, FRONTEX signed a Service Level Agreement, which is subject to automatic renewal every year, for the provision of VMS service by EFCA (Council of the European Union, 2018d).

b) The Tripartite Working Arrangement

Nonetheless, the most updated and comprehensive agreement, which has been adopted so far by the three Agencies, in the direction of applying joint coast guard functions, is the Tripartite Working Arrangement (henceforth TWA) which was launched in 17 March 2017, with a duration of four years (EFCA, 2018a). The TWA aims to establish the framework of cooperation amongst the Agencies and, at the same time, between the Agencies and the EU Member States, in the implementation of
coast guard functions, by launching multifunctional operations, exchanging data and developing technical applications, as well as organising training programmes and risk analysis projects (EFCA, 2017c).

According to the TWA, five fields have been acknowledged as the main areas for the establishment of the cooperation (EFCA, 2017c). More specifically, common actions shall be undertaken in the fields of information sharing, surveillance and communication with the use of advanced operational means, capacity building, risk analysis and capacity sharing in the form of multifunctional operations or common use of operational means, as illustrated in figure 6 (EFCA, 2017c).

Figure 7. 5 main areas of interagency cooperation. Reprinted from European Fisheries Control Agency, September 15, 2018 Retrieved from https://slideplayer.com/slide/12679196/. Copyright 2017 by EFCA.
The aforementioned areas of cooperation are the same with the ones included in the founding Regulations of the three Agencies, under the common title ‘European cooperation on coast guard functions’, as described in chapter 2 of this paper. Moreover, in the respective articles, 53 par.2 of Regulation No 2016/1624 on a European Border and Coast Guard, 7a par.2 of Regulation 768/2005 establishing EFCA and 2b par. 2 of Regulation No 1406/2002 establishing EMSA, the future adoption of a working arrangement which would establish the framework of the cooperation is announced. Thus, the amendment of the founding Regulations of the Agencies was a decisive step for signing the TWA.

Under the TWA, approximately 300 national authorities entrusted with coast guard functions will be assisted in executing their duties in the fields of maritime safety and security, border control, search and rescue operations, surveillance of fishing activities, customs control, protection from marine pollution and combat of illegal activities (FRONTEX, 2017a).

For the year 2018, a strategic plan was issued, determining the priorities of the cooperative scheme according to the targets set in the TWA (EFCA, 2018a). The strategic plan was incorporated in the Programming Documents of the Agencies and is going to be used as a reference for the final report on the performance of the Agencies for the year 2018 (EFCA, 2018a). In a tactical level, those priorities include the organisation of an annual meeting for the assessment of the progress on the cooperation on the European coast guard functions, the determination of new opportunities for common undertakings and the improvement of the communication network amongst the Agencies, in the framework of their enhanced collaboration (EFCA, 2018a).

In respect to the five areas of cooperation, as described in the TWA, the strategic plan determined a set of projects to be accomplished (EFCA, 2018a).

Some of the most profound are:

-the advancement of the Vessel Detection System and the development of applications which will allow the accurate mapping of the location of the operational means and the integration of data received by the RPAS in the tracking systems
- the support to the European Commission in issuing the Practical Handbook of European Cooperation on Coast Guard Functions,

- the preparation of common training projects for personnel from the three Agencies,

- the establishment of fields of common interest on coast guard functions with authorities of third countries and the conduct of trainings,

- the development of a risk analysis project to serve the joint activities in the Mediterranean Sea region and the adoption of risk analysis models which are appropriate in joint operational schemes,

- the elaboration on potential legal problems of the existing framework of the cooperation on coast guard functions is also included in the Agenda for 2018 (EFCA, 2018a).

Regarding the administration of the cooperation, the TWA indicates a Steering Committee, as the highest authority, with the participation of the Executive Directors of the three Agencies, administrated by each one of them for a year, and the creation of technical subcommittees to support the implementation of its mandate (EFCA, 2017d). The Steering Committee had its first meeting in June 22, 2017 (EFCA, 2017d). In this first meeting the Steering Committee decided, inter alia, the establishment of three technical subcommittees (EFCA, 2018a). The activities of the Agencies in a national level will be coordinated by regional Steering groups (EFCA, 2017c).

c) Additional initiatives in support of the interagency cooperation

The TWA has been one only aspect of the systematic effort of the Agencies to achieve synergies, in the framework of the current EU integrated maritime policy. Since the founding Regulations of the Agencies aligned, the Agencies continued to explore different ways to cooperate.
i. Organisational changes

In this framework, in June 2017, under the light of the new European Border and Coast Guard Regulation which multiplied its tasks, FRONTEX modified its organisational structure (FRONTEX, 2017b). More specifically, according to article 62 par. 2 point (o) of the Regulation on the European Border and Coast Guard, the Management Board decided the transformation of the International and European Cooperation Unit to a distinct Division (FRONTEX, 2017b) while, by Management Board Decision 4/2018, the Executive Director will report on the progress of the transition, in February 2019 (FRONTEX, 2018). EFCA had already changed its organisational structure, in 2016, in order to apply its new mandate more effectively (EFCA, 2017e).

ii. Trainings and meetings

Moreover, according to the Annual Report of FRONTEX for 2017, a set of actions were taken by the Agency, in the field of training (Wärnhjelm, 2017). More specifically, article 36 of the Regulation on the European Border and Coast Guard, establishes an obligation for the Agency to organise trainings for the staff and participants in the operations (Wärnhjelm, 2017). Under the expanded mandate of the Agency, the trainings should now cover more subjects, such as the Integrated Border Management and Coast Guard Functions (Wärnhjelm, 2017). The Training Unit corresponded to the increased training needs and organised various courses focusing, for example, on the tasks of the European Border and Coast Guard Teams, risk analysis, fundamental rights, and other topics related to border control for border guard officers and national trainers (Council of the European Union, 2018a, p. 14). Currently specialised trainings for coast guard functions officers are also delivered by the Agency (FRONTEX, 2018b).

Focusing on common fields of interest, in May 2018, EMSA organised a training on fishing safety and fisheries inspection, in Lisbon, in an effort to enhance cross-sectoral cooperation on fishing checks (EMSA, 2018). Additionally, in April 2018, the three Agencies presented the first European Annual Coast Guard event, in La Toja, Spain, which was attended by representatives of the Member States and the EU Commission and was dedicated to analysing the existing level of cooperation and potential future synergies on coast guard functions (EFCA, 2018b).
iii. Multipurpose operations and surveillance activities

In 2017, a close cooperation was established amongst the Agencies for the development of multipurpose operations in the Mediterranean Sea. In this framework, the deployment and implementation schedules for the operations coordinated by FRONTEX and EFCA were communicated between the Agencies (EFCA, 2017d). Moreover, representatives of both Agencies took part in each other’s meetings for the planning of the respective operations (EFCA, 2017d). The same year, EFCA launched a Service Level Agreement for participating in patrols conducted by aerial and maritime assets deployed by FRONTEX and EFCA’s Service Level Agreement with EMSA was modified in order to allow “vessel and RPAS based services” to be used for EFCA activities (EFCA, 2017d, p. 54).

The multifunctional activities and exercises, which were launched by the three Agencies, in the Black Sea, in May 2017 and have been described in chapter 3 of this paper, are an indicative example of interoperability amongst the Agencies. Another exercise, under the name COASTEX 17, took place in Troia peninsula in the Atlantic, in May 2017, with the participation of the three Agencies and Member States, initiated by the European Coast Guard Functions Forum, chaired by Portugal (Council of the European Union, 2018a). The exercise comprised 12 real case scenarios, unfolding all coast guard functions with many coast guard and Agent units involved. More than 10 vessels and four aerial assets from Italy, Portugal and Spain took part, along with one vessel chartered by EMSA (Council of the European Union, 2018a). The exercise involved 750 participants, and was monitored by observers by several Member States (Council of the European Union, 2018a). A local Joint Situation Centre was set up by FRONTEX, supporting the EUROSUR system for the needs of the exercise (Council of the European Union, 2018a). During the exercise several weaknesses of the cooperative scheme were discovered providing useful feedback to the participants (Council of the European Union, 2018a). In the framework of the exercise, EFCA provided an instructor, to inform the officers in charge about the fisheries control procedure (EFCA, 2017d). Operational capabilities were explored and other aspects of joint activities, such as the command and control chain were also evaluated in real conditions (Council of the European Union, 2018a).
Aerial surveillance is an area of special interest for the three Agencies. FRONTEX Aerial Surveillance Services (henceforth FASS), which can support multifunctional operations, were reinforced with the extension of the relevant framework contract for two more years, an investment estimated to the amount of 7.89 million euros (Council of the European Union, 2018a). Additionally, FRONTEX and EFCA have initiated interinstitutional procurement proceedings for concluding a framework contract for the provision of aerial surveillance services, which will replace the existing FASS, in the future (L. Muschel, personal communication, April 26, 2018).

Moreover, RPAS services are already provided by EMSA, for the facilitation of FRONTEX and EFCA operations, and the services will also be available in 2019. In March 2018, the first period of the use of RPAS was completed, after approximately 200 flight hours in Portugal and more missions are currently arranged (L. Muschel, personal communication, April 26, 2018).

In the context of interagency cooperation, EFCA and FRONTEX conducted MAS missions, in the Central Mediterranean, resulting in very important observations for both Agencies (EFCA, 2017d). The advantage of MAS is that it is able to provide actual time picture from areas not systematically covered by other surveillance means (Council of the European Union, 2018a). The undertaking is additionally supported by a European Monitoring Team which gathers and disseminates information from the aerial means to the competent authorities, for further action to be taken (Council of the European Union, 2018a). During the previous year, the new service was integrated in the EFS and contributed to lots of search and rescue and cross-border crime cases (Council of the European Union, 2018a), playing a vital role in the rescue of approximately 2000 people, (FRONTEX, n.d.d). For this reason, it was decided that the operation will be reinforced in 2018 (Council of the European Union, 2018c).

During the flights, real time data was transmitted to FRONTEX and EFCA, as well as the interested Member States. Another significant advantage of MAS is the capacity to apply different coast guard functions. As an example, in June 2017, two vessels were detected by a patrolling asset, in the Mediterranean Sea, and after using information already existing in the EFS, an operation was launched, which led to the
detection of highly valued contraband tobacco (Council of the European Union, 2018a).

FRONTEX offered considerable assistance to EMSA and EFCA, during surveillance activities (Council of the European Union, 2018a). More specifically, in 2017, FRONTEX reported 17 marine pollution incidents and more than 1000 cases of potential IUU fishing, in the form of sighting reports, to the Agencies and the competent Member States, in the framework of the pilot project and after its termination (Council of the European Union, 2018a, p. 17; EFCA, 2017d).

iv. The contribution of enhanced surveillance systems

The EUROSUR, which has already been referred to, in chapter 2 of this paper, contributed a lot in the direction of information sharing amongst the Agencies and the planning and execution of search and rescue cases (Council of the European Union, 2018c). From 2011 to 2017, approximately 185000 incidents have been inserted to the system, through the EUROSUR network application (Council of the European Union, 2018a). A wide range of Services, such as the Vessel Detection Service, Vessel Monitoring and Tracking Service, Anomaly Detection Service most of which had been tested during the pilot project are incorporated into the EFS (Council of the European Union, 2018c). The EFS has also integrated an Earth observation component (Council of the European Union, 2018c). Authorities engaged with policing duties are entitled to access the system, upon request (Council of the European Union, 2018c).

EMSA is specialised in providing technological expertise and EMSA’s IMS facilitate the exercise of a wide range of coast guard functions, such as search and rescue and anti-pollution operations. EMSA is planning to enhance the use of its IMS, by adding more advanced tools and offering specialised training and support to the users. For example, RPAS services, which are offered to FRONTEX and EFCA for the facilitation of coast guard functions, are going to be integrated in EMSA’s IMS (EMSA, n.d.b). The abovementioned services along with the Copernicus Maritime Surveillance system and EFCA’s IMS (see chapter 3) contribute a lot to the surveillance capacities and information sharing amongst the Agencies.
5. STRENGTHS AND CHALLENGES FOR THE INTERAGENCY COOPERATION

Many initiatives were decided in the framework of interagency cooperation and national authorities have received multiple benefits, from the time the synergies amongst the Agencies were applied. Nonetheless, since the cooperation is taking shape gradually, technical, administrative and legal issues emerge and need to be confronted. Some of the strengths and challenges, related to basic aspects of interagency cooperation, are presented below.

a) Legal and administrative aspects

The development of a solid legislative and administrative framework for the regulation of the interagency cooperation is a precondition for intensifying common activities.

At organisational level, the three Agencies are subordinated by different Commission Departments. More specifically, EFCA, EMSA and FRONTEX are attached to the Directorates-General for Maritime Affairs and Fisheries, Mobility and Transport and Migration and Home Affairs respectively (European Commission, n.d.f, n.d.g, n.d.h). It is a fact that in the strategic plans of the three departments for the years 2016-2020, common references are made to the importance of cross-sectoral cooperation amongst EU stakeholders, for the upgrading of the EU security standards (European Commission, 2016 a,b,c). However, such plans are of medium-term application (4-year horizon), therefore criticising their outcome will require monitoring and reviewing any results in the years during and after their implementation.
In this perspective, it should be noticed that the priorities of the aforementioned EU Directorates start from a different perspective and focus on different areas of interest, despite the fact that they are all included in the EU Commission’s Agenda. Therefore, it remains to be seen whether and how any political deviations, within those Directorates as well as due to the dynamic changes along the Member States (Brexit, changes in national government syntheses, etc.) which are also reflected in the European Parliament, or any bureaucratic processes and obstacles, will have an impact on the outcome of the synergies among Frontex, EMSA and EFCA, within the context of the European Commission mechanism.

In an operational level, the responsibilities, rights and obligations of the participants in the operations, are clearly stated in the operational plans, issued by the Agencies (FRONTEX, n.d.c; EFCA, n.d.c), while issues related to liability of the servants are regulated in the Agencies’ founding Regulations. For officials participating in operations coordinated by EBCGA, article 40 of its founding Regulation sets certain rights and obligations to be exercised on duty. Nonetheless, criminal and administrative investigation for any potential violation detected in national or international waters is not part of the duties of officials deployed in operations, since such responsibility is not provided by the founding Regulation of the Agencies and the initiation of any criminal or administrative proceedings is decided by the national authorities. In this respect, the presence of national liaison officers on board assets coordinated by the Agencies and the close cooperation with local authorities, in operations in the EU territorial waters, is very important.

Additionally, during the activities performed so far, by the three Agencies, some legislative gaps were identified, while the enhancement of cooperation created additional needs for legislative intervention. For example, in the context of the pilot project, the systematic distribution of the information to the parties involved in joint operations, generated some initiatives in the direction of establishing a Data Sharing Policy, for the management of data gathered by the competent authorities and European Organisations, which is currently under process (Kwiatkowski, 2017).
b) Information sharing and analysing services

A satisfying level of data exchange has been established amongst the Agencies, which was also reaffirmed during the pilot project. Between FRONTEX and EMSA, information flow is secured by FRONTEX staff, employed in EMSA headquarters, making sure that the data exchange network based on Service Level Agreements between the Agencies is functional (Kwiatkowski, 2017). The establishment of Common Operational Procedures, through which every-day stages of the cooperation between the Agencies (Kwiatkowski, 2017) have been standardised also indicates that data exchange between the Agencies is continuous and well-settled.

EUROSUR, EFCA IMS and EMSA IMS are platforms for information sharing which constitute valuable tools for national and European organisations. They provide highly advanced applications and correspond to standards, sometimes tailored to the needs of the Agencies. The increase in the number of users who take advantage of the aforementioned services, with most characteristic the example of Europol, which follows the ‘Tracking Vessels of Interest’ Service of EUROSUR reflects their significant technological capabilities (Council of the European Union, 2018c). In the 2018 EUMSS Action Plan, a number of initiatives, such as actions A.2.1 and A.2.2 which promote an integrated maritime surveillance approach, focus on the need for improvement of information flow and common use of surveillance tools amongst the Agencies. On the other hand, although specific components of the abovementioned services are freely accessible by the Agencies, the interoperability of the platforms could be improved. In the 2018 EUMSS Action Plan, the significant role that CISE could play, as a mechanism for the integration of the existing information exchange systems is stressed, and further action by all the stakeholders involved is encouraged (Council of the European Union, 2018e).

MAS and its integration to the EFS (see chapter 4), is another strong tool for information exchange amongst the Agencies and its contribution to multipurpose operations is significant and even more promising for the future. Indeed, in July 2018, after a request submitted by Croatia a FRONTEX MAS airplane was deployed in the Western Balkans, for enhancing the surveillance of the external borders in the region (FRONTEX, 2018c). This deployment, which was not included in the operational plans of the Agency, is an evidence of the satisfying response which has been
developed, to an unexpected need for enhanced surveillance services. On the other hand, the high cost and limited assets for aerial surveillance makes it challenging for the Agencies to take full advantage of the capacities of MAS and the operational plan for such deployments must be targeted and guided based on risk analysis products.

Moreover, the acquisition of real time picture and data from the maritime field, which can be disseminated and exploited for the purpose of combating unlawful acts, does not guarantee the successful accomplishment of the missions. To a large extent, the outcome of such undertakings depends on the capacity of the competent authorities to act effectively after having received information for an incident, which need to be investigated. An effective response depends on the available operational means and staff and readiness of the units involved. The reinforcement of national authorities with assets and human resources deployed by FRONTEX and the creation of the ‘rapid reserve pool’ (Council of the European Union, 2018a, p. 12) of 1500 border guards is an important contribution in this direction. Despite the fact that a lot of work is still required, the response of national authorities when receiving such information has improved. In a total of 111 days, from January to May 2017, approximately 30 percent of the cases indicated by the Vessel Detection Service (VDS), were checked by units coordinated by the competent National Coordination Centres (Kwiatkowski, 2017).

In the same context, the sighting reports on suspicious fishing activity, which are completed and transmitted by the assets deployed by FRONTEX to EFCA, have an informative character and constitute an added value to the fight against IUU fishing, but do not automatically trigger a procedure for the investigation of the reported incidents.
A systematic response to such detections presupposes the improvement of information flow between the officers patrolling in the operational field and the competent national authorities, as well as the creation of automated procedures through which further investigation of an incident would be activated.

In the direction of recognising the threats and establishing standardised procedures of correspondence, the three Agencies use risk analysis methods for better organisation and planning of their activities. Especially FRONTEX develops high quality and constantly increasing risk analysis services, which are provided through
the EUROSUR (Council of the European Union, 2018c). Nonetheless, the Agencies have not developed yet a common risk analysis product, that would allow them to identify threats, reassess and treat them efficiently, and potential weaknesses in their operational planning.

c) Surveillance and communication services

Surveillance and communication services for the purposes of interagency cooperation are highly developed and have been improved due to the synergies and exchange of expertise amongst the Agencies. Advanced aerial surveillance is one the most powerful tools for the monitoring of extensive operational zones. In this respect, the use of RPAS which was positively assessed during the pilot project and is already used in operations, as analysed in the previous chapter, needs to be extended, covering bigger areas and longer periods of time, taking also under consideration that the forthcoming integration of the service to EMSA’s IMS will multiply the value and make it available to a wider number of users. The challenge with the use of such advanced technological equipment is the planning of operations in a way that all assets are used in the most efficient and cost effective way. As already analysed, the availability of assets and staff and the outcome of risk analysis projects provide helpful guidance for the operational coordination of aerial, maritime and land assets.

Particular equipment, such as the FRONTEX Positioning System (henceforth FPS), can upgrade the surveillance services provided by the Agencies. This sophisticated device is connected to the operational assets and transmits their position and an estimated operational cost for their performance. In this way, the whole planning of the operations is significantly facilitated (Council of the European Union, 2018c). Tests on the application of the FPS are in the last stage, and the service will also be integrated in the EUROSUR (Council of the European Union, 2018c).

Another important achievement of the interagency cooperation, is that the technological expertise developed, has an actual impact and is highly adaptable to the challenges set by the users. Already during the pilot project, EMSA created an application which allows the use of EFCA’s IMS via mobile phones and tablets, an
innovation which is very helpful for conducting controls at sea or on board vessels (Kwiatkowski, 2017).

d) Capacity building

The pilot project itself is demonstrative of the methodical and professional work that has been done in the framework of the interagency cooperation and constituted an excellent workshop, through which the performance of national authorities, Agencies and new technologies was tested and improvements followed up. An advantage of the pilot project was that some of the projects were integrated and assessed during on-going operations coordinated by the Agencies.

Additionally, the three Agencies have conducted many training activities, in order to enhance synergies, already from the beginning of the pilot project. Briefings on fisheries control to FRONTEX officials, conducted by EFCA, is a useful contribution to multipurpose operations, which allows border guards to recognise and report potential IUU fishing (FRONTEX, n.d.d). Moreover, FRONTEX organises trainings to confront the existing language barriers, which were already reported during the feasibility study (see chapter 2) and cause difficulties during the staff exchange projects. Those trainings are indicative of the flexibility with which, practical issues related to the interagency cooperation, are resolved.

The outline of Guidelines on interagency cooperation, which were established during the pilot project, is also an important initiative and when developed, the Guidelines need to be incorporated in the operational plans of joint operations. The practical handbook on Coast Guard Functions, which should be delivered by the EU Commission, with the assistance of FRONTEX, EMSA and EFCA, according to the founding Regulations of the three Agencies, is going to provide further guidance on basic operational and legal aspects of multipurpose operations (European Parliament, 2016).

The added value of this kind of trainings and guidelines, is better understood if we consider the character and future transition of multipurpose operations. Already in
March 2017, the Finnish patrol vessel “Merikarhu” participated for the first time in the Joint Operation Poseidon, coordinated by FRONTEX, in Greece (Rajavartiolaitos, 2017). The vessel was operated by a multinational crew, coming from different European countries, something which had never happened before and was able to execute multipurpose tasks, apart from border surveillance operations (Rajavartiolaitos, 2017). The composition of the crew in this, or any similar case, creates various challenges and sets the operational, legal and administrative planning of the operations under test. For example, the primary obligation for crew members to comply with their national legislation on maritime operations could be challenged in case they receive any orders opposing to these rules. The chain of command and duties of the crew need to be specifically determined. Additionally, language barriers may create serious problems to the execution of various tasks, especially when rules of engagement have to be applied.

Since integration is going to be a core element of the future coast guard operations, fragile balances on operational coordination need to be reinforced by high quality training for the improvement of the skills of the participants on the practical aspects and legal background of the operations.

e) The dynamic of multipurpose operations

Multipurpose operations facilitate the surveillance of various maritime activities, in parallel, in a cost effective way. Despite the fact that the concept is relatively new, FRONTEX, EMSA and EFCA have taken several initiatives to support it and multipurpose operations are developing. For example, in 2017, EFCA made a 2-year contract for chartering an off-shore patrol vessel for fisheries inspections, inside and outside the European waters. The vessel, named Lundy Sentinel, was also properly equipped to serve search and rescue and anti-pollution operations (EFCA, 2017f). Indeed, in February 2018, the vessel took part, along with the Spanish authorities, in the rescuing of approximately 35 people in the Alboran Sea (EFCA, 2018c).
Although multipurpose activities are organised by the Agencies in an annual basis, such operations refer to a limited number of missions, and focus in the Central Mediterranean Sea. For this reason, increasing the number of joint crews and extending the areas of coverage would be in the right path for further enhancing interagency cooperation. From a practical perspective, although the benefits from multipurpose operations are well recognised, their planning may be under constant adjustments and border surveillance and fisheries inspections postponed, due to the frequent engagement of the assets in SAR cases, especially in the Mediterranean Sea. Moreover, due to the engagement of numerous national and European maritime authorities in the Central Mediterranean Sea, the coordination of assets and synergies for the exercise of any coast guard function is a challenging task, especially, in cases where authorities from neighbouring countries do not participate in joint operations.
f) The way forward

Interagency cooperation amongst FRONTEX, EMSA and EFCA has been developed and national authorities have been assisted in their effort to implement European legislation. Since this model of collaboration has proven to be beneficial for all the stakeholders involved, national authorities need to be encouraged to follow this example and pursue synergies for the implementation of coast guard functions in a national level.

The degree to which interagency cooperation facilitates national authorities is the safest way to evaluate the work done by the Agencies. Despite the fact that the Agencies serve European policies, incorporated in their strategic plans and programming documents, the impact of implementing those policies and the interaction with national authorities determine, in a large extent, their success. On the other hand, the Agencies implement and contribute, but do not decide on the relevant policies. In this respect, assessing and improving the status of interagency cooperation entails an additional evaluation of the choices, budget and priorities set by policy makers for the European maritime domain.
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